

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
DRAFT Monday, June 12, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Michael Todd
David (Hank) Ainley (Online)

Ryan Gumbart, Land Use Administrator

Planning Commission Members Absent: Joseph Bublat

Attendees: Julie Levy, Brian Bosenberg, Beth Gorton, Rika Henderson, Ken Blum

Online Attendees: None

1. Call to Order made by Paul Tillman, Chair 6:00pm.
2. Agenda Review
No Changes
3. Comments from the Chair and Land Use Administrator – Paul Tillman discussed the upcoming joint public hearing with the ZBA and how this meeting would run.
4. Comments from Citizens regarding items not on the agenda.
None
5. Approval of Meeting Minutes – May 22, 2023

Michael Todd made a motion to approve the minutes from May 22, 2023 with corrections as needed.

Howard Beach – 2nd

Discussion – Michael Todd noted on Item #7 should read “adopted” not “adapted”

Vote – 4 Aye (1 member absent)

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

Todd Hindinger made some recommendations that he would like to see to make it more robust. Per Paul Tillman, at this time they are only making minor changes at this time. The other option is to close the hearing and then go back to the beginning and start over. Paul Tillman confirmed with Ryan Gumbart at this time there

is no Energy Coordinator or Energy Committee that would be better qualified to make these decisions or recommendations and everything that was recommended by Regional Planning has been added to the current Energy Plan.

Michael Todd made a suggestion to file the suggestions that are being made for the Energy section for future revisions.

Paul Tillman asked for the Energy Section so they can see where it started and where they came from.

Michael Todd made a motion to continue the hearing until Monday July 10, 2023.

Howard Beach – 2nd

Discussion – Todd Hinderger requested that suggestions that have been made be included with the Energy Section so that they can see it all together.

Vote – 4 Aye (1 member absent)

7. Zoning Bylaw Discussion – All Districts: Apartments as an allowed use.

Article 4: Specific Use Standards 4.1 Accessory Dwelling Unit An accessory dwelling unit shall be a permitted use in all residential districts (Village, Hamlet, Rural Residential, Rural Residential Reserve, and Conservation) and a conditional use in the Highway Commercial district. An accessory dwelling unit shall be defined as an efficiency or one bedroom apartment, located within or appurtenant (see Definitions) to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following: a) The property has sufficient wastewater capacity. b) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling. c) Applicable setback and parking requirements specified in the bylaws are met.

Julie Levy asked why it was limited to one bedroom. Ryan said it was unclear but he would ask and look at surrounding Town's to see what the reasoning behind the one-bedroom is, if there is one.

Michael Todd said that it may be a State requirement.

The hearing for the bylaws is August 7, 2023.

8. Zoning Bylaw Discussion – Conservation District (C10): Map and Use Tables Discussion

Ryan Gumbart provided the following maps in the packet:

- Zoning Map of Weathersfield VT
- Future Land Use Map, Adopted May 1, 2017
- Section 5 Zoning Districts Map
- Draft Development Constraints Map, Town of Weathersfield
- Weathersfield Development Limitations

CURRENT BYLAWS

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: 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
- ☐ Single family dwelling (must not defeat purpose of the District)
- ☐ Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- ☐ Accessory dwelling unit
- ☐ Accessory use or structure
- ☐ Adult day care service
- ☐ Athletic structures
- ☐ Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- ☐ Family child care home
- ☐ Home occupations
- ☐ Ponds
- ☐ Seasonal roadside stand
- ☐ Signs, permanent
- ☐ 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
- ☐ Campground, resort, children's camp
- ☐ Cemetery
- ☐ Church (see Semi-Public)

CURRENT BYLAWS

- ☐ Contractor's storage (materials, machinery, heavy equipment)
- ☐ Family child care facility
- ☐ Inn/small hotel (must not defeat purpose of the District)
- ☐ Medical facility
- ☐ Extraction of earth resources
- ☐ Outdoor recreation facility (must not defeat the purpose of the District)
- ☐ Public water, sewage treatment plant
- ☐ School
- ☐ Semi-public
- ☐ Other uses (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
- ☐ Home Industry
- ☐ Wireless Communication Facilities
- ☐ Single family PRD

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
- ☐ Two family dwelling (new construction)
- ☐ 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. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
4. 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.

