

REGULAR MEETING OF THE PLANNING COMMISSION
6:30 PM, Monday, July 24th, 2023
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT
5459 Rt 5

DRAFT MINUTES

Planning Commission and ZBA Members in attendance:

Paul Tillman	Planning Commission
Howard Beach	Planning Commission
Michael Todd	Planning Commission
Joseph Bublat	Planning Commission and ZBA
David (Hank) Ainley	Planning Commission
Todd Hingdinger	ZBA

Ryan Gumbart – Land Use Administrator
Diana Day ZBA Recording Secretary

Members Not in attendance:
One member of the ZBA

Attendees:
Neil Daniels
Andrew Grimson
Michael Supranouitz
John Heats
Jack Kandurs
Julie Levey
Gary Rapanotti

Online Attendees:
“Beth + Brian”
Brian Bosenberg

1. Meeting was called to order by **Paul Tillman** at 6:31 P.M.
2. Agenda Review – No changes.

3. Comments from the Chair and land Use Administrator – No comments from the LUA. Paul Tillman talked about the open meeting laws and right to know act in regard to information sent in an email from the Towns attorney that is classified as “attorney client privilege”. This information does not have to be shared with the public as submitted by the attorney. Todd Hingdinger asked to talk about “ex parte communications” and the definition of “deliberative session”. Todd gave a brief description of the definition of each and how they should be handled if needed.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – July 10, 2023 – Discussion – Todd Hingdinger had some corrections for the ZBA part of the minutes and the date for the next scheduled Planning commission meeting needs to be changed.

Joseph Bublat made a motion to accept the minutes from July 10th, 2023 with correction.

Seconded by Mike Todd, Motion Passed 5-0

6. Public Hearing – Combined Hearing Continued – Habitat for Humanity PUD Project

Ryan Gumbart presented information about the number of units that could be on the PUD subdivision. The 4 units as presented fits within the bylaw definitions per Town Council. Habitat for Humanity will get the information asked for by the ZBA. Please see the ZBA minutes for more information.

Paul Tillman made a motion to continue the Hearing to August 28th at 6:30.

Seconded by Howard Beach, Motion Passed 5-0

7. Public Hearing – Town Plan Amendment – Energy Section: No update

Paul Tillman made a motion continue the Hearing to August 14th at 6:30PM

Seconded by Mike Todd, Motion Passed 5-0

8. Sketch Plan Review – Danials subdivision 1st meeting, Application # 23.07.19.SP

Please see **Attachment A** for sketch plan review application, map, and letter from the Neil Danials giving Gary Rapanotti authority to represent Neil in this process. Mike Todd asked to have the setbacks for any building envelope on the map.

Paul Tillman made a motion to approve the Sketch Plan Review application for Neil Danials – Application # 23.07.19.SP

Seconded by Mike Todd, Motion Passed 5-0

Paul Tillman made a motion to hold a public hearing for application 23.07.19.SP Neil Danials subdivision to be held on August 28th 2023 at 6:30PM.

Seconded by Mike Todd, Motion Passed 5-0

9. Zoning Bylaw Discussion – “Mixed use” – Apartments in commercial buildings – Ryan talked about what other Towns do to accommodate apartments in these areas with a “mixed use” definition. Ryan will keep this information and present some ideas when the board returns to the “usage table” discussions.
10. Planning Projects – Updates –
Ryan presented the planning project update list below.

PLANNING COMMISSION PROJECTS

Listed in order of priority

Project	Last Action Taken	Current Status	Next Steps
1. PUD Review – Habitat for Humanity	7/10 PC held Combined Hearing with ZBA. More information was requested from the applicant and a legal opinion was requested from Town Counsel.	Hearing is scheduled to be continued on 7/24.	Applicant will get requested information for review, LUA will get legal opinion from Town Counsel.
2. 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. 7/10 Hearing continued to 7/24.	Waiting on MARC to make changes as time allows.	Review changes, vote on adoption, if in favor warn hearing for SB review.
3. Zoning Bylaws Amendment – Use Tables & Definitions	Town Manager scheduled a SB hearing for 8/7.	Waiting for SB to hold hearing on 8/7.	Wait for vote from SB.
4. 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.
5. 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.
6. Subdivision Review – Ascotney Market	7/7 ZBA issued decision to deny applicant's request for variance.	LUA is unaware of an appeal to the E. Court	None at this time. Project to be removed from list.

Future Projects:

- Add "Mixed Use" to Use Tables
- Update Floodways and Floodplains language
- Update Scenic Resources section of Town Plan
- Update Future Land Use Map in Town Plan
- Work with Fire and Police Departments on Standards for development

11. Discussion of items for future agendas – No other item for future agendas.
12. Any other business that can be legally discussed – No other business was discussed.
13. Adjourn – Meeting adjourned at 8:20 P.M.

Paul Tillman made a motion to adjourn at 8:20 P.M.

Seconded by Mike Todd, Motion Passed 4-0

The next regularly scheduled meeting of the Planning Commission will be Monday, August 14th, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,
Chauncie Tillman
Paul Tillman

Attachment A

July 3, 2023

I, Neil M. Daniels, Trustee of the
1998 Lillian Daniels Trust authorize Gary Rapanotti
to represent me in all matters pertaining to my
July 2023 2-Lot Subdivision.

Neil M. Daniels

July 3, 2023

CHARTERED BY
NEW HAMPSHIRE
AUGUST 20, 1761

Town of Weathersfield

POST OFFICE BOX 550
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY
NEW YORK
APRIL 8, 1772

Telephone: [802] 674-2626
Facsimile: [802] 674-2117

E-mail: zoning@weathersfield.org
Website: <http://www.weathersfield.org>

Planning and Zoning

APPLICATION FOR SKETCH PLAN REVIEW

Application # 23.07.19.SP

Applicant Name NEIL DANIELS TRUSTEE, 1998 HILMAN DANIELS TRUST
Address (Mailing) 1998 East Camp Hill Road, Springfield, VT 05156
Telephone # _____ Email Address _____

Landowner Name SAME
Address (Mailing) _____
Telephone # _____ Email Address _____

Subdivider Name SAME GARY RAPANOVI
Address (Mailing) POB 828 SPRFLD, VT 05156
Telephone # _____ Email Address SURVEYOR@VERMONTTEL.NET

Name of Project SAME
Tax Map/Parcel Number 13-01-5
Location of Subdivision EAST CAMP HILL RD.

Written description of proposed development plans, including number and size of lots, and the general timing of development.

LOT 1 22.14 A
LOT 12 36.11 A
FOR FORESTRY PURPOSES

Sketch should clearly indicate existing and proposed lot lines, dimensions and lot numbers.

The Planning Commission may require additional information depending upon the scope and location of the proposed project.

[Signature] FOR NEIL DANIELS 7/19/23
Landowner Signature Date

(See checklist on reverse side)

- ☐ Submit two (2) copies of this application to the Land Use Administrator at least twenty-one (21) days prior to a regular meeting of the Planning Commission.
- ☐ Submit nine (9) copies of your sketch plan with this application.
- ☐ Pay the fee of _____ at the time of application.
- ☐ The subdivider or duly authorized representative shall attend the Planning Commission meeting to discuss the sketch plan and requirements of the Subdivision Regulations.
- ☐ Completed Impact Statement

WARNING – State permits may be required for this project. Call 802-282-6488 to speak to the State Permit Specialist before beginning construction.

Meeting date at which you should be present: July 24, 2023

FOR OFFICE USE

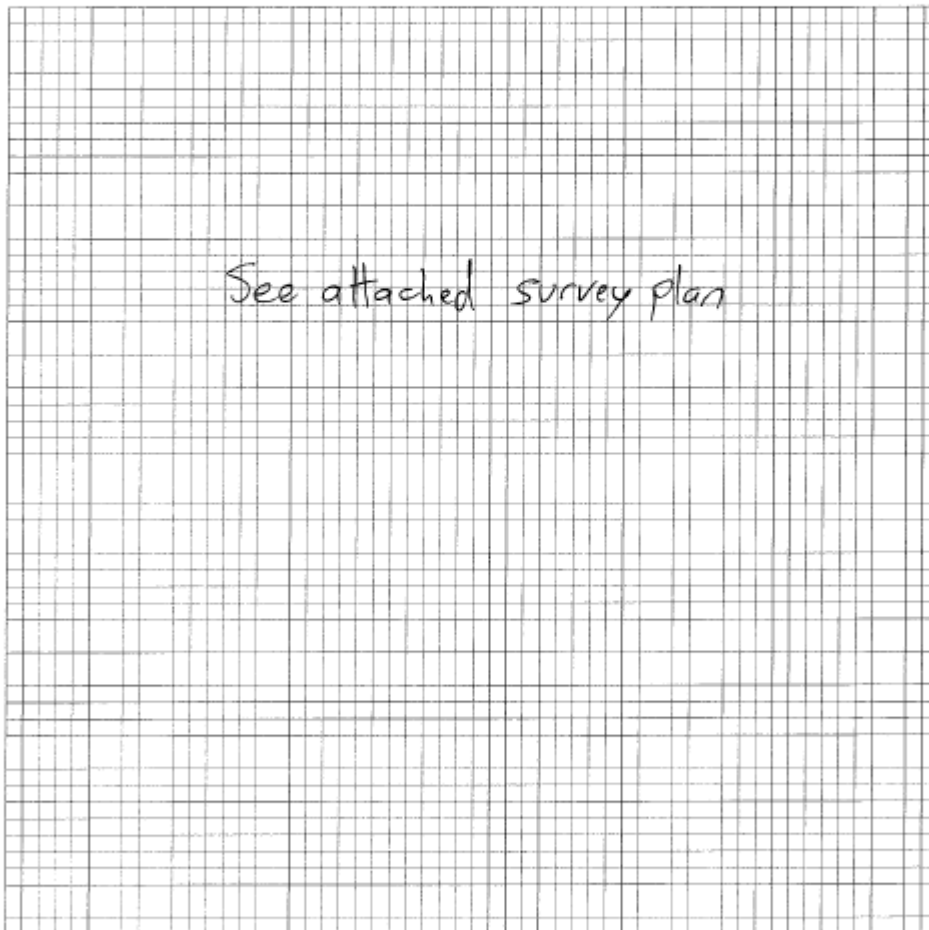
Date Received July 7, 2023 Fee Paid \$100.00
 Date presented to the Planning Commission _____

 Application No. 23.07.19. SUB Date of Notice NA
 Date received by AO July 19, 2023 Date of Hearing NA
 Fee Paid \$ 100.00 Date of Decision _____
 Date Paid July 19, 2023 Appeal granted _____ denied _____

T:\Departments\Land Use and Zoning\APPLICATION FORMS\Applications\Application for Sketch Plan Review.docx

Sketch Plan Drawing

*Draw an aerial view of the property described in this application showing the actual shape, property lines, and dimensions of land. Include the shape, size and location of all **existing and proposed structures** (principal and accessory) on the property with measurements to the front, side and rear property boundary lines (setbacks) and distances between each structure. Identify the existing and intended uses and areas of the use of and all buildings, and the existing and intended location of **septic/sewer, electric, telephone, cable and water utilities**. It is strongly recommended that you review all of Article III: Subdivision Standards from the Subdivision Regulations prior to completing this sketch.*



Land Use Administrator Signature _____

Applicant Signature _____

A handwritten signature in black ink, appearing to be "M. J. [unclear]", written over a horizontal line.

Zoning Board of Adjustment &

Planning Commission

July 24, 2023

Draft Meeting Minutes

1. Introductions

Zoning Board members present at the meeting were Todd Hindinger and Joseph Bublat. 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 Andrew Grimson, Brian Bosenberg, Beth Huntoon, Neil Daniels, Gary Rapanotti, Julie Levy, John Heath, Jack Kauders, 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

Paul Tillman stated that the Town's attorney stated that any communication between his client(s) and him are exempt. It does not have to be shared.

