

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
DRAFT Monday, March 13, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Michael Todd
Joseph Bublat
David (Hank) Ainley
Brandon Gulnick, Town Manager

Ryan Gumbart, Land Use Administrator

Attendees: Ken Blum, Julie Levy, Beth Gorton, Scott Rogers

Online Attendees:

1. Call to Order made by Brandon Gulnick, Town Manager at 7:03 pm.
2. Agenda Review
No Changes
3. Board Reorganization: Election of Officers, Select Regular Meeting Dates & Times

Michael Todd made a motion to elect Paul Tillman as Chair.

Paul Tillman made a motion to elect Joseph Bublat as Chair, Joseph Bublat respectfully declined.

Vote for Paul Tillman to be elected as Chair

4 aye

1 abstain

Paul Tillman took over the meeting from Brandon Gulnick, Town Manager.

Michael Todd made a motion to elect Joseph Bublat as Vice-Chair.

Vote – unanimous

Michael Todd made a motion to elect Howard Beach as Clerk.

Vote:

4 aye

1 abstain

Paul Tillman nominated Chauncie Tillman for Recording Secretary.

Vote – unanimous

Made a motion to continue to keep meetings on the 2nd and 4th Mondays of the month at 6:30 pm.

4. Comments from the Chair and Land Use Administrator

Paul Tillman welcomed the new Planning Commission member, Hank Ainsley.

Ryan Gumbart let the Planning Commission know that Scott Rogers was present at the meeting to discuss his Sketch Plan Review. The Planning Commission moved Item #11 Sketch Plan Review – Ascutney Market: New Application to Agenda Item #5.

5. Sketch Plan Review – Ascutney Market: New Application

The Planning Commission review the Sketch Plan for the Ascutney Market. Scott Rogers would like to divide the property into 2 lots, one for the house and garage, which would still be non-conforming due to the acreage size in the zoned district.

Scott will work with Ryan Gumbart, Land Use Administrator to measure the distance between the 2 preexisting buildings, the garage, the store and the new proposed property line and come back to the Planning Commission.

6. Comments from Citizens regarding items not on the agenda.
None

7. Approval of Meeting Minutes – February 27, 2023

Michael Todd made a motion to approve the minutes from 2-27-23.

Howard Beach – 2nd

Discussion:

Ryan Gumbart asked what the 1:55:27 is under agenda item #6 at the end of “Add final Plat recording title block.” Paul Tillman explained that is the time on the recording where it stopped and was listed in error. He will remove it from the meeting minutes.

Ryan Gumbart also noted that the “w” was missing from “review” under agenda item #7 in Final Plat Review. Paul Tillman will make the corrections as noted.

Vote – unanimous

8. Public Hearing – Town Plan Amendment – Energy Section: No Update

9. Public Hearing – Final Plat Review – Arrison: Close Hearing

Paul Tillman, Chair closed the public hearing for John Arrison at the request of Mr. Arrison. Mr. Arrison understands that they will have to start the process over at this point.

10. Bylaws - PUD Review: No Update

11. Bylaws – Table of Districts and Uses: Review Rev. 4 – 03.08.2023

Joseph Bublat suggested that the Planning Commission look at non-conforming lots and the definitions as they have come up a lot recently in meetings.

Key

Black: Original remaining text

~~Red stricken: Original text removed~~ Green

underlined: New added text

Yellow highlighted: Changes since last revision

Article 2: Zoning Districts and District Standards

2.1.1 INTRODUCTION AND TABLE OF DISTRICTS AND USES

The tables on pages 7 through 20 are a major part of these Bylaws and illustrate the following information:

- a) The seven types of zoning districts located in the Town of Weathersfield.
- b) ~~For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.~~
- c) Brief description and purpose of each district.
- d) Which uses may be permitted in each district type under certain conditions and with what additional requirements.
- e) Basic minimum requirements in each district.
- f) ~~All uses permitted within the Town of Weathersfield.~~
- g) ~~Which uses may be permitted in each district type under certain conditions and with what additional requirements.~~

For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

~~In addition, a~~ All uses must comply with any applicable General Provisions (Article 3) and Special Provisions-Specific Use Standards (Article 4) as listed in Sections 6 and 7 of this document.

After holding a public hearing, the Zoning Board of Adjustment may deem other uses similar in nature to those listed in the Definitions section.

Definitions of words and terms used in these Bylaws appear in ~~Section 8~~ Article 7 ~~after the section regarding Special Provisions.~~

2.1.2 ZONING MAP AND INTERPRETATION

The locations and boundaries of zoning districts are established as shown on the Official Zoning Districts Map located in the Town Office.

The Official Zoning Districts Map is hereby made a part of these regulations and a part of all future amendments to these regulations.