CURRENT BYLAWS

Lot Area Minimum:

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)

PROPOSED BYLAWS

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.

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

Permitted Principal Uses:

- ☐ Residential, Single-family (must not defeat purpose of the District)
- ☐ Residential, Two-family (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-based business - level 12, Section 4.5.3
- ☐ Non-agricultural ponds
- ☐ Seasonal roadside stand, Section 4.12
- ☐ Signs, 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 Section 4.2.2
- ☐ Campground, resort, children's camp
- ☐ Public cemetery
- ☐ Contractor's storage yard (materials, machinery, heavy equipment)
- ☐ Family child care facility Section 4.2.1
- ☐ Inn/small hotel (must not defeat purpose of the district)
- ☐ Medical facility
- ☐ Extraction of earth resources, Section 4.3

PROPOSED BYLAWS

- ☐ Outdoor recreation facility (must not defeat the purpose of the District)
- ☐ Public water, sewage treatment plant
- ☐ School
- ☐ Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ☐ Other uses (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, Section 4.5.4
- ☐ Wireless communication facilities Section 4.19

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

- ☐ Gasoline/service station
- ☐ Highway commercial
- ☐ Indoor recreation facility
- ☐ Industry
- ☐ Junkyard, landfill, recycling facility (privately owned)
- ☐ Mobile home park, Section 4.9
- ☐ Residential, Two-family (new construction)

- ☐ Residential, Multi-family
- ☐ Non-highway commercial
- ☐ Small enterprise
- ☐ Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

*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

9. Planning Projects: Status Update

PLANNING COMMISSION PROJECTS

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
Town Plan Amendment – Energy	2/13 Hearing opened, PC requested LUA to break out General Standards from the Solar Standards and to add a Wind Standards section. 5/22 Hearing continued to 6/12.	Waiting on LUA to make changes as time allows.	Review LUA's changes, vote on adoption, if in favor warn hearing for SB review.
Zoning Bylaws Amendment – Use Tables & Definitions	PC voted to approve and send the proposed amendments to the SB.	Waiting on Town Manager to schedule and warn a SB hearing.	Hold a hearing at the SB and vote.
Zoning Bylaws Amendment – PUD Review	Not in hearing, PC requested LUA to format a PUD standards table based on district.	Waiting on LUA to make changes as time allows.	Review LUA's changes, discuss further. Once finalized, warn bylaw amendment hearing.
Subdivision Review – Hodgdon	5/10 decision distributed to appropriate parties by LUA.	Waiting on landowner to notify LUA of placement of corner markers.	Applicant will record the survey plan with the Clerk.
Subdivision Review – Ascutney Market	3/27 PC voted to approve sketch plan.	Applicant has submitted an application for a variance review by the ZBA. The hearing has not been warned.	If ZBA votes in favor of the applicant, they would apply for a Final Plat Review by the PC.
PUD Review – Habitat for Humanity	4/24 PC voted to approve sketch plan.	Applicant has submitted an application for a variance,	If ZBA votes in favor of the applicant, they would come back the PC for Final Plat

		conditional use, and site plan review by the ZBA.	Review. Application submitted as part of PUD application. The PC has to schedule a hearing by 6/23.
Aquifer Protection Overlay District	Asked MARC to update Zoning Map to show overlay district	Waiting on MARC to make changes to map	Amend Sec. 2.3.1 and 4.1 of TP.

10. Discussion of items for future agendas – No future items at this time.

11. Any other business that can be legally discussed – No business discussed.

12. Adjourn – Meeting adjourned at 8:43PM

Mike Todd made a motion to adjourn at 8:43pm
Howard Beach – 2nd
No discussion
Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, June 26, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Shauncie Tillman
Recording Secretary



Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson



