TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626 P.O. BOX 550 ASCUTNEY, VT 05030 landuse@weathersfield.org

Planning Commission Agenda

Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030

Monday, 25 November 2019 - 7 PM

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1. Call to order
2. Agenda Review – 25 November 2019
3. Comments from Citizens
4. Approval of Meeting Minutes – 12 November 2019
5. Proposed 500kW solar project: 1465 Route 106 / Walters

   Developer: Green Lantern Solar
6. Bylaw hearing:

   (1) Removal of "Contractor's Storage" use
   (2) Signs
   (3) Outdoor Lighting
   (4) Waivers
   (5) Small Enterprise
   (6) Formula Business
   (7) Off Street Parking
   (8) Home-Based Occupation and Home-Based Business
7. Zoning Bylaw Updates

   (a) Conservation of Natural Resources bylaw

   - Riparian buffers

   (b) Changes to zoning map / districts
   (c) Evaluation of and possible changes to definitions in zoning bylaws
8. Bylaw updates – Status spreadsheet review
9. Next meeting agenda
10. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, 9 December 2019 - 7 PM**, Martin Memorial Hall

DRAFT
TOWN OF WEATHERSFIELD, VERMONT
MINUTES OF PLANNING COMMISSION MEETING
Tuesday, 12 November, 2019

I. Call to Order by Vice-Chair, Paul Tillman at 7:01pm
Planning Commission: Howard Beach, Sven Fedorow (Land Use Administrator), Paul Tillman, Michael Todd, Julia Lloyd Wright (Energy Coordinator, ex-officio)

II. Agenda Review - 12 November, 2019 - no changes

III. Comments from Citizens - None

IV. Approval of Meeting Minutes - 28 October, 2019
A motion was made by Michael Todd to approve the Minutes of 28 October, 2019, seconded by Howard Beach. Voted: Unanimously.

V. Zoning Bylaw Updates
(a) Conservation of Natural Resources bylaw
- Agricultural soils 3.2.1
Commission members reread and discussed the bylaw and agreed it was ready to go to a public hearing.
- Ponds 6.10.4
The bylaw was also read. There was discussion on total surface area of ponds and maximum depths, hydric soils and permitting. It was agreed it was also ready to go to a public hearing.
- Steep Slopes and High Elevation 6.10.10
High points in Weathersfield, Hawks Mountain, Pikes Peak and Little Ascutney Mountain were also discussed. Primitive camps, (not exceeding 400 sq.ft) with no waste-water facilities to be defined by the Agency of Natural Resources, were reviewed. It was agreed to add a chart to the bylaw showing land over 1,500 feet and above.
- Riparian Buffers 6.10.1
Discussion covered rivers and streams, wetlands and vernal pools. Campers were not classified as a 'structure' and need no buffers from streams. Buffers and setbacks are treated differently. Mowing to the edge of a bank or stream was discussed and whether the buffer zone should be 15ft or 10ft and should this depend on stream sizes. Livestock erosion was discussed and incidence of e-coli.
Sven Fedorow will check for a State map of streams and try to rewrite the bylaw for the next meeting. Paul Tillman proposed using the State guidelines.

A motion was made by Michael Todd to adopt the Agricultural Soils bylaw 3.2.1; Ponds bylaw 6.10.4; Steep Slopes and Elevation bylaw 6.10.10, seconded by Howard Beach. Voted: Unanimously.

Howard Bech asked Sven Fedorow if there could be an outline for the ZBA of the criteria and performance standards.

(b) Changes to zoning map/districts

It was agreed to table the map until the next meeting on 25 November, 2019.

(c) Evaluation of and possible changes to definitions in zoning bylaws

The Commission will review all definitions and agreed to start at the next meeting.

VI. Bylaw updates - Status spreadsheet review

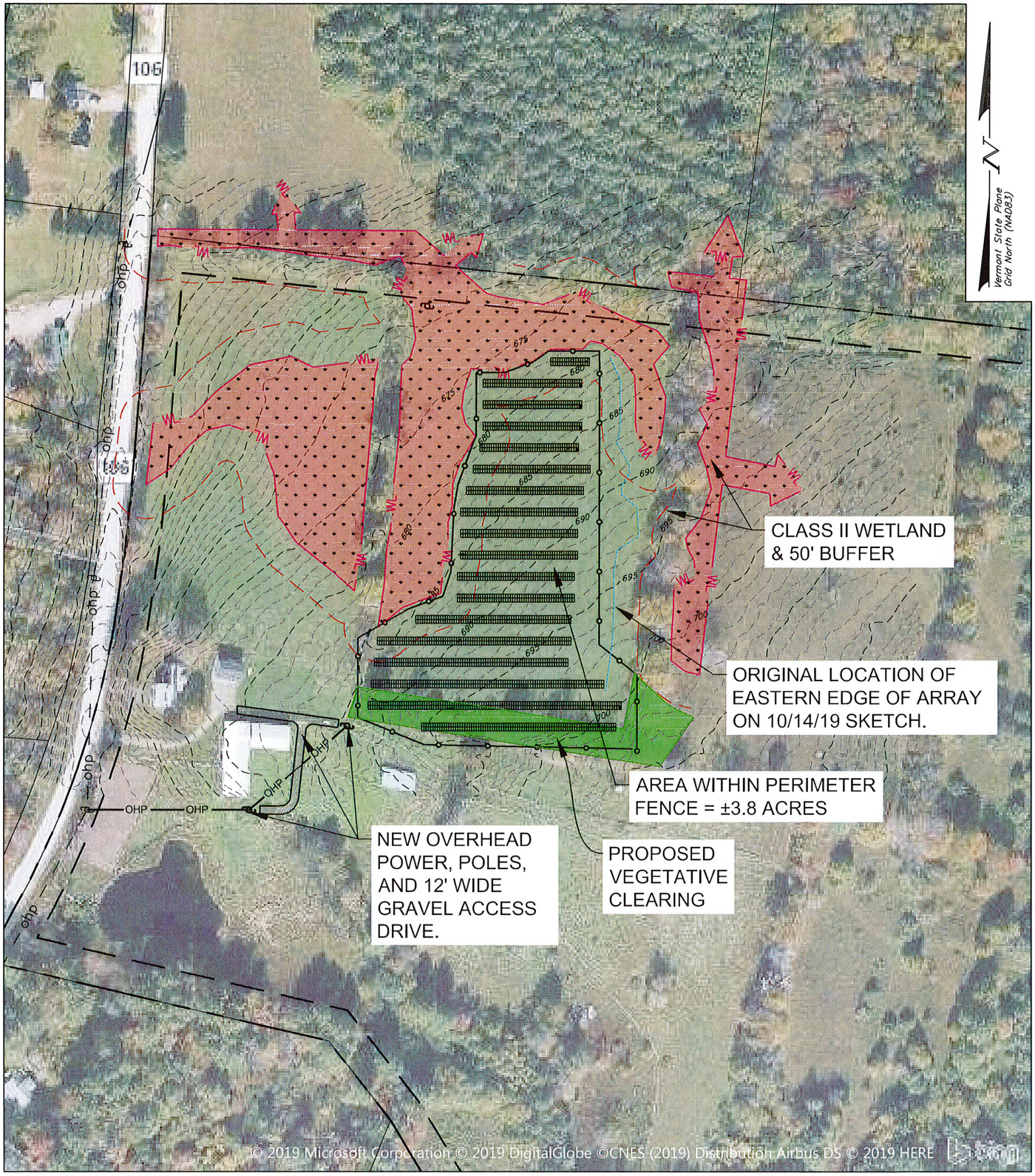
The latest sheet(s) will be on the next agenda

VII. Next meeting agenda on Monday, 25 November, 2019

Solar proposal for a 500kW project in Perkinsville
Contractors and Yards Bylaw Hearing (then pass on to selectboard)
Definitions
Zoning Bylaw Updates - Riparian Buffers
Updated Zoning Map
Bylaw updates - Status spreadsheet review
Subdivision checklist

VIII. Adjourn

A motion was made by Michael Todd, seconded by Howard Beach, to adjourn at 8.42pm. Voted: Unanimously.