Todd Hindinger read over the definition of exparte communication to everyone. Paul Tillman stated that if anyone has any doubt as to whether or not it is, be safe and don't say anything. The Select Board did discuss the ability to have online meetings because some people have not been able to get onto some meetings. They did not mention any meeting in particular. The Town manager is looking into better internet service for the Town Office. Todd Hindinger stated that Dave Fuller contacted him to make sure that the Bylaws are being followed. He informed him that they were. During a deliberative session, the members of the Board and Commission can discuss the hearing. Paul Tillman mentioned how the Select Board would like to see a quicker turnaround for the Zoning Board, less than 45 days. Todd Hindinger stated that the Board does them as quickly as they can. Some decisions take longer than others. Also, the Zoning Administrator is only part time.

5. Comment from citizens regarding items not on the agenda

There were none.

6. Approval of Planning Commission Meeting Minutes – July 10, 2023

Joseph Bublat made a motion to approve the minutes of July 10, 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 6:49 PM. Ryan Gumbart followed up with the attorney. The attorney agrees that there could be up to twelve dwellings units on this property. In reference to 5.5.6 C, the dwellings can be distributed among any number of buildings and the Planning Commission can modify the Zoning Regulations.

Paul Tillman wanted to know if anyone had spoken with the police chief in regards to his letter stating that this does have adverse effects. Ryan Gumbart stated that the Board and Commission can make a decision in regards to his comments. It does not have to address any specific undo adverse effect. He did not point to any specific standard. According to the subdivision regulations, this form is required to be filled out. Todd Hindinger stated that the form allows us to see what the municipalities have to say about any undo effects. He asked Ryan Gumbart how many new houses have been built in Weathersfield this year. Ryan Gumbart stated that there have been ten. Paul Tillman stated that the Board and Commission have to be able to defend their decision(s) from what is presented at the hearings. Ryan Gumbart stated that it is not a request for their approval. They do not have any standards. There are only State standards.

Andrew Grimson stated that it has not been figured out in regards to a 5,000 or 10,000 gallon water tank. He met with the Prudential Committee in regards to water for this project. They want him to come back once he has hired an engineer.

Todd Hindinger stated that the Zoning Board has a conditional use review and a site plan review. The form filled out by the municipalities will be looked at during those reviews. In the Board's decisions, there will be findings. Mike Todd wanted to know if the Planning Commission approves this subdivision, are they done. Paul Tillman stated no that we are still in the hearing. In the past, the Commission would come out of the hearing and make the decision. The Commission is making a decision for the PUD review. Ryan Gumbart stated that there are four reviews. They don't have to be all done at one time. It is still a combined hearing. The density question has been answered. The Commission could make a motion on the density. Hank Ainley stated that with the layout being presented, they are asking us for a modification for the density.

Mike Todd stated that the attorney says it could be two separate units. The Commission has latitude with the setbacks. Andrew Grimson stated that they still need to have the property surveyed and are in the process of purchasing the grange. Mike Todd stated that up to twelve units are allowed. Paul Tillman stated that the attorney said that the Commission has the ability to amend it. He does not feel comfortable with twelve units on this property. The applicants presented to us four buildings. We do have the latitude to go up to twelve, but I would like to stay with what was presented to us. Howard Beach stated that this application is for four buildings. He is fine with that. Paul Tillman, Mike Todd, Hank Ainley, and Howard Beach were in favor of the four buildings being allowed there. This solved the density question. Joseph Bublat was not. He stated that there still is an issue with the setback and the comments from the police and fire department. Mike Todd stated that they are trying to purchase the grange, so there might not be a setback issue. Paul Tillman stated that the comments from the police and fire department does not have to be solved now. Ryan Gumbart stated that a precedent can be set with the density issue within the currenct Bylaws. Mike Todd stated that each PUD is separate and might not be approved.

Paul Tillman made a motion to continue this Zoning Board and Planning Commission hearing to August 28, 2023 at 6:30 PM. Howard Beach seconded it. All were unanimous to continue this hearing.

Respectfully submitted,
Diana Stillson