The Conservation District boundaries shown on the map are necessarily approximate. Actual conditions of the land shall prevail over any markings on the map.

If uncertainty exists with respect to the boundary of any zoning district on the Official Zoning Districts Map, the Zoning Board of Adjustment shall have the authority to determine the exact location of such boundary, after consultation with the Planning Commission.

2.1.3 LOT IN TWO DISTRICTS

Where a zoning district boundary line divides a lot of record in single ownership at the time of the adoption of the district line, permitted uses for each of the divided parts shall be as required within the district in which the land is located with the following exception:

- a) **Exception:** When the result of the adopted district boundary line produces an area of land within each district insufficient to meet the requirements for that district, the Board of Adjustment may grant a conditional use permit to extend the regulations for the less restricted part of such a lot into the more restricted part.

2.1.4 EXPANSION OF MINIMUM LOT SIZE

- a) For a Conditional Use: The Board of Adjustment may expand the lot size requirements for resorts, bed and breakfasts, hotels, other paying guest or multi-family complexes by one acre per guest room or per family above the minimum lot size.
- b) For a Permitted Use: When the physical characteristics of the lot and/or the nature of the proposed use are such that larger lots are advisable, all parties are encouraged to consider lot sizes larger than the minimum.

2.1.5 TABLE OF DISTRICTS AND USES

For the purpose of these Bylaws, the following Zoning Districts are hereby established for the Town of Weathersfield:

<u>District Type</u>	<u>District Designations</u>
Village	(V)
Hamlet	(H)
Rural Residential	(RR 1)
Rural Residential Reserve	(RRR 3-5)
Conservation	(C)
Highway Commercial	(HC)
Industrial	(I)

Description and Purpose of Each District

Village (V):

- Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a rural village setting;
- intensive land use with some multi-family housing;
- efficient location for a limited number of compatible commercial activities.
- The Village District can absorb growth without greatly increasing demand for roads and school bus services.
- Central water and possibly sewer services may need to be provided to accommodate growth.

Hamlet (H):

- Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting;
- Reasonable location for neighborhood general stores.
- The Hamlet District is capable of absorbing limited growth without increasing demand for roads and school bus route, though school bus capacity would increase.

Rural Residential (RR 1):

- Residential growth areas surrounding villages and hamlets;
- Somewhat convenient to their amenities;
- Intended to always retain some large lots to add variety and rural scenery.
- Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

Rural Residential Reserve (RRR 3-5):

- Rural areas that give Weathersfield its valued rural atmosphere;
- A mix of open and wooded lands, agriculture, and residences, accessible and remote.
- Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Conservation (C10):

- Areas in which sparse development is wise for one or more of the following reasons:
- Remote from roads or utility services;
- Location of scarce mineral resources;
- Prime agricultural or forested land;
- Significant or irreplaceable natural, historic, recreational or scenic resources;
- Slope elevations exceeding 25%;
- Land over 1,500 feet in elevation;
- Severe soil limitations;

- Risk of flooding or floodways need.

Highway Commercial (HC):

- Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public.
- Serves local residents and transients;
- Provides some local employment and
- Helps to broaden the tax base.
- Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

Industrial (I):

- Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers.
- Provides employment for local residents and
- Broadens the Town tax base.
- Currently located in areas partially so developed and considered to be appropriate for such use.

Use Requirements by District Type

The following information describes how uses are permitted and the area, land and structural requirements for each District.

2.1.6 Village (v)

Purpose: Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a small village setting; intensive land use with some multi-family housing; efficient location for compatible commercial activities. The Village District can absorb growth without greatly increasing demand for roads and school bus services. A public water system serves the Village, but public sewer services may need to be provided to accommodate growth.

USES THAT DO NOT REQUIRE A ZONING PERMIT: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting services~~
- ~~▪ Minor structures~~
- ~~▪ Temporary signs~~

PERMITTED USES: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~Group homes~~
- Residential, Single-family ~~dwelling~~
- Small enterprise^{1,2,3} (in keeping with the Village residential/commercial mix)
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2
- Residential Athletic courts
- Bed and ~~B~~breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential ~~S~~wimming pool (in ground or aboveground)

CONDITIONAL USES: The following uses are permitted upon granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{1,3}
- Family child care facility^{1,2,3}, Section 4.2.1^{1,3}
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel ^{1,3}
- Medical facility^{1,2,3} -
- Residential, Multi-family ~~dwelling~~^{1,2,3} (three to six units)
- Public water, sewage treatment plant^{1,2,3} -
- ~~Residential care home~~
- School^{1,2,3} -
- Semi-public ^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)

- Residential, Two-family dwelling (new construction)
- Other uses 1,2,3 (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.)