KREBS & LANSING
CONSULTING ENGINEERS
164 Main Street, Suite 201 P: (802) 878-0375
Colchester, Vermont 05446 www.krebsandlansing.com

500kW SOLAR ARRAY SKETCH

WEATHERSFIELD GLS SOLAR

Route 106
Weathersfield, Vermont

GreenLantern SOLAR
P.O. Box 658
Waterbury, VT 05676
www.greenlanterncapital.com

0' 100' 200' 400'
GRAPHIC SCALE 1" = 200'

Drawn by: SDG
Date: October 18, 2019
Project #: 19167
Scale: 1" = 200'

GreenLantern
SOLAR

Qualifications, Credentials & References

Green Lantern Solar of Waterbury, Vermont is a full-service renewable energy company with a particular focus on commercial-scale solar. We develop, finance, construct and operate projects for a variety of institutional customers that include: schools, municipalities, hospitals, local and state government entities, non-profits, commercial & industrial companies, private businesses, resorts & hotels, and large real estate properties. We have created a financing solution that allows all customers to participate in solar and receive guaranteed utility savings, without any up-front investment.

We partner with best-in-class consultants and engineering partners to deliver turn-key projects. As of October 1, 2019, Green Lantern has over 70 solar projects operating in Vermont which generate over 50 MW of electricity and represent over $100 million in total investment. We currently have another 15 MW of solar capacity in development around Vermont.

As a team, we understand the financial considerations that impact large electricity consumers. Utility expenditures are a significant expense. We develop high-quality solar projects at the lowest capital cost possible, so that we may deliver maximum savings to group net metered customers over the useful lives of the projects. We achieve this through strategic value-engineering, and by leveraging federal and state tax credits as part of the financing structure.

CONTACTS

Ralph Meima, Director of Development, Green Lantern Solar
Direct tel. 802-380-1029; Email: ralphm@greenlanternsolar.com

David Carpenter, Director of Development, Green Lantern Solar
Direct tel. 802-282-2174; Email: davidc@greenlanternsolar.com

Sam Carlson, Director of Development Northern VT, Green Lantern Solar
Direct tel. 802-324-6862; Email: samc@greenlanternsolar.com

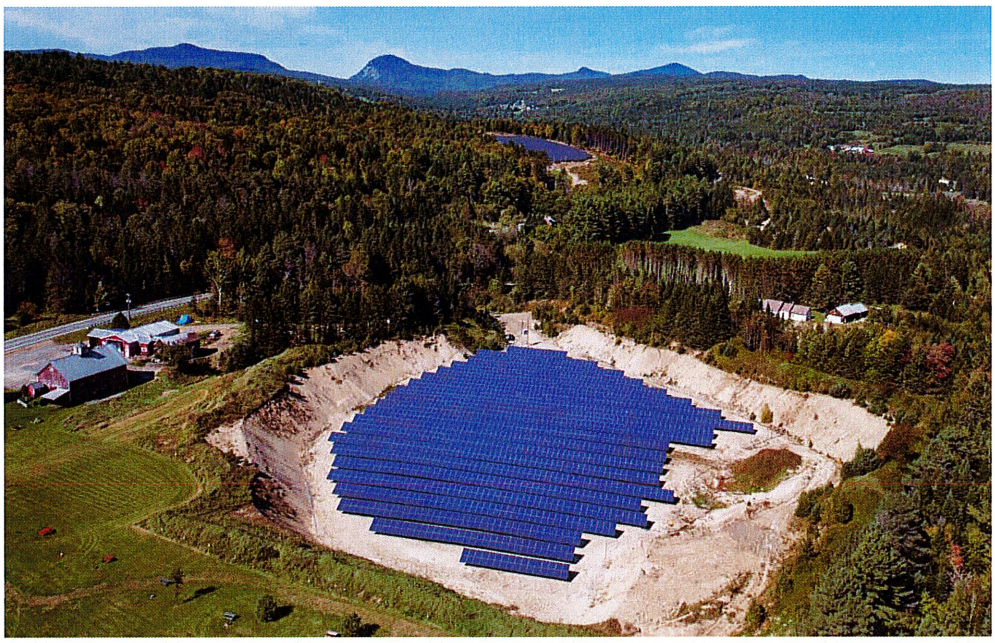
Scott Buckley, VP of Finance, Green Lantern Solar
Direct tel. 802-989-3407; Email: scottb@greenlanternsolar.com

Luke Shullenberger, President, Green Lantern Solar
Direct tel. 802-244-1658; Email: lukes@greenlanternsolar.com

GREEN LANTERN - QUALIFICATIONS & CREDENTIALS

Green Lantern Solar is a development, financing, construction, and asset management firm based in Waterbury, Vermont. Green Lantern and its associates together form a consortium with expertise across a spectrum of clean-tech and renewable energy technologies, including commercial solar, battery storage micro-grids, and district/campus energy systems.

Green Lantern works with clients to explore a variety of ownership and financing models. We access a broad network of strategic partners and professional service providers so that we may deliver turn-key development, financing, construction and asset management solutions. The partners have a combined 75 years of experience developing and financing real-estate, clean-tech and renewable energy projects.



Solar array on a former gravel pit in West Burke, VT constructed by Green Lantern Solar for Lyndon Institute

Green Lantern understands the challenges of development and project financing

The executive management team at Green Lantern has hands-on experience with building and managing companies. Throughout our careers as owners, principals and managers in the renewable energy, manufacturing, construction, real-estate and technology sectors, Green Lantern and its team has learned many lessons. When developing complex projects and exploring multiple options for ownership and financing, the path to success is rarely a straight line. Green Lantern takes an honest and structured approach to all engagements, and leverages great perseverance and commitment to success to make projects happen.

Lighting the way to a Clean Energy Vermont

When powerful ideas, motivated stakeholders, innovative technology and flexible capital all converge, incredible things happen. Green Lantern has created a broad network of affiliates, channel partners, and strategic relationships, all of whom share a common goal to make intelligent investments that accelerate the transition to a low carbon economy.

GREEN LANTERN SOLAR FINANCING & REFERENCES

Solar array in Brandon, Vermont constructed by Green Lantern Solar for the Town of Brandon

Green Lantern continues to bring innovation to commercial solar with a ***zero-cost, guaranteed utility savings*** financing program. Following up on a $3 million pilot program in 2012, a $10 million program in 2013, a $20 million program in 2014-2015, a $37 million program in 2016-17, Green Lantern is targeting an additional $40 million of total project financings in 2018-19. On behalf of tax-credit investors and commercial lenders, Green Lantern will develop, finance, construct, and operate the projects. This financing program supports a broader mission to connect mission-driven investors with opportunities in renewable energy that feature high-impact social and environmental benefits.

Investor Reference List: US Bank, Kendall Sustainable Infrastructure, Morgan Stanley Solar Solutions, Main Street Power, Greenbacker Capital Group, National Life Insurance Group, Vermont Mutual Insurance, Green Mountain Power, Northfield Savings Bank, Mascoma Savings Bank, Vermont Economic Development Authority (VEDA), private investors

Selected Customers: Vermont Public Power Supply Authority, Brattleboro Memorial Hospital, City of Montpelier, City of Barre, City of Rutland, Town of Williston, Town of Brandon, Town of Chester, MMUSD/CESU Schools, WWSU Schools, LNSU Schools, Lyndon State College (Northern VT University), Lyndon Institute, St. Johnsbury Academy, Sugarbush Resort, Mt. Snow Resort, Smuggler's Notch Resort, Grace Cottage Hospital, Agrimark/Cabot-Cooperative, and other municipalities, schools and private customers throughout Vermont

Customer References:

Cabot/Agrimark
Jed Davis (Director of Sustainability), (802) 496-1260, jdavis@cabotcheese.com

Chittenden East Supervisory Union (MMMUSD)
John Alberghini (Superintendent), (802) 434-2128, john.alberghini@cesuvt.org
Robert Fahey (Business Manager), (802) 434-2128, robert.fahey@cesuvt.org

Town of Brandon
Dave Atherton (Town Manager), (802) 247-3635 x210, datherton@townofbrandon.com

Lamoille North Supervisory Union
Deborah Clark, (Business Manager), (802) 851-1161

Sugarbush Resort
Win Smith (Owner), wsmith@sugarbush.com
Margo Wade (Operations Director), (802) 583-6366, mwade@sugarbush.com

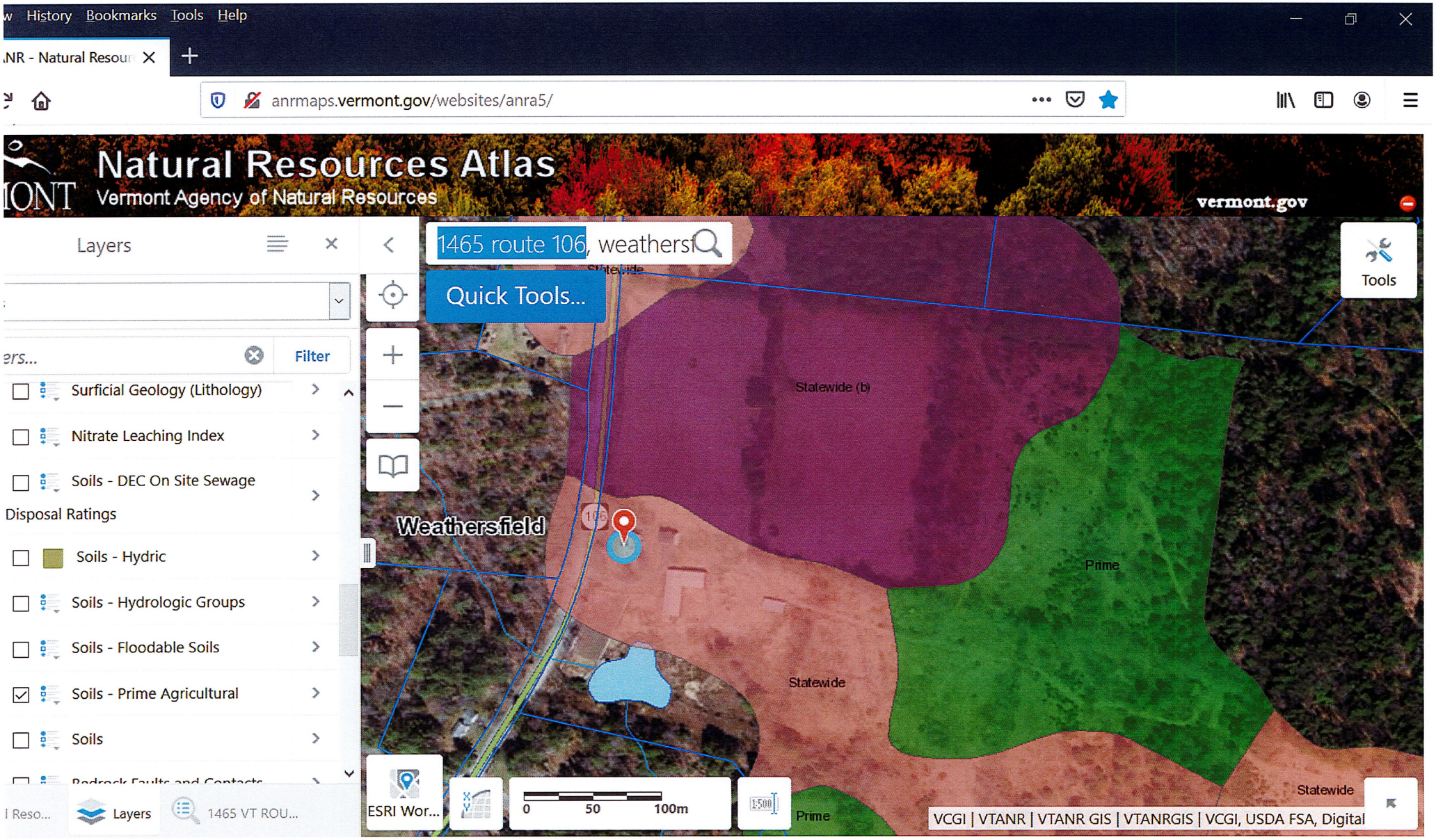
Brattleboro Memorial Hospital
Steven Gordon (CEO), (802) 257-0341, sgordon@bmhvt.org

CBMS/Washington West Supervisory Union
Tom Drake (Principal), (802) 244-6100, tdrake@wwsu.org

Town of Chester
David Pisha (Town Manager), (802) 875-2173, dpisha@vermontel.net

Town of Williston
Rick McGuire (Town Manager), (802) 878-0919, mcquirer@willistontown.com

***Green Lantern Solar Project Reference List Available Separately**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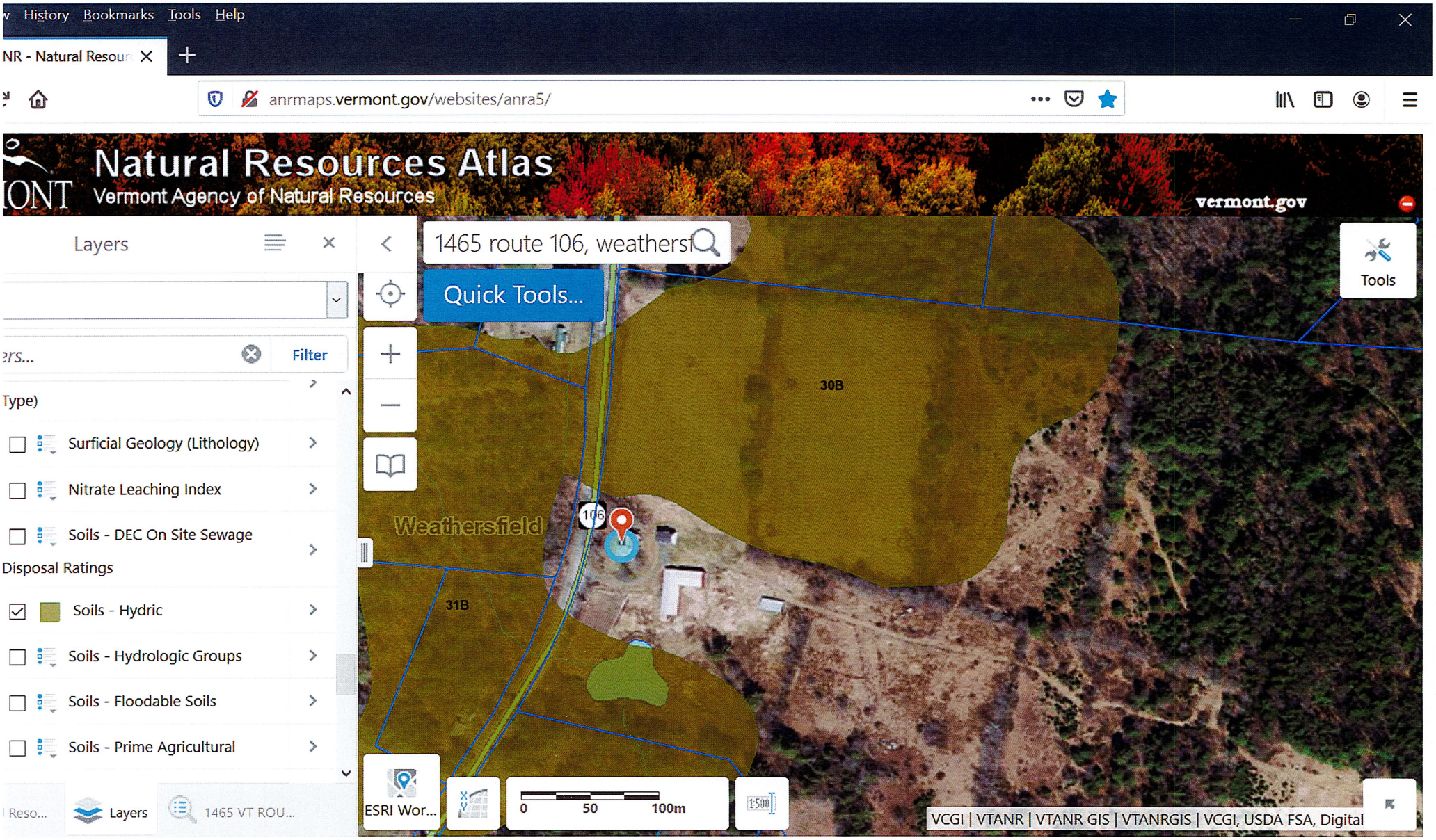
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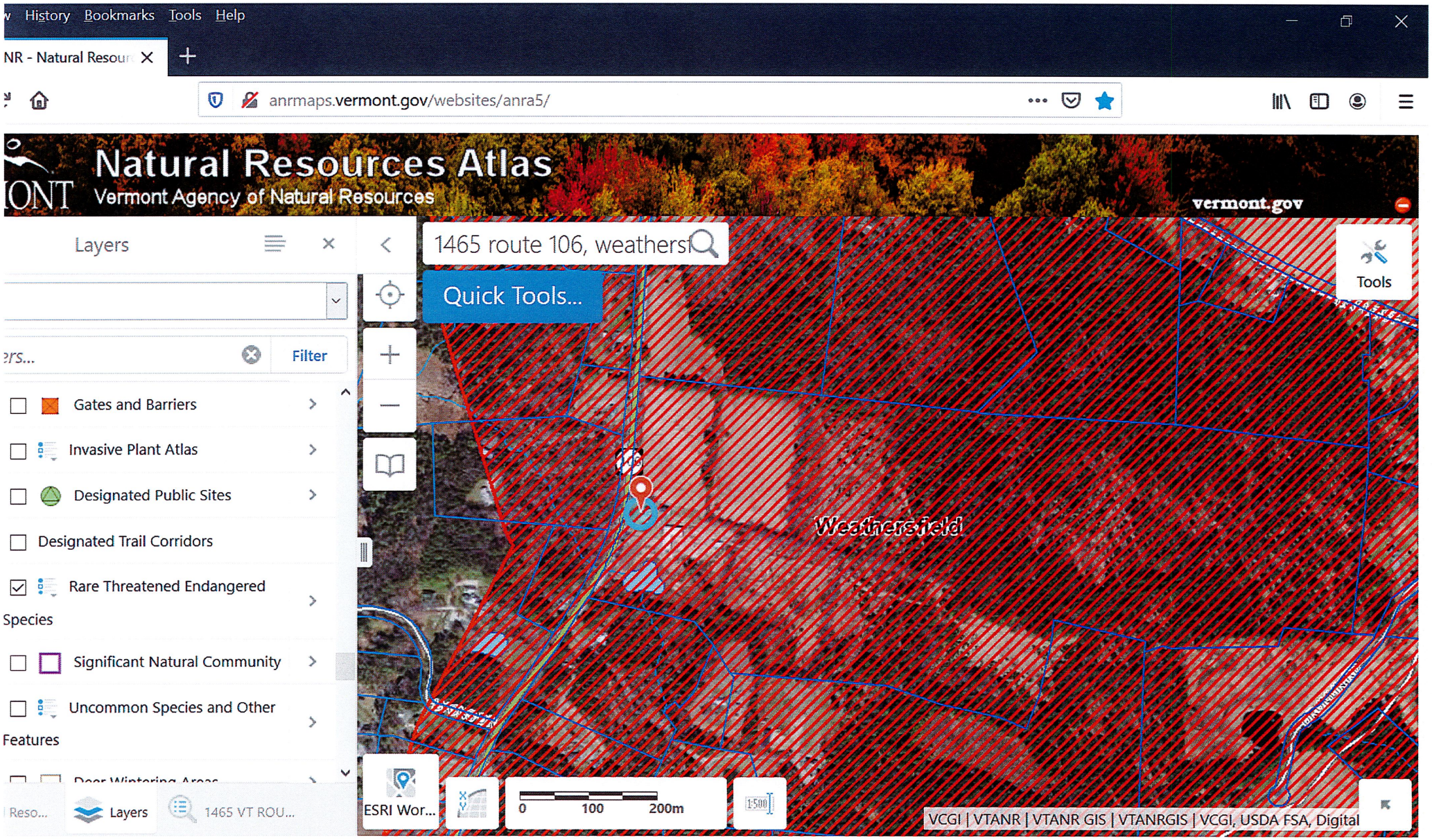
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Invasive Plant Atlas
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Designated Trail Corridors
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TOWN OF WEATHERSFIELD
PLANNING COMMISSION

5259 US Route 5, Ascutney, VT 05030
(802) 674-2626

November __, 2019

Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: Designation of proposed solar site as "Preferred Site" under Rule 5.100

Dear PUC Members:

The Green Lantern Group ("the Developer) has proposed to locate a net-metered solar array, designated as "Weathersfield GLC Solar, LLC," ("the Project") at 1465 VT-106 Perkinsville, VT 05151 (SPAN# 70522410631; parcel #11-02-01.000), currently owned by Brian Walters. Toward that end, the Developer asked the Weathersfield Planning Commission on November 25, 2019 for a letter of support for the proposed site in accordance with Net Metering Rule 5.103, "Preferred Site," (7), clause 2.

The proposed site of the Project lies within our jurisdiction, and we have discussed the site with the Developer, reviewed visual renderings, and walked the site. It is our understanding that primary agricultural soils at the site will not be removed, damaged, or taken out of production as a result of the Project. Based on our review, we voted at our November 25, 2019 meeting to support the Project location as a designated "Preferred Site" under Net Metering Rule 5.103, "Preferred Site," (7), clause 2.

Please note that the Weathersfield Planning Commission takes no position certifying or approving the Project's compliance with any other applicable provisions of Vermont law. Our sole aim in this letter is to state our support for designating the Project location as a "Preferred Site" under Net Metering Rule 5.103, "Preferred Site," (7), clause 2.

Thank you for your attention to this matter.

Sincerely,

……, Chair

cc: Ralph Meima, Green Lantern Group

NOTICE OF PUBLIC HEARING

In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, of the Vermont Statutes Annotated, the Planning Commission for the Town of Weathersfield, Vermont, will hold a public hearing on Monday, November 25, 2019, at 7:00P.M., in the Weathersfield Town Office, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the adoption of the following bylaws:

(1) Removal of "Contractor's Storage" use
(2) Signs
(3) Outdoor Lighting
(4) Waivers
(5) Small Enterprise
(6) Formula Business
(7) Off Street Parking
(8) Home-Based Occupation and Home-Based Business

Statement of Purpose

The Planning Commission is proposing the above listed bylaws in order to better achieve the objectives in the 2017 Weathersfield Town Plan, and revitalize the village centers in Ascutney and Perkinsville, areas that have been identified in the Plan as growth centers.

Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

Sections Headings

Amendment and adoption of the foregoing Bylaws.

Persons wishing to be heard may do so in person, be represented by an agent, or may file written comments with the Planning Commission prior to the hearing.

Dated at Town of Weathersfield, Windsor County, State of Vermont, this 7th day of November, 2019.

Nancy Heatley, Chair
Weathersfield Planning Commission

Planning Commission Reporting Form for Municipal Bylaw Amendments

Town of Weathersfield, VT

Proposed amendments to the *Town of Weathersfield Zoning Bylaws*

This report is in accordance with 24 V.S.A. §4441(c) which states: "*When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal.*"

The above referenced proposed bylaws are summarized as follows:

1. **Brief explanation of the proposed bylaw, amendment or repeal; and a statement of purpose as required for notice under §4444 of this title**:

   A number of changes are being proposed by the Planning Commission to clarify a few existing zoning provisions and to make changes needed in order for the zoning to be in conformance with the *2017 Weathersfield Town Plan*. The proposed zoning changes are summarized below:

   - Removal of the "Contractor's Storage" use from the zoning bylaws.
   - The Signs bylaw was updated to address two new categories of use, Home-Based Business 1 and Home-Based business 2, and to improve clarity and interpretability. Illumination of signs is only permitted during business hours under the new bylaw.
   - The Outdoor Lighting bylaw was edited to improve clarity and add restrictions e.g. restriction exterior and signage lighting to business hours only. Among the changes are that lighting for Home Business, Commercial and Industrial uses must be restricted to business hours only. Freestanding light sources have a maximum height of 15 feet. Additionally, exterior and signage lighting must be used during business hours only and must be kept to the minimum required to maintain safety and security for persons and property.
   - The proposed Waivers bylaw specifically addresses challenges with setbacks in the Village district, specifically in order to accommodate ADA accessibility improvements, life safety improvements, unheated open-sided additions, and renewable energy structures that could not be reasonably developed without a waiver.
   - The Small Enterprise bylaw provides for, in districts where permitted, a facilitated permit process not requiring conditional use review for certain business ventures meeting the provided thresholds. A Small Enterprise is limited to five (5) employees at any single point in time, and a maximum building area of 800 square feet. "Formula Businesses" are excluded from seeking a permit as a "Small Enterprise".
   - A new definition has been added for "Formula Business" as not being permitted in the "Small Enterprise" category. Generally, the definition includes businesses with two or more standardized aspects and ten or more locations worldwide.
   - A new section governing Off-Street Parking is to be adopted, directly incorporating VTrans engineering standards and ADA standards, and providing for off-street loading

space for commercial, industrial or institutional uses which are expected to receive shipments in vehicles too large for standard parking spaces.

- The Home-Based Occupation and Home-Based Business bylaws create a new use category not currently existing in the bylaws to expand flexibility in all zoning districts to encourage this activity. Section 9.4 of the Town Plan refers to 2010 public outreach meetings in which it was found that "home-based businesses were of the utmost importance to participants", and Section 9.3 notes that "home businesses are the most desired type of economic development in the town". Home-Based Business Level 1 is a permitted use in all districts, which may employ up to 4 non-resident employees and occupy a maximum building area of 1500 square feet, whether in the existing dwelling or in a new building. Home-Based Business Level 2 is a conditional use in all districts, which may employ up to 6 non-resident employees and occupy a maximum building area of 4000 square feet, whether in the existing dwelling or in a new building. The Home-Based Business Level 2 will not necessarily be incidental or subordinate to the existing residential use.

2. **How does the proposal conform with or further the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing**:

   Most of the proposed changes are intended specifically to further goals and policies contained in the *2017 Weathersfield Town Plan*. These goals and policies generally include promoting home-based businesses, preserving the rural character of the town including the dark night sky, and revitalizing the village centers.

3. **Is the proposal compatible with the proposed future land uses and densities of the municipal plan**:

   Yes, the proposed amendment is consistent with the future land uses identified in the Town Plan. These proposed changes aim to help revitalize the village centers and reduce the burden associated with the permitting process. Additionally, the changes aim to encourage home businesses per feedback from town residents and the Town Plan.

4. **How does the proposal carry out, as applicable, any specific proposals for any planned community facilities**:

   This proposal does not directly apply to any specific proposals for planning community facilities.

Full text of bylaws to be considered at 25 November 2019 Weathersfield Planning Commission hearing

(1) Removal of "Contractor's Storage" use.

(2) 3.8 Signs

3.8.1 General Standards: Applicable in all Zoning Districts

a) Signage is divided into categories based on the nature and scale of activity. Signs that meet one of these categorical requirements shall be considered a permitted accessory use. All signs require a zoning permit unless specifically exempted under this bylaw.

b) Sign area measurements shall include the outside of the structure – all posts, framing, and support members – not just the sign board. For measurement purposes, a two-sided sign shall be measured on one side only.

c) No part – including the support structure – of any sign shall be located within 10' of the nearest edge of the travelled way. This section shall not apply to temporary event signs referred to in Section 3.8.1(i)(2).

d) All signs shall comply with VTrans regulations (i.e. no flashing nor moving signs that could distract a motorist). In the event of conflicts between local and state sign regulations, the more restrictive standard will apply. For State of Vermont signage regulations, see 10 V.S.A. § 494.

e) External illumination must comply with the outdoor lighting standards and be fully directed downward onto sign surfaces with no undue glare or reflections onto the public right of way or neighboring properties. The sign shall only be illuminated during business operating hours.

f) All applicants shall submit a sketch of the proposed signs; showing dimensions, materials, design, colors, lighting, mounting method, and location. Existing signs, if applicable, shall be shown with dimensions and locations described.

g) A single (1) sandwich board / roadside sign is allowed for all occupations, home businesses, commercial, and industrial activities during operating hours.

h) Signs that are in disrepair or are no longer serving their intended purposeshall be removed within thirty (30) days of notification to the property owner by the Land Use Administrator.

i) Notwithstanding the above, the following signs do not require a zoning permit:

(1) Agricultural businesses may install portable, information signs as necessary to direct the travelling public and shall conform with Vermont Statutes. The signs shall be a maximum of six (6) square feet, and be in place only during the active business season; or

(2) Temporary non-commercial, real estate, contractor, active construction, special event signs shall be less than eight (8) square feet in area do not require a permit. Larger signs shall require a Conditional Use permit. All such signs shall be removed at the completion of the event or activity.

3.8.2 Home Occupation Signage

A sign that conveys a simple message while preserving the appearance, character, and quality of the residence and the surrounding neighborhood. The sign shall conform to the character of the neighborhood and shall not obstruct the view of pedestrians or motorists.

3.8.2.1 Sign Standards

a) Maximum of one (1) sign.

b) Maximum sign area three (3) square feet.

c) Building-mounted or free standing.

d) No internal nor external illumination.

e) Maximum ten (10) feet height above ground.

3.8.3 Home Business Level 1 Signage

A sign that serves an existing, permitted Home Business.

3.8.3.1 Sign Standards

a) Maximum of one (1) sign.

b) Maximum sign area nine (9) square feet.

c) Building-mounted or free standing.

d) No internal or external illumination.

e) Maximum ten (10) feet height above ground.

3.8.4 Home Business Level 2 Signage

A sign that serves an existing, permitted Home Business Level 2 activity.

3.8.4.1 Sign Standards

a) Maximum of (1) one freestanding and one (1) building mounted sign.

b) Each sign shall be a maximum area of fifteen (15) square feet. The total area of signage shall not exceed fifteen (15) square feet.

c) "Open" flags are allowed and exempted from square footage calculations.

d) No internal illumination is allowed.

e) External illumination shall comply with the outdoor lighting standards and shall be fully directed downward onto sign surfaces with no undue glare or reflections onto the public right of way or to neighboring properties.

f) The sign shall only be illuminated during business operating hours.

g) Any sign illumination shall be reviewed by the Land Use Administrator and shall be in keeping with the character of the neighborhood.

3.8.5 Commercial / Industrial Signage

Signs for existing, permitted commercial or industrial businesses. All Commercial / Industrial signage requires a permit – unless specifically exempted by State statute.

3.8.5.1 Sign Standards

a) Maximum of one (1) freestanding and one (1) building-mounted or roof-mounted sign that shall not exceed local building height limitations.

b) Each sign to be a maximum of fifty (50) square feet in area.

c) "Open" flags are allowed and are exempt from square footage calculations.

d) External Illumination shall comply with the outdoor lighting standards and shall be fully directed downward onto sign surfaces with no undue glare or reflections onto the public right of way or onto neighboring properties.

(3) 3.6 Outdoor Lighting

The Town's rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting is necessary for safety and security, inappropriate, poorly designed, or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjacent properties, cause sky glow that obstructs views of the night sky, and result in unnecessary energy consumption.

3.6.1 General Standards

The following general standards apply to all outdoor lighting:

a) Exterior building lights and outdoor lighting fixtures shall not direct light upward, onto adjacent properties, or onto public highways. The light shall be focused downward and inward. Mere visibility of a light source from an adjacent or nearby property does not constitute the directing of light onto that property.

b) No zoning permit is required for holiday lighting, other temporary lighting, or lighting of flagpoles.

3.6.2 Home Business, Commercial and Industrial Uses

The following general standards apply to ~~all~~ home business, commercial and industrial uses:

a) Only full cut-off, shielded, or recessed external lighting fixtures that fully direct light downward shall be used.

b) The maximum height of any freestanding lighting fixture must not exceed 15 feet, as measured from the average grade at the base of the sign.

c) Exterior and signage lighting must be used during business hours only and must be kept to the minimum required to maintain safety and security for persons and property.

d) Interior building lights must not direct illumination outward and towards adjacent properties or public highways.

e) Interior lighting must not illuminate the roadway or an adjacent residential building.

3.6.3 Private Roadways

The lighting of private roadways requires a conditional use permit.

(4) 6.9 Waivers

6.9.1 Purpose

The intent of this section is to provide flexibility in the setback requirements for existing structures within the Village Zoning District in order to enable the continued viability of these structures while also maintaining the character of the area.

6.9.2 Allowable Waivers

a) In accordance with 24. V.S.A. § 4414(8), waivers of dimensional setbacks are limited to the reduction of any required front, side and/or rear setbacks for legally existing primary structures within the Perkinsville Center, Greater Perkinsville, and Ascutney Village zoning districts in order to accommodate:

   1. ADA accessibility improvements.
   2. Life safety improvements.
   3. Unheated, open-sided additions (e.g. decks, stairways, entryways, etc.).
   4. Renewable energy structures that could not be reasonably developed without a waiver.

b) Waivers shall not be granted for any of the other requirements in the Zoning Bylaws.

6.9.3 Review Procedures

Waiver requests are subject to approval by the Land Use Administrator, are appealable to the Zoning Board of Adjustment, and are subject to all zoning bylaws, including public notice, abutter notification, and the posting of the zoning permit placard.

a) The applicant shall submit accurate, detailed, and dimensioned plans that describe and depict the waiver request.

6.9.4 Standard of Review

All proposed development shall meet all the following criteria in order for a setback waiver to be granted:

a) Granting a waiver shall not result in an unsafe condition of the lot or to the public.

b) Incorporates design techniques (restricted height, lack of windows), screening (fencing or plantings) or other remedies to reasonably limit impact or the potential for impact upon the neighbors or when detected from the public rights-of-way.

c) The waiver requested shall not impair nor diminish sight distances on nor the maintenance of public or private roads or sidewalks.

d) The proposed work or construction does not encroach into the required front, side or rear yard setbacks any more than the minimum necessary to accomplish the desired results.

e) The proposed development is compatible in scale and design of structures and the overall existing development pattern of the surrounding area and maintains the character of the neighborhood.

f) The waiver resolves a practical difficulty in developing the property and allows reasonable use of the property;

g) In the case of historic properties, the waiver is essential to the preservation and renovation of the historic building or the preservation of the historic pattern of land use of the surrounding area.

6.9.5 Decisions and Conditions of Approval

The Land Use Administrator shall make a decision on the request for a waiver by applying the facts presented in the application to the criteria listed herein. In approving a waiver request, the Land Use Administrator may require certain conditions to meet the stated objectives of the zoning district, to reduce or eliminate impacts, or to protect the interests of the surrounding properties, neighborhood or Town as a whole. These conditions shall include, but need not be limited to, the following:

a) Limiting the size of the structure or the subject of the waiver request.

b) Land Use Administrator shall inspect all proposed mitigation measures that are shown on the site plans.

c) Reducing the encroachment into the required front, side or rear yard setbacks.

d) Requiring that the project does not extend beyond an existing nonconforming structure - unless needed to accomplish the intended goal.

e) Reducing the waiver requested to ensure that the waiver represents the minimum waiver that will afford relief and will represent the least deviation possible from the zoning bylaws.

f) Controlling the location and number of vehicular access points.

g) In the event the use of a renewable energy structure(s) is discontinued for a period of two (2) years, the site shall be promptly restored to its natural condition or returned to the conditions in existence prior to construction of the facility.

(5) Small Enterprise: In Districts where permitted, the establishment of small enterprises is encouraged in order to promote sound economic development, to maintain the unique character of the community, to promote diversity of economic activity, and to provide a business environment benefitting from foot traffic and proximity. The small enterprise use aims to facilitate entrepreneurial activity by providing an exception to obtaining a conditional use permit, while protecting and maintaining the character and diversity of businesses in the District. All applicants are encouraged to consult with the Land Use Administrator prior to submitting an application.The small enterprise shall meet all the criteria below:

a) The small enterprise shall not be a **formula business** as defined in these Bylaws.

b) Employs a maximum of five (5) employees on premises at a single point in time.

c) Occupies a maximum building area of 800 square feet.

d) Replacing and superseding Article 6.2.2(l)(3) for the purposes of this bylaw, only one (1) structure not in excess of 150 square feet is exempt from the zoning permit requirement. All other provisions of Article 6.2.2(l) apply.

e) May display one non-illuminated, non-reflective sign, a maximum of nine square feet in size. Additional signs may be permitted upon submission of a Zoning Permit Application (See Sign Standards in Section 3.8.)

f) The small enterprise zoning application shall clearly define the type of business, number of employees, square footage allocated to the business, and traffic generation.

g) All applications must be accompanied by a site plan.

h) Any change to the original application shall require permit review.

i) The small enterprise must comply with all performance standards set forth in Section 3.7 of these Bylaws.

Uses which exceed the thresholds established under this bylaw may still be permitted if falling within another permitted, accessory or conditional use category permitted in the same particular District.

(6) Formula Business: A business which does or is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (Formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

(7) 3.5 Off-Street Parking

The layout and design of parking areas is intended to address safety considerations, to maintain the rural character of the Town, and to comply with current VTrans engineering standards.

3.5.1 General Standards

3.5.1.1 Off-street parking spaces shall be provided when any use is established or enlarged and shall adequately accommodate the proposed development. Such accommodation shall include all owners, occupants, employees, customers, delivery vehicles, and/or other persons expected to be on the premises.

3.5.1.2 All standard parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet.

3.5.1.3 Nonresidential parking lots shall be effectively landscaped in accordance with Section 5.3.5 of these Bylaws (Site Plan Review).

3.5.1.4 Handicap parking spaces shall be provided in a size and number in accordance with current ADA requirements.

3.5.2 Specific Standards

3.5.2.1 Additional standards for Home-Based Occupation and Home-Based Businesses Level 1 and 2 are described in Section 4.5 of these Bylaws.

3.5.2.2 Commercial or industrial parking lots adjacent to residential uses shall be set back a minimum of thirty (30) feet. A four (4) foot high, solid fence may be used in lieu of a 30 foot setback. Effective landscaping and plantings may be used in lieu of the 30 foot setback and shall be evaluated by the Land Use Administrator or the Zoning Board of Adjustment.

3.5.2.3 Off-street loading space shall be provided for commercial, industrial, or institutional uses that would be expected to receive shipments in vehicles too large for a standard parking space. Such delivery spaces shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time.

3.5.2.4 Where practicable, parking spaces shall be delineated.

3.5.3 Waivers

3.5.3.1 On-site / off-street parking, loading, and delivery requirements may be increased, reduced, or waived by the Zoning Board of Adjustment under Site Plan Review based on a determination that, due to the unique circumstances of the development, a strict application of these standards is unnecessary.

(8) 4.5 Home-Based Occupation and Home-Based Business

4.51 Definitions and General Standards

a) "Home-Based Business" means a professional, commercial, or light industrial activity that takes place on a residential property and is for gain by the resident(s).

b) "Home-Based Occupation" consists of employment activity that is carried on for gain by the resident and is clearly subordinate to the use of the property.

c) All new buildings shall be of a design and size and shall be constructed of materials that are consistent with the character of the neighborhood and that do not present an undue adverse impact.

d) A conditional use permit requires review and approval by the Zoning Board of Adjustment.

4.5.2 Home-Based Occupation

4.5.2.1 A home-based occupation that meets all these standards shall be considered an allowed use in all districts where a residential structure is a permitted or conditional use.

a) Employs only those who reside at the residence.

b) Placed entirely within the existing residence.

c) Generates a maximum of 20 average daily vehicle trips (defined as double the traffic generated by a private residence).

d) Does not have displays, storage, lights, heavy commercial vehicles, or any other exterior evidence of a home occupation that is detectable beyond the property line.

e) Does not generate noise, vibration, odor, glare, or other nuisances that are detectable beyond

the property line.

f) The home-based occupation may display one non-illuminated, non-reflective building mounted or free standing sign; a maximum of three square feet in size. (See Sign Standards in Section 3.8.)

g) Parking may include a 1-2 vehicle enlargement of an existing driveway. Separate on-site parking can be provided if fully screened from the public right-of-way or abutting properties.

h) No zoning permit is required for a home-based occupation.

4.5.3 Home-Based Business-Level 1

4.5.3.1 A home-based business that meets all these standards shall be considered an allowed use in all districts where a private residence is a permitted or conditional use. The Level 1 home-based business shall meet all the criteria below:

a) Conducted by the individual(s) who reside at the private residence.

b) Employs a maximum of 4 additional employees.

c) Occupies a maximum building area of 1,500 square feet. The area allocated to the home-based business may be in the existing residential structure or in a new outbuilding.

d) Generates a maximum of 40 daily vehicle trips (defined as four times the number of average daily vehicle trips for a private residence).

e) Does not create permanent exterior displays of products, storage of materials, or other evidence of commercial activity that is detectable beyond the property line.

f) Does not generate noise, vibration, odor, glare, or other nuisances that are in excess of typical private residences and which are easily detectable beyond the property line.

g) Provides year-round screening of business on-site parking from the public right-of-way and abutting properties.

h) May display one non-illuminated, non-reflective sign, a maximum of nine square feet in size. (See Sign Standards in Section 3.8.)

i) The home-based business zoning application shall clearly define type of business, number of employees, square footage allocated to the business, and traffic generation. The application shall clearly define and locate on the accompanying site plan the landscaping and/or fencing that will be used to effectively screen the business from the public right of way and abutting properties.

j) Any change to the original application shall require permit review.

4.5.4 Home-Based Business-Level 2

4.5.4.1 A home-based business is a conditional use in all districts where a private residence is a permitted or conditional use. The Level 2 home-based business must meet all the criteria below and establishes a mixture of residential and commercial activity on the property. A conditional use permit requires review and approval by the Zoning Board of Adjustment.

a) Conducted by the individual(s) who reside at the private residence.

b) Employs a maximum of 6 additional employees.

c) Occupies a maximum building area of 4,000 square feet. The area allocated to the home-based business may be in the existing residential structure or in a new or existing outbuilding. A home-based business may not necessarily be incidental or subordinate to the existing residential use.

d) Generates a maximum of 60 daily vehicle trips (defined as six times the number of average daily vehicle trips for a private residence).

e) The applicable Sign Standards in Section 3.8 shall apply.

f) The Level 2 home-based business conditional use application shall clearly describe the type of business, business hours (to include times/days that have retail-related activities), number of employees, square footage allocated to the business, traffic generation, exterior displays of products, areas for storage of materials, limitation for noise, light, or other business-related impacts which are detectable from the public right-of-way or abutting properties, etc.

g) Provides effective, year-round screening of business-related on-site parking that is visible from the public right-of-way and at abutting properties.

h) A change to the original application shall require conditional use review.

Riparian Buffers bylaw

6.10.1 Riparian Buffers

Any use or structure requiring a zoning permit must be setback a minimum of twenty five (25) feet from the boundaries of the below specified buffer zones. (EXAMPLE: *An accessory garage to a residential use must be 50 feet total from the regular high water mark of a river or stream per Section 6.10.1(1)(a): 25 foot riparian buffer + 25 foot setback from the edge of the riparian buffer*)

(1) **Rivers and Streams.** Any river or stream ~~with a channel width greater than four (4) feet at the regular high water mark~~ mapped on the Vermont Agency of Natural Resources Natural Resources Atlas is subject to the following buffer requirements:

(a) **Residential uses.** A buffer of twenty five (25) feet from the regular high water mark of the river or stream must be maintained.

(b) **All other uses.** A buffer of fifty (50) feet from the regular high water mark of the river or stream must be maintained.

(2) **Wetlands.** Minimum buffers to wetland boundaries are as set forth under Vermont State law.

(3) **Vernal pools.** A buffer of one hundred fifty (150) feet from the boundary of any vernal pool mapped on the Agency of Natural Resources Atlas must be maintained, whether confirmed or unconfirmed. If unconfirmed, adequate proof must be obtained that no vernal pool exists to obtain exemption from the buffer requirement.

(4) **Steep slopes exception.** Wherever the average grade within the normally required buffer area exceeds fifteen percent (15%), the required buffer width is doubled on that side of the waterway, stream or wetland.

(5) **Maintenance standards.** Riparian buffer zones are to be left in an undisturbed and unmowed vegetated condition, except for the following:

(a) Removal of vegetation not to exceed 5% of the buffer area.

(b) Replacement of underbrush with native vegetation more appropriate to a riparian zone.

(c) Trimming of trees, provided that the overall canopy is maintained.

(d) Removal or control of noxious weeds as identified by the Vermont Agency of Natural Resources.

(e) Stream crossings must be approved by the State of Vermont River Management Program where required by the State of Vermont.

(f) Removal of hazard trees, if the Town tree warden determines that a tree is a danger to public safety and welfare because of defect, decay or lack of support; or a tree constitutes a threat to other trees because it harbors or breeds noxious insects, disease or pests. Stumps must be left in place unless doing so would pose a continuing risk to public safety or other trees.

For the purposes of these Bylaws, meanings for the following words and phrases shall be as defined below. All other words shall retain their dictionary meaning (Webster's Ninth New Collegiate Dictionary) unless such meanings run counter to the purposes and objectives of Weathersfield's Bylaws or Town Plan. The definitions of terms defined in 24 V.S.A. § 4303, and not otherwise defined herein are made a part of these Bylaws.

A Zone: That portion of the SFHA subject to a one percent chance of being equaled or exceeded in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. Base Flood Elevations are not determined. This is often called unnumbered A Zone or approximate A Zone.

Accessory Structure: A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building. If there is a question whether the use is customary, determination shall be made by the Zoning Board of Adjustment.

Affordable Housing: Affordable housing means either of the following:

1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such as area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

Agriculture Use: Land which is used for raising livestock, agricultural or forest products (includes farm structures and the storage of agricultural equipment); and, as an accessory use, the sale of agricultural products raised on the property.

Airport Uses: Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, and other uses designed to serve aviation passengers and industry.

Appropriate Municipal Panel: A planning commission, a board of adjustment or a legislative body performing development review

Area of Special Flood Hazard: This term is synonymous in meaning with the phrase "Special Flood Hazard Area" for the purposes of these bylaws.

Athletic courts: Private, residential tennis court, basketball court or similar activities.

Average Grade: The average of the distance from the top of foundation to the ground measured at all foundation corners of a building or structure.

Background Noise: Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

Bankfull Width (or Channel Width): The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the "100-year flood").

Base Flood Elevation: The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of the building having its floor elevation subgrade (below ground level) on all sides.

Bed-and-Breakfast: A single family dwelling that provides sleeping accommodations for paying guests and tourists. May or may not provide meals in a central dining room. A bed-and-breakfast is limited to three bedrooms for paying guests.

Boarding House (tourist home): See Inn/small hotel.

Buffer: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Building: A structure having a roof supported by columns and/or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences, and including a gas or liquid storage tank that is principally above ground.

~~**Building or Structure Height**: The distance from the average grade to the highest point on a building or structure.~~

Building Height: The distance from the lowest floor with exterior access or the lowest visible foundation point (whichever is lower) to the highest point of the roof.

Structure Height: The distance from the average grade at the base of the structure to the highest point of the structure. Notwithstanding any other provision regarding setbacks in these bylaws, the setback distance of any structure which is not considered a building (see definition) from an adjacent road or parcel must be greater than or equal to the structure height.

Cemetery: Property used for the interment of the dead.

Channel: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Common Plan of Development: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Community Non-profit: Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the Zoning Board of Adjustment.

Coverage: That percentage of the lot area that is covered by buildings.

Critical Facilities (NOT USED): Include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station

Bylaw update status as at 7/31/2019 - Omitting done items

Bylaw Section	Not done	Maybe done	Done	Unchanged?	
2.5 Table of Districts and Uses					
2.5.3 Hamlet (H)					
2.5.4 Rural Residential (RR-1)					
2.5.5 Rural Residential Reserve (RRR 3-5)					
2.5.6 Conservation (C-10)					
2.5.7 Highway Commercial (HC)					
2.5.8 Industrial (I)					
3.2 Conservation of Natural Resources					
3.2.1 Agricultural Zoning					Final version to be considered August 12
3.2.5 Pond Construction					
3.2.8 Streambank Conservation					
3.3 Damaged Structures					
3.4 Nonconformities					
3.4.2 Nonconforming Structures					
3.4.3 Nonconforming Uses					
3.7 Performance Standards					
3.7.2(b) Vibration					
3.7.2(c) Smoke, dust, odors, noxious gases					
3.7.2(d) Heat, cold, moisture, mist, fog, precip.					
3.7.2(e) Electromagnetic disturbances/signals					
3.7.2(f) Glare, light or reflection					
3.7.2(g) Liquid or solid wastes or refuse					
3.7.2(h) Fire, safety, explosive or other hazard					
TABLE: Permitted Noise Levels	To be eliminated per new "unreasonable noise" bylaw?				
4.2 Day Care Facilities					
4.2.1 Child Day Care					
4.2.2 Adult Day Care					
4.3 Extraction of Earth Resources					
4.10 Public Utility Substations					
4.12 Seasonal Road Stands					No definition; State just introduced "Accessory on farm business" in July 201
4.14 Storage of Flammable Liquids and Gases					
4.17 Travel Trailer Camping Areas					
4.18 Travel Trailers/Camping Vehicles					
5.2 Permitted Use Review					
5.3 Site Plan Review					
5.3.1 Compatibility with surrounding development					
5.3.2 Traffic access and circulation					
5.3.3 Protection of natural resources					1992 Biological Natural Areas
5.3.4 Storm water management and drainage					
5.3.5 Landscaping and screening					
5.4 Conditional Use Review					
5.5 Combined Review					
5.6 Planned Unit Development					
5.6.1 Purpose					
5.6.2 Applicability					
5.6.3 PUD Review Procedures					
5.6.4 General Standards					
5.6.5 Standards for Residential PUDs					
5.6.6 Modification of Zoning Regulations					
5.6.7 Decisions					

5.6.8 Legal Requirements					
6.2 Permit Requirements					May want to add "Cert. of conformance" language here
6.2.1 Applicability					
6.2.2 Exemptions					
6.2.3 Limitations					
6.6 Certificate of Conformance					
6.7 Certificate of Occupancy					
Article 7: Definitions					
Abandoned Structure					
Agriculture Use					Maybe just reference statute here
Airport Uses					
Average Grade					
Bed and Breakfast					
Boarding House					Should probably delete
Buffer					
Building					
Common Plan of Development					
Community Non-profit					Replaces "Semi-public"
Contractor's Storage Yard					
Critical Facilities					defined, not referenced elsewhere in bylaws
Emitter					
Excessive Noise					Does this need updating to reflect new "unreasonable noise" bylaw?
Existing manufactured home park or subdivision					
Family					Probably should be deleted
Family Child Care Home					
Family Child Care Facility					
Farming					Probably should be deleted
Farming structure					Probably should be deleted
Frontage					
Functionally dependent use					Only defined, not used elsewhere
Guest House					Only defined, not used elsewhere
Highway-Commercial					
Home-Based Business					Redundant definition - already defined in section 4.5.2
Home-Based Occupation					Redundant definition - already defined in section 4.5.2
Indoor Recreational Facility					
Industry					Not referenced anywhere in bylaws
Insignificant Activities and/or Repairs					Anything else to add to this? Flood related
Junkyard					Update to match state definition of salvage yard?
Light Industry					Defined, not used elsewhere in bylaws
Lumber Yard					
Manufactured Home (or Mobile Home)					"Designed for use with or without permanent chassis"
Manufactured Home Park or Subdivision					
Medical Facility					
Minor Structure					
Mobile Home					
Mobile Home Park					
Modular (or Prefabricated) Housing					
Motel					
Multi-family Dwelling					
New Manufactured Home Park or Subdivision					flood related
Nightclub or Bar					
Non-highway Commercial					
Non-Residential					
Outdoor Recreation Facility					
Planned Residential Development					
Planned Unit Development					
Recreational Vehicle					
Regular High Water Mark					
Residential Care Home					Refers to people "unrelated" to home operator -- should this be changed?
Residential, Two-Family					"A legitimate home occupation is optional"
School					
Small Office					Only reference: As permitted use in Industrial district
Structure					
Subdivision					
Substantial damage					
Substantial improvement					
Telecommunications Facility					
Top of Bank					
Travel Trailer					flood related?

Subdiv: Why is legislative body defined