

Planning Commission  
Martin Memorial Hall  
5459 Rte 5 Ascutney, VT  
Planning Commission Meeting  
Joint Meeting with ZBA  
DRAFT Monday, July 10, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman  
Howard Beach  
Michael Todd  
David (Hank) Ainley  
Joseph Bublat (online)

Ryan Gumbart, Land Use Administrator

ZBA Committee: Todd Hindinger, Grace Knight, Kelly O'brien,

Attendees: Jeff & Lisa Slade, Carl Wyman, Darrin Spaulding, Michael Supranowitz, Andrew Grimson, Brian Bosenberg, Julie Levy, John Heath, Joe Denny, Jason Rasmussen

Online Attendees:

1. Call to Order made by Paul Tillman, Chair 6:30 pm.
2. Agenda Review  
No Changes
3. Comments from the Chair and Land Use Administrator  
None
4. Comments from Citizens regarding items not on the agenda.  
None
5. Approval of Meeting Minutes – June 26, 2023

Howard Beach made a motion to approve the minutes from June 26, 2023 with corrections as needed.

Michael Todd – 2<sup>nd</sup>

Discussion – Note that the minutes included the minutes from ZBA portion of the hearing as well as the Planning Commission.

Need to add Carl Wyman to the attendees.

Vote – 4 aye

1 absent (Joseph Bublat had not arrived at this time)

6. Public Hearing – Continuation Combined Hearing: Habitat for Humanity PUD Project started at 6:37 pm

Please see posted ZBA Minutes for hearing.

Joseph Bublat made a motion to continue the hearing to Monday July 24, 2023 at 6:30 pm.

Howard Beach – 2<sup>nd</sup>

No further discussion

Vote – unanimous

ZBA Members left for the remainder of the Planning Commission meeting.

7. Public Hearing – Town Plan Amendment – Energy Section – No change

Paul Tillman made a motion to continue the public hearing to Monday July 24, 2023 at 6:30 pm.

Michael Todd – 2<sup>nd</sup>

No further is discussion

Vote - unanimous

8. Mt. Ascutney Regional Commission – Discussion on collaboration

Jason Rasmussen was in attendance to discuss how he could help the Planning Commission and Land Use Administrator with some projects. Ryan made some suggestions regarding help with the following projects:

- Aquifer Overlays – Ryan and Howard will discuss further with Jason
- Scenic Areas
- Energy Section
- PUD Language
- Flood Plains
- Conservation District
- Future Land Use Map

9. Zoning Bylaw Discussion - tabled

10. Any other business that can be legally discussed

- Public hearings
  - PUD
  - Town Plan
- Mt. Ascutney Regional Commission projects
- Bylaws

11. Adjourn

Michael Todd made a motion to adjourn at 8:45 pm  
Paul Tillman– 2<sup>nd</sup>  
No discussion  
Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, July 10, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,  
Chauncie Tillman  
Recording Secretary



### **Planning Commission**

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Howard Beach, Vice - Chair

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Joseph Bublat, Clerk

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Tyler Harwell, Chairperson

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Paul Tillman, Chair

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Michael Todd, Chairperson



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Zoning Board of Adjustment &

Planning Commission

July 10, 2023

Draft Meeting Minutes

1. Introductions

Zoning Board members present at the meeting were Todd Hindinger, Joseph Bublat, and Grace Knight. Ryan Gumbart, land use administrator, was also in attendance.

Planning Commission members present at the meeting were Howard Beach, Paul Tillman, Joseph Bublat, Mike Todd, and David Ainley.

The audience members were Brian Clancy, Andrew Grimson, Brian Bosenberg, Julie Levy, Jeff and Lisa Slade, Kelly O'Brien, John Heath, Jack Kauders, Jason Rasmussen, Joe Denny, Darrin Spaulding, Carl Wyman, and Michael Supranowitz.

2. Call to order

Paul Tillman called the meeting to order at 6:31 PM.

3. Agenda Review

There were no changes.

4. Comments from the Chair and Land Use Administrator

There were none.

5. Comment from citizens regarding items not on the agenda

There were none.

6. Approval of Planning Commission Meeting Minutes – June 26, 2023

Howard Beach made a motion to approve the minutes of June 26, 2023 with corrections. Mike Todd seconded it. All were unanimous. The motion passed.

7. Public Hearing: Combined Hearing: Habitat for Humanity PUD Project

Paul Tillman opened the hearing at 6:37. Darrin Spaulding, Jason Rasmussen, and Jack Kaunders affirmed. Andrew Grimson did not remember everything that was needed on the site plan. Todd Hindinger stated that the Zoning Board will let them know when they do the site plan review. They will go through each condition and give exactly what is needed. He can give that information to Ryan Gumbart. He can show you a recent site plan review which has each item listed.

Andrew Grimson would like the variance to be tabled because they are still in discussion about purchasing the grange. Again, if they could increase the footprint that would be good for them. Paul Tillman stated that the footprint next to the other property's boundary line needs to stay the same, but you could increase it further into your property. Mike Todd stated that the Planning Commission could change the setback requirement. In regards to the variance, Ryan Gumbart stated that if it is against the Town Plan, they can't modify it. They will need to say specifically how the setback would fit.

Exhibit # 13 (2 pages) is a letter to the Town Manager from Chief Daniels dated July 10, 2023 in regards to growth in the Town of Weathersfield. Exhibit #14 is a letter from Brandon Gulnick, Water District Manager, to the Planning Commission and the Zoning Board dated July 10, 2023 in regards to this project. Exhibit # 15 (2 pages) is the response from the Town's attorney to the questions from the Planning Commission and the Zoning Board from the last meeting.

The Board and Commission went over the Town attorney's responses to their questions. Paul Tillman stated that a single principal use is a PUD/PRD. You can have up to six units there. Mike Todd stated that six units is based on the zoning district. This is a 2.4 acre parcel and could have twelve units. Grace Knight wanted to know where in 2.5.1 a PUD is an allowable use. Ryan Gumbart stated that in 2.5.1 it can be a conditional use. The PUD process is both, but the conditional use is the Zoning Board. Lisa Slade stated that what you are saying is that on one acre lot it could have one building for six families. Ryan Gumbart stated that if it was not a PUD, it could be a multi-family unit and they could subdivide the 2.4 acres. There could be two buildings with six families in each. Todd Hindinger stated that the PUD decision will be for the Planning Commission. Without the PUD, it could have two multi-family dwellings which would allow up to twelve families.

Mike Todd stated that a PUD/PRD is totally different. It is not connected to another principal use. This is the principal use. He stated that according to the density calculation for the total number of buildings, this can be developed. Todd Hindinger stated that in the use table a multi-family dwelling is for four to six families. He personally is taking an issue on how density is being used on this parcel. The PUD allows us to have the same density without doing a subdivision. He wonders how it can be done on this parcel.

Ryan Gumbart read the lawyers definition of units and how it gets applied. Paul Tillman stated that PUD's don't allow for modification of density. Mike Todd stated that they could have eight

separate family units. Ryan Gumbart stated that it does not say you have multiple structures in a PUD. Howard Beach stated there could be a multi-family dwelling within three to six units, but it does not mean you can put separate units on this. Paul Tillman stated that the application is for a 2.4 acre lot with multiple buildings on it (one single, two duplexes, and a triplex). The structure number is the issue, not the density.

Grace Knight stated that on page 94, it states that planned residential development gives the Commission and the Board the opportunity to decide what is most appropriate for that land. Mike Todd stated that according to the attorney's answer for question #2, the land area for the PUD becomes its own mini zoning district. Paul Tillman stated that this will set a precedent and the Board and Commission need to make the right decision. This is the first PUD and it is a small lot. Howard Beach stated that on a one acre lot there is one dwelling per lot, unless you do a PUD. Ryan Gumbart stated that there is one principal use for a one acre lot. Mike Todd stated that this is a PUD and could do up to six houses per one lot. Todd Hinderger stated that this PUD is doing a single family home, a two family dwelling, and a three family dwelling. There are no such things as multi-family dwellings. One dwelling inscribed to each of the one acres. Paul Tillman stated that there are three parcels there if they own all of it, even though one parcel is .02 acres. Andrew Grimson stated that they do not want to have two one acre lots and do six multi-family units per lot.

Paul Tillman stated that a multi-family dwelling could have two families in it. There could be two separate buildings with a breezeway connecting them. We have to use what is being presented to us. Todd Hinderger stated that when the Zoning Board makes a decision, they draft it up and will send the language among themselves for editing. Then they will have a final decision. Paul Tillman stated that after they close their meeting, they make their decision as to yes or no. Then they will look at everything and follow up with a mylar and note other permits on the mylar.

Andrew Grimson stated that a 10,000 gallon water tank for fire safety would be a financial hardship. He wanted to know if it was a private water tank or public. Darrin Spaulding stated that at a Select Board meeting he did say 5,000 gallons, but he now knows there are more families. He stated that in 1981, there was a three storey six apartment building that burnt down, In 1996, there was a three story five apartment building that burnt down. The fire department did some forward thinking in regards to water supply. Weathersfield School, Getaway Campground, Mormon Church, and Wragg Brothers each have a 10,000 gallon tank. The fire department has a 2,000 gallon tank. Running Bear has an 8,000 gallon tank. Daniels Construction has two 10,000 gallon tanks. When the motel burned a few years ago, we went through 300,000 gallons of water for that fire. If water is available on site, it helps us. The Mormon Church would be the closest to this parcel (2/10 of a mile). We would need 1,200 feet of hose to reach this property. He is looking at safety and water at the scene. All tanks in the vicinity can be used to put out a fire. Paul Tillman stated that in going forward the Commission and Board need to figure out this water

tank topic. Darrin Spaulding stated that there is no calculation for it. He has not seen the plans for this project. If there is not a tank there, the fire could spread to other properties in the vicinity.

Carl Wyman stated that he does not have a water tank at his property. His concern is that it is not about fire suppression, more police, etc. He wants it to be fair and equitable. In an environmental court, it has to be in the Bylaws. We are creating an unfair system. This could be challenged with the Environmental Board. He thinks that there needs to be something that is measurable. Darrin Spaulding stated that some of the larger homes in town have asked to have a pond instead of a water tank. Then the Town has the right to put in a dry fire hydrant at the pond. Once the tanks are put in, the fire department takes over the painting and fixing of the head. He stated that the tank has a warranty on it and so far only one tank has had to be replaced by the property owner. John Heath wanted to know if they could do a pond. Darrin Spaulding stated that they could, but the soil on this parcel is very sandy. Paul Tillman stated that there are regulations in the Bylaws in regards to ponds. Carl Wyman stated that there are no guidelines or regulations in regards to water tanks, so there is no correct answer. Mike Todd asked Jason Rasmussen if he knew of any language in other towns near us in regards to this matter. He stated that he does not. Darrin Spaulding stated that their current tanker can hold 2,400 gallons of water. The new one coming in September/October will be able to hold 3,200 gallons. Andrew Grimson wanted to know when it would stop being an expense to the developer and be a public fire support system. Darrin Spaulding stated that fire departments in the area have gone from two trucks down to one so that makes it difficult too.

Mike Todd asked Andrew Grimson about the water pipe along Route 5. Andrew Grimson stated that it is currently six inch piping. Darrin Spaulding mentioned that the fire department can not use that water. Ryan Gumbart stated that there are State and local standards for fire safety in effect. Todd Hinderger stated that this is not a standard that we have. The Zoning Board would look at adverse effects on the community and if there is an impact that we need to be aware of. Paul Tillman stated that the police chief did say that this will have an undo adverse effect. The Committee and Board discussed Chief Daniels letter. Andrew Grimson stated that they have not hired an engineer. Todd Hinderger stated that it's implicit that we are talking about single family, two family and multi-family dwellings. There can be separate, individual, and detached to get twelve dwellings. Jason Rasmussen stated that follow your attorney in regards to density and standards (5.5.4 and 5.5.6) with lots. When you look at 5.5.6 C can modify zoning districts in regards to buildings.

Joseph Bublat made a motion to continue this Zoning Board and Planning Commission hearing to July 24, 2023 at 6:30 PM. Howard Beach seconded it. All were unanimous to continue this hearing.

Respectfully submitted,  
Diana Stillson