Conditional Accessory Uses:

- Docks (for water access)
- ~~Home industry~~
- Home-based business - level 2^{1,2}, Section 4.5.4
- Wireless communication ~~f~~acilities^{2,3}, Section 4.19 ^{2,3}

USES NOT PERMITTED: The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Non-highway commercial
- Self-~~s~~Storage ~~f~~acility ~~(effective July 9, 2012)~~

AREA, LAND & STRUCTURAL REQUIREMENTS:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- 3.2. Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- 4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service..

Lot area minimum: 1 acre

Lot frontage and setbacks:

Frontage 80 feet
 Front Setback 40 feet Rear
 Setback 20 feet Side
 Setback 20 feet

Building Height:

Maximum Building Height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- ¹ Site Plan Review required, Article 5
- ² ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- ³ Certificate of Occupancy required, Section 6.7

2.5.2 Hamlet (H)

Purpose: Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting; reasonable location for neighborhood general stores. The Hamlet District is capable of absorbing limited growth without increasing demands for roads and school bus routes, though school bus capacity would increase.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~Agriculture/Forestry~~
- ~~Baby-sitting service~~
- ~~Minor structures~~
- ~~Temporary signs~~

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- ~~Public Cemetery~~ (private cemeteries refer to...)
- ~~Group home~~
- ~~Residential, Single-family dwelling~~
- Small enterprise^{1,2,3} (in keeping with the character of the hamlet of a neighborhood trade character; may include one apartment)
- ~~Residential, Two-family dwelling~~ (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure

- Adult day care service², Section 4.2.2
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Home-based Business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential S_wimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{1,2} -
- Family child care facility^{1,2,3}, Section 4.2.1^{1,2}
- Indoor or outdoor recreation facility^{1,2,3} -
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.)

Conditional Accessory Uses:

- Docks (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities^{2,3}, Section 4.19^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Campground, resort, children's camp

- Contractor's storage yard (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway cCommercial
- Industry~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling~~
- Non-highway cCommercial
- Self-~~S~~storage ~~f~~Facility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- 3.2. ~~Establishment of multiple principal uses on a single parcel of land~~ requires a subdivision PUD permit.
- 4.3. ~~Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations.;~~ the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: ~~Basic minimum~~ 1 acre

Two family dwelling: 1 acre (1½ acre if no public water or if altered single family dwelling)

Lot Frontage and Setbacks:

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- ¹ Site Plan Review required, Article 5
- ² ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- ³ Certificate of Occupancy required, Section 6.7

2.5.3 Rural Residential (RR-1)

Purpose: Residential growth areas surrounding villages and hamlets; somewhat convenient to their amenities; intended to always retain some large lots to add variety and rural scenery. Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~Agriculture/Forestry~~
- ~~Baby-sitting service~~
- ~~Minor structures~~
- ~~Temporary signs~~

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- ~~Public C~~cemetery (~~private cemeteries refer to...~~)
- ~~Group home~~
- ~~Residential, Single- family dwelling~~
- ~~Residential, Two- family dwelling~~ (altered from pre-existing single- family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2
- ~~Residential A~~athletic courts
- Bed and ~~B~~breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- ~~Residential S~~swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2 —
- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)~~
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile Home Park^{1,2}, Section 4.9 —
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Docks (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless ~~c~~ommunication ~~f~~acilities^{2,3}, Section 4.19

Uses Not Permitted: The following uses are not permitted within this District:

- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway ~~c~~ommercial
- Industrial~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Residential, Two-family ~~dwelling~~ (new construction)
- Non-highway ~~c~~ommercial

- Small enterprise
- Self-storage facility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- 3.2. Establishment of multiple principal uses ~~on a single parcel of land~~ requires a PUD ~~permitsubdivision~~.
- 4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 1 acre

Lot Frontage and Setbacks:

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Heights:

Maximum Building Height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- ¹ Site Plan Review required, Article 5
- ² ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- ³ Certificate of Occupancy required, Section 6.7

2.5.4 Rural Residential Reserve (RRR 3-5)

Purpose: Rural areas that give Weathersfield its valued rural atmosphere; a mix of open and wooded lands, agriculture, and residences, accessible and remote. Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- Agriculture/Forestry
- Baby-sitting service
- Minor structures
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2
- Residential Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2
- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)~~^{superscript?}
- Contractor's storage yard^{1,3} (of materials, machinery heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1

- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile home park^{1,2}, Section 4.9
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD~~^{1,2,3}
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless ~~C~~ommunication ~~F~~acilities^{2,3}, Section 4.19

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway ~~C~~ommercial
- Industrial~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway ~~C~~ommercial
- Small enterprise
- Self-~~S~~torage ~~F~~acility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- 3.2. Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- 4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. -

Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 3 acres

Lot Frontage and Setbacks:

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

Building Heights:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- ¹ Site Plan Review required, [Article 5](#)
- ² ~~General/Special Provisions~~ Specific Use Standards apply, [Article 4](#)
- ³ Certificate of Occupancy required, [Section 6.7](#)

2.5.5 Conservation (C-10)

Purpose: Areas in which sparse development is wise for one or more of the following reasons: remote from roads or utility services; location of scarce mineral resources, prime agricultural or forested land, significant or irreplaceable natural, historic, recreational or scenic resources; slope elevations exceeding 25%; land over 1,500 feet in elevation; severe soil limitations; risk of flooding; or flood ways need.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~Agriculture/Forestry~~
- ~~Baby-sitting service~~
- ~~Minor structures~~
- ~~Temporary signs~~

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- ~~Group home~~
- Residential, Single-family ~~dwelling~~ (must not defeat purpose of the District)

- Residential, Two- family ~~dwelling~~ (altered from pre-existing single- family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2
- Residential ~~A~~athletic ~~structures~~ courts
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural ~~P~~onds
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential ~~S~~wimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2
- Campground, resort, children's camp^{1,3}
 - Public ~~C~~emetery (private cemeteries refer to...)
 - ~~Church (see Semi-Public)~~^{superscript?}
 - Contractor's storage yard^{1,3} (materials, machinery, heavy equipment)
 - Family child care facility^{1,2,3}, Section 4.2.1
 - Inn/small hotel^{1,3} (must not defeat purpose of the District)
 - Medical facility^{1,2,3}
 - Extraction of earth resources^{1,2,3}, Section 4.3
 - Outdoor recreation facility^{1,2,3} (must not defeat the purpose of the District)
 - Public water, sewage treatment plant^{1,2,3}
 - School^{1,2,3}
 - Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)

- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- Home Industry
- Wireless Communication Facilities^{2,3}, Section 4.19
- Single family PRD^{1,2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family dwelling (new construction)
- Residential, Multi-family dwelling or PRD
- Non-highway Commercial
- Small enterprise
- Self-storage Facility (effective July 9, 2012)

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
- 3.2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.
- 4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 10 acres

~~Basic District Requirement: 10 acres~~ * (The owner(s) of record prior to January 4, 1994, of a lot containing at least 6 acres and less than 20 acres and which lot, under the prior bylaws was in RRR 3-5 District, shall be permitted to subdivide said lot into 2 lots, provided both lots meet the town subdivision and zoning requirements.)

Lot frontage and setbacks: Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

2.1.7 Highway Commercial (HC)

Purpose: Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public. Serves local residents and transients, provides some local employment and helps to broaden the Town tax base. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

Uses that do not require a Zoning Permit: [For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:](#)

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- ~~▪ Temporary signs~~

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Highway ~~C~~ommercial^{1,2,3}
- Light industry^{1,3}
- Self-~~S~~torage ~~F~~acility ≤10,000 sq ft of gross floor area^{1,2,3,4}

Permitted Accessory Uses:

- Accessory use or structure [\(Includes athletic courts incidental to allowed principal uses\)](#)

- Adult day care service², Section 4.2.2 -
- ~~Athletic courts~~
- Bed and ~~B~~breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1 -
- ~~Home occupations~~
- Non-agricultural ~~P~~ponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility ≤10,000 sq ft of gross floor area ^{1,2,3,4}
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential ~~S~~swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2 -
- ~~Church (see Semi-Public)~~^{superscript?}
- Contractor's storage yard^{1,3} (materials, machinery, heavy equip.)
- Family child care facility^{1,2,3}, Section 4.2.1 -
- Gasoline/service station^{1,2,3}
- ~~Group home~~
- Indoor or outdoor recreational facility^{1,3}
- Inn/small hotel^{1,3}
- ~~Outdoor recreation facility~~^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area^{1,2,3,4}
- Residential, Single-family ~~dwelling~~
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Accessory Dwelling Unit
- Dock

- Home-based business - level 1², Section 4.5.3
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Residential athletic courts
- Wireless ~~C~~ommunication ~~F~~acilities^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Campground, resort, children's camp
- Public~~C~~emetery (private cemeteries refer to...)
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (~~see definitions~~)
- ~~Mineral~~Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway ~~C~~ommercial
- School
- ~~Single family PRD~~
- Planned Unit Development, Residential

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
3. ~~2.~~ Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.
4. ~~3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. - Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 1 acre

~~Basic District Requirement: 1 acre~~

~~*Residential, Single-Family Dwelling: 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

~~*Residential, Two-Family Dwelling (altered from pre-existing single family dwelling): 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

Lot Frontage and Setbacks:

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

¹ Site Plan Review required, [Article 5](#)

² ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)

³ Certificate of Occupancy required, [Section 6.7](#)

⁴ ~~Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

2.1.8 Industrial (I)

Purpose: Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers. Provides employment for local residents and broadens the Town tax base. Currently located in areas partially sodeveloped and considered to be appropriate for such use.

Uses that do not require a Zoning Permit: [For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations.](#) ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby-sitting service~~
- ~~▪ Minor structures~~
- ~~▪ Temporary signs~~

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public water, sewage treatment plant ^{1,2,3}
- Self-Storage Facility ^{1,2,3,4}
- Small office ~~space~~

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- ~~Athletic Courts~~
- Bed and ~~B~~breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~Home occupations~~
- Non-agricultural Pponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility^{1,2,3,4}
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)

Conditional Uses:

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Contractor's storage yard^{1,3} (materials, machinery, heavy equip)
- Extraction of earth resources^{1,2,3}, Section 4.3
- Family ~~day~~child care facility^{1,2,3}, Section 4.2.1
- Highway ~~C~~commercial
- ~~Home Industry~~
- Junkyard, landfill, recycling facility (privately owned)^{1,2,3}
- Industrial^{1,2,3}
- Non-highway ~~C~~commercial^{1,2,3}
- ~~Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial-commercial facility)~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Wireless ~~C~~communication Ffacilities^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Adult day care facility, Section 4.2.2
- Campground, resort, children's camp
- Cemetery

- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family ~~dwelling~~
- Planned Unit Development, Residential ~~Single family PRD~~
- Residential, Two-family ~~dwelling (new construction~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. ~~Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- 3.2. Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- 4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. - Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 1 acre

~~Basic District requirement: 1 acre~~

Lot Frontage and Setbacks:

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Height: 35 feet

~~Maximum building height: 35 feet with the following exception:~~ *In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit.

Unless increased by the ~~Planning Commission~~ Zoning Board of Adjustment during Site Plan

Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones. ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)
- 4 Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw

From: **Elizabeth Hunton** <eah3891@gmail.com>

Date: Sun, Feb 26, 2023 at 4:02 PM

Subject: Zoning bylaws

To: <ryangumbart@gmail.com>

Dear Ryan:

Would you kindly pass this along to the Selectboard? I messaged Paul Tillman on the town website, but I am not sure how efficient that system is. I don't have his direct email.

I will not be able to attend the February 27th or March 13th meeting. I am not sure if you will get to the zoning bylaws changes during those meetings so I'm writing to express my opinion on the proposed changes.

The proposed changes allow home based Business Level 1 as permitted accessory use in Village, Hamlet, RR1, RR3, and C10

The proposed changes allow home based Business Level 2 as a conditional accessory use in Village, Hamlet, RR1, RR3, and C10.

I totally support home occupation and Business Level 1 in all districts. However, It is my opinion that home based Business Level 2 as a conditional accessory use will create problems in the town for the following reasons:

- ◆ Level two is a big leap up, 4000 sq ft, 6 employees, and 60 trips a day is a lot. Especially if they are big trucks. I would not want that next door to me and I can't imagine the majority of citizens would want this amount of disruption to their peacefully quiet neighborhood.
- ◆ Conditional uses often put neighbor against neighbor. At one meeting a select board member said that was what lawyers were for. Unfortunately many citizens of Weathersfield can barely afford their property taxes, never mind a lawyer. So in this scenario the town is allowing a potentially well financed neighbor to bulldoze a project through over the objection of a neighbor with no funds. That is elitist.
- ◆ All the extra traffic (six times normal per approved project) will impact town roads in the negative.
- ◆ It will contribute to noise, traffic, and potentially pollution in our town.

I have owned various small businesses for over 30 years; I am pro business. But put industry (Business Level 2) where it belongs. I urge the selectboard to drop the Business Level 2 as a conditional accessory use and put these industry type businesses in the highway commercial or industrial zones where they belong.

Thank you for reading this.

Sincerely, Beth Hunton

12. Decommissioning Renewable Energy Facilities: Handout from Brian Bosenberg

See full handout in Planning Commission Packet dated 3-13-23

13. Subdivision Regulations – Article II: Subdivision Application Procedures

ARTICLE II: SUBDIVISION APPLICATION PROCEDURES

Section 210. Applicability

210.1 Subdivision Approval Required: Whenever any subdivision of land is proposed, the land owner(s) or an authorized agent shall apply in writing to the Planning Commission for and secure final approval of the proposed subdivision. The final approval shall be in accordance with the procedures set forth in these regulations prior to:

- (1) Commencing any land clearing, land development or construction (excluding forestry, agriculture or other activities exempted from zoning permit requirements in accordance with the *Weathersfield Zoning Bylaws*);
- (2) Issuing a permit for any land development involving land to be subdivided;
- (3) Any conveyance, granting of a right-of-way, sale or lease is made of any subdivided lot; and/or,
- (4) The filing of a subdivision plat with the Town Clerk.

210.2 Subdivisions: There are two steps for all proposed subdivisions in the review process: sketch plan review and final plan review. Preliminary plan review may be required by the Planning Commission as an additional step. Each step requires a separate application and action by the Planning Commission as described in Sections 220, 230 and 240. Site visits may be required for each or all application submissions.

210.3 Boundary Adjustments:

(1) The adjustment of a boundary between two adjoining parcels which does not result in the creation of a new lot shall be subject to review and approval by the Land Use Administrator, provided that the Land Use Administrator finds the following to be true:

- a. It is a boundary realignment that does not substantially change the nature of any previous subdivision;
- b. It does not create any new lot as a result of the adjustment;
- c. It will not adversely impact access to any parcel;

- d. It will not adversely impact any significant natural resource or result in fragmentation of agricultural land or identified fragile natural feature;
- e. It will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit or approval, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and,
- f. It will not create any nonconformities.

If any of these conditions are not clearly met to the satisfaction of the Land Use

Administrator, such boundary adjustments shall be subject to approval as a subdivision. Where subdivision approval is necessary, the application is exempt from the sketch plan review phase and may proceed directly to final subdivision review.

(2) Applications: An application for proposed boundary adjustments must be consistent with Table 2.1 and the following provisions:

- a. The survey for a boundary adjustment cannot be recorded until it is approved and signed by either the Land Use Administrator or Planning Commission, if subject to subdivision approval;
- b. Based on the proposed boundary adjustment, if at least one of the adjoining lots is either less than one acre in size or close to the required minimum lot size per the Zoning Bylaws, a full survey shall be provided. In all other instances, the survey shall show only those portions of the lots where the proposed boundary adjustment is located and any existing roads, driveways, buildings and easements.

210.4 Coordination with Planned Unit or Planned Residential Development Review:

Subdivision applications for Planned Unit or Planned Residential Development (PUDs or PRDs) shall be reviewed as a subdivision in accordance with this Article. PRD and PUD review in accordance with the *Zoning Bylaws* may occur concurrently through the

Planning Commission. PRDs and PUDs shall meet the applicable standards of the

Zoning Bylaws, respectively, unless otherwise waived by the Planning Commission.

Section 220. Application Requirements

220.1 Applications for any subdivision subject to these regulations shall submit an application consistent with Table 2.1 - Application Requirements, unless otherwise waived by the Planning Commission (see Section 470). A complete application shall include the application form with all required information, all applicable fees, and all required elements as detailed in Table 2.1. For preliminary plan and final subdivision applications, a complete application shall also include any other additional information as required by the Planning Commission as specified in the written decision from the previous review phase(s).

220.2 The Subdivider shall apply for all municipal, state and federal permits required of the

proposed subdivision, and shall submit all necessary municipal permits or a Letter of Intent for a State Access Permit to complete an application. A complete application shall also include a Vermont Agency of Natural Resources Project Review Sheet.

Section 230. Sketch Plan Review (all subdivisions)

230.1 Purpose: The purpose of the sketch plan review is to have a preliminary discussion about the proposal with the subdivider. This preliminary discussion should focus on the overall project concept and its context with the surrounding neighborhood and related resources. This review phase allows the Planning Commission and developer to work together in finding the best possible design both for the applicant and Town. Sketch plan review is required of all

subdivision proposals to ensure the most complete and efficient review of projects, to save resources for both the applicant and the Town, and to provide public and municipal input at the earliest stages of project development.

For large, complex subdivisions, involving road construction, extension of municipal or community facilities, or a large number of new lots, the applicant is urged to meet with municipal representatives to discuss the project prior to submitting a request for sketch plan review. The municipal representatives may include: Land Use Administrator, Highway Superintendent, a member of the Conservation Commission, Police and Fire Departments, as appropriate.

The applicant is also urged to discuss their development proposal with neighboring property owners prior to submitting an application for sketch plan review to identify issues that may arise in subsequent public hearings.

230.2 Submission of Sketch Plan: The subdivider shall submit two copies of a sketch plan application to the Land Use Administrator at least twenty-one (21) days prior to a regular meeting of the Planning Commission. The sketch plan should be sketched roughly on a survey of the property, if one is available. If not, the sketch plan should be a reasonably accurate representation of the parcel's size, shape and general location.

230.3 Application Requirements: Sketch plan review is required of all proposed subdivisions. A complete sketch plan application needs to be legible and detailed enough to accurately represent the subdivision, but *does not* need to be completed by a surveyor or engineer. A complete application shall include the information in Table 2.1.

230.4 Sketch Plan Review Meeting: The subdivider, or his/her duly authorized representative, shall attend a regular meeting of the Planning Commission to discuss the sketch plan application and requirements of these regulations for the proposed subdivision.

230.5 Action on Sketch Plan: The Planning Commission shall review the sketch plan taking into consideration the requirements of these *Subdivision Regulations*, the *Zoning Bylaws* and other ordinances and policies in effect. The Planning Commission shall also consider the sketch plan's conformity with the *Town Plan*. The sketch plan review process is outlined in Table 2.2. The Planning Commission shall take into consideration whether the sketch plan would be in conflict with developments proposed by any public agency, existing private and public development, facilities and services, and whether there are any special problems that may be encountered.

Within thirty (30) days of the final meeting with the applicant, the Planning Commission, based on the information provided in the application, shall issue recommendations in writing:

(1) A preliminary determination if the proposed subdivision generally conforms, or does not conform, to applicable planning and design standards pursuant to Article 3 of these regulations, and with the goals, objectives and policies of the Town Plan, and other municipal regulations currently in effect.

(2) Recommendations for changes in design and/or requests for additional information for the final subdivision application (see Table 2.1). Additional studies or supporting documentation may be required. The Planning Commission may require preliminary

plan review for projects that are large or complex in accordance with Section 240. The Planning Commission may also require a master plan, regardless of the number of lots created, in the event that the land may support subsequent subdivisions or if public facilities are planned for the vicinity in the Capital Budget and Program and/or *Town*

Plan. A master plan, if required, is intended to plan for all possible future subdivisions in accordance with these Regulations and the *Zoning Bylaws* in effect, to achieve the most efficient subdivision infrastructure plan, and not preclude the potential for future

subdivisions. A master plan will help to guide the subdivider and Planning Commission in any subsequent subdivision applications for the affected lands.

230.6 Effect of Sketch Plan Recommendations: Planning Commission recommendations on sketch plan applications shall remain in effect for one (1) year from the date of written recommendations, unless otherwise approved or extended in writing by the Planning

Commission. Within one (1) year of written recommendations, the applicant may apply to the Planning Commission for final subdivision approval per Section 250. Sketch plan recommendations shall not be legally binding and do not constitute an appealable decision.

Section 240. Preliminary Plan Review (if required by Planning Commission)

240.1 Purpose: The preliminary plan review phase allows the applicant and Planning Commission to evaluate draft subdivision plans before final subdivision plans are created. The intent of this process is to encourage a cost-effective subdivision process for the applicant, and to ensure that the Planning Commission works with the applicant to create a subdivision plan that is in conformance with the Town Plan and these regulations. The Planning Commission

urges applicants not to develop final subdivision plans until after preliminary plan approval.

240.2 Applicability: The Planning Commission may require this preliminary plan review for projects with complexities and/or potential impacts on the community. This review phase will be

required if any one of the additional application requirements in Table 2.1(D) and/or (E) are required, or as otherwise determined by the Planning Commission.

240.3 Application Requirements: Within one (1) year of the date of written decision for a sketch plan, the applicant shall submit an application for preliminary plan review, if required in accordance with Section 240.2. If the applicant fails to do so in that time frame, s/he will be required to resubmit for a decision under sketch plan review. A complete application, in accordance with Section 220, shall be submitted to the Land Use Administrator at least twenty-eight (28) days prior to a regular monthly meeting of the Planning Commission. Temporary

markers shall be installed prior to submitting a preliminary plan (if required) or final plan

subdivision application. Such temporary markers shall be adequate to enable the Commission to locate readily and appraise the basic layout in the field.

240.4 Public Hearing: Upon receipt of a complete application, the Land Use Administrator shall schedule a public hearing of the Planning Commission, warned in accordance with Section

430. Public hearings will not be scheduled for nor will the Planning Commission review

incomplete applications. Copies of complete applications for preliminary plan review shall be available in the Town Office for review by local officials and interested persons prior to the

public hearing.

240.5 Preliminary Plan Approval: In accordance with §4464 of the Act, within 45 days after the closing of the hearing, the Planning Commission shall approve, approve with conditions, or disapprove the preliminary plan. This determination shall be based on whether or not the preliminary plan conforms to the planning and design standards under Article 3; and if they

conflict with the Town Plan, other municipal regulations in effect or the objectives listed under Section 120. Failure to act within 45 days shall be deemed as approval. Approval, conditions of approval, or grounds for disapproval and the provisions for appeal under Section 450, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent within the 45-day period to the applicant and any other interested persons in accordance with §4464.

240.6 Phasing: The Planning Commission may require a subdivision to be divided into two or more phases to ensure project conformity with the *Town Plan* and Capital Budget and Program, at the time of granting preliminary plan approval. Conditions may be imposed upon final subdivision and plat application for each phase as the Planning Commission deems necessary to ensure the orderly development of the project and to avoid overburdening Town facilities and services.

240.7 Effect of Preliminary Plan Approval: Approval of a preliminary plan shall not constitute approval of the final subdivision and plat.

Section 250. Final Subdivision and Plat Review (all subdivisions)

250.1 Purpose: The purpose of the final subdivision and plat review is to ensure that:

- (1) The proposed subdivision meets the objectives listed in Section 120;
- (2) All necessary municipal certifications have been obtained;
- (3) Infrastructure has been provided for;
- (4) Legal documents are acceptable and complete;
- (5) Conditions have been or will be complied with; and,
- (6) The plat is ready for recording in the Weathersfield Land Records.

250.2 Application Requirements: Within one (1) year of the date of written decision for sketch plan or preliminary plan, unless otherwise extended by the Planning Commission, the applicant shall submit an application for final subdivision and plat review. If the applicant fails to do so in that time frame, s/he will be required to resubmit a sketch plan application. A complete application, in accordance with Section 220, shall be submitted to the Land Use Administrator at least twenty-eight (28) days prior to a regular monthly meeting of the Planning Commission.

Temporary markers shall be installed prior to submitting a final plan subdivision application. Such temporary markers shall be adequate to enable the Commission to locate readily and appraise the basic layout in the field.

250.3 Public Hearing: In accordance with §4463 and §4464 of the Act and Section 430 of these regulations, the Land Use Administrator shall warn a public hearing on a complete application. Copies of the hearing notice shall also be distributed in accordance with §4464 at least fifteen (15) days prior to the hearing date. Copies of complete applications for final

subdivision and plat review shall be available for review by local officials (e.g. Road

Commissioner, Highway Supervisor, emergency service providers) and interested persons prior to the public hearing.

250.4 Final Subdivision and Plat Approval: In accordance with §4464 of the Act, within 45 days after the closing of the hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision and plat. This determination shall be based on whether or not the subdivision plan and associated plat conform to the planning and design

standards under Article 3, and if they conflict with the *Town Plan*, other municipal regulations in effect or the objectives listed under Section 120. Failure to act within 45 days shall be deemed as approval. Approval, conditions of approval, or grounds for disapproval and the provisions for appeal under Section 450, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent within the 45-day period to the applicant and any other interested

persons in accordance with §4464.

250.5 Effect of Final Subdivision and Plat Approval: Each approval for a final subdivision plan and associated plat shall contain a time limit within which all improvements shall be completed, not to exceed one (1) year unless otherwise required or extended by the Planning Commission. The subdivision approval is not final until the written decision and signed mylar plat are recorded in the Weathersfield Land Records in accordance with Section 460.

Planning Commission approval of a final subdivision plan and associated plat shall not be

construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance can be accomplished only by formal resolution of the Selectboard in accordance with state statute.

Section 260. Coordination with Zoning Permits

Prior to issuing a zoning permit for development on any subdivided lot approved under these regulations, the Land Use Administrator will determine whether the lot and the proposed

development is in compliance with all conditions of subdivision approval. The Land Use

Administrator shall not issue a zoning permit for any development that is not in compliance with such approval, or for any lot that is in violation of a condition of approval under these regulations.

Section 270. Revisions to an Approved Plat

270.1 No changes, modifications or other revisions that alter the final subdivision plat or conditions of approval shall be made unless the proposed revisions are first resubmitted to the Planning Commission as a final subdivision application and the Planning Commission approves such revisions after a duly-warned public hearing.

270.2 No changes, modifications or other revisions that alter the boundary adjustment plat or conditions of approval shall be made unless the proposed revisions are first resubmitted to the Land Use Administrator as a boundary adjustment application and the Land Use Administrator approves such revisions under Section 210.3.

270.3 In the event that such plat revisions are recorded without complying with these requirements, the revisions shall be considered null and void.

271 Section 280. Monuments and Lot Corner Markers

Permanent monuments and corner markers shall be placed in conformance with the *Rules of the Vermont Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying*. At a minimum, monuments shall be placed at every lot corner and at street intersections and points of curvature. All permanent monuments shall be installed prior to signing the mylar.

14. Discussion of items for future agendas

- Town Plan – Energy Section
- PUD Review
- Table of Districts and Uses continuation
- Subdivision Application Procedures

15. Any other business that can be legally discussed.

16. Adjourn

Howard Beach made a motion to adjourn at 8:49 pm

Michael Todd – 2nd

No discussion

Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, March 27, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

DRAFT

