



# 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 March 2019 - 7 PM

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1. Call to Order
2. Agenda Review – 25 March 2019
3. Guest speaker, Annette Smith, *Vermonters for a Clean Environment* (VCE)  
Discussion on solar development in Vermont, the Public Utility Commission, Enhanced Energy Plans, the application process involved with solar and renewable energy development and other related topics. See town website for flyer.  
Meeting materials included in packet also available at Town website
4. Approval of Meeting Minutes – 11 March 2019
5. Comments from Citizens
6. Ethics and Conflict of Interest Policy  
Review policies (provided via e-mail, physical copies available upon request) and sign acknowledgement (included in packet)
7. Zoning Bylaw Updates (time permitting)
  - (a) Minimum lot size bylaw
  - (b) Conservation of Natural Resources bylaw
    - Agricultural zoning
    - Places having unique ecological interest or value
    - Connecticut River
    - Pond construction
    - Steep slopes and high elevation
    - Streambank conservation
    - Wetlands
    - Damaged structures
8. Proposals for next meeting agenda
9. Adjourn

The next regularly-scheduled meeting of the Planning Commission will be **Monday, 8 April 2019 - 7 PM**, Martin Memorial Hall

## **Weathersfield Planning Commission**

Guest Speaker: Annette Smith, Vermonters for a Clean Environment

Monday, March 25, 7:00 PM, Martin Memorial Hall

The Weathersfield Planning Commission is pleased to host Annette Smith, Executive Director of Vermonters for a Clean Environment, a member of the Danby planning commission and the Rutland Regional Planning Commission, for a discussion relating to solar development in Vermont, Enhanced Energy Plans, and the role of the Public Utility Commission. Annette is Vice Chair of the Regional Committee tasked with review of Act 250 and Section 248 applications, and has assisted citizens and towns with matters before the Public Utility Commission since 2009.

Among the questions which may be considered are:

- Do you think there is a useful outcome or benefit to adopting an Enhanced Energy Plan, in particular with regard to helping towns manage the expansion of solar developments? Is there a downside to doing nothing?
- What have been the main concerns from residents and towns regarding some of these projects?
- Is there some pathway to coming up with a multi-town or regional consensus in addressing problems with the current approach taken by the PUC? Do you have any ideas as to how a common position could be developed across a set of towns or region in advocating for the State to change the process?
- Have you encountered or identified any towns which have been particularly effective in managing applications for solar or wind projects before the PUC?

While the discussion will be framed by reference to the particular impacts on Weathersfield, developments within the jurisdiction of the Public Utility Commission impact every community in Vermont, and the topics should be of interest to Planning Commissions, Zoning Administrators, Development Review Board members and others involved with economic development generally.

All who are interested are invited to join the Weathersfield Planning Commission on ***Monday, March 25 at 7:00 PM at the Weathersfield Town Offices, Martin Memorial Hall, 5259 Route 5, Ascutney, VT 05030*** to participate in the discussion.





## GMP Solar Map 2.0

### DG Circuit Capacity Per Substation Nameplate Rating

- Unrated
- Substation transformer with at least 20% capacity remaining
- Substation transformer with less than 20% capacity remaining
- Substation transformer with less than 10% capacity remaining
- Due to system limitations, interconnections on this circuit may experience higher costs and delayed interconnections



30mi

69.684 44.796 Degrees

Esri, HERE, Garmin, NG

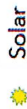


## GMP Solar Map 2.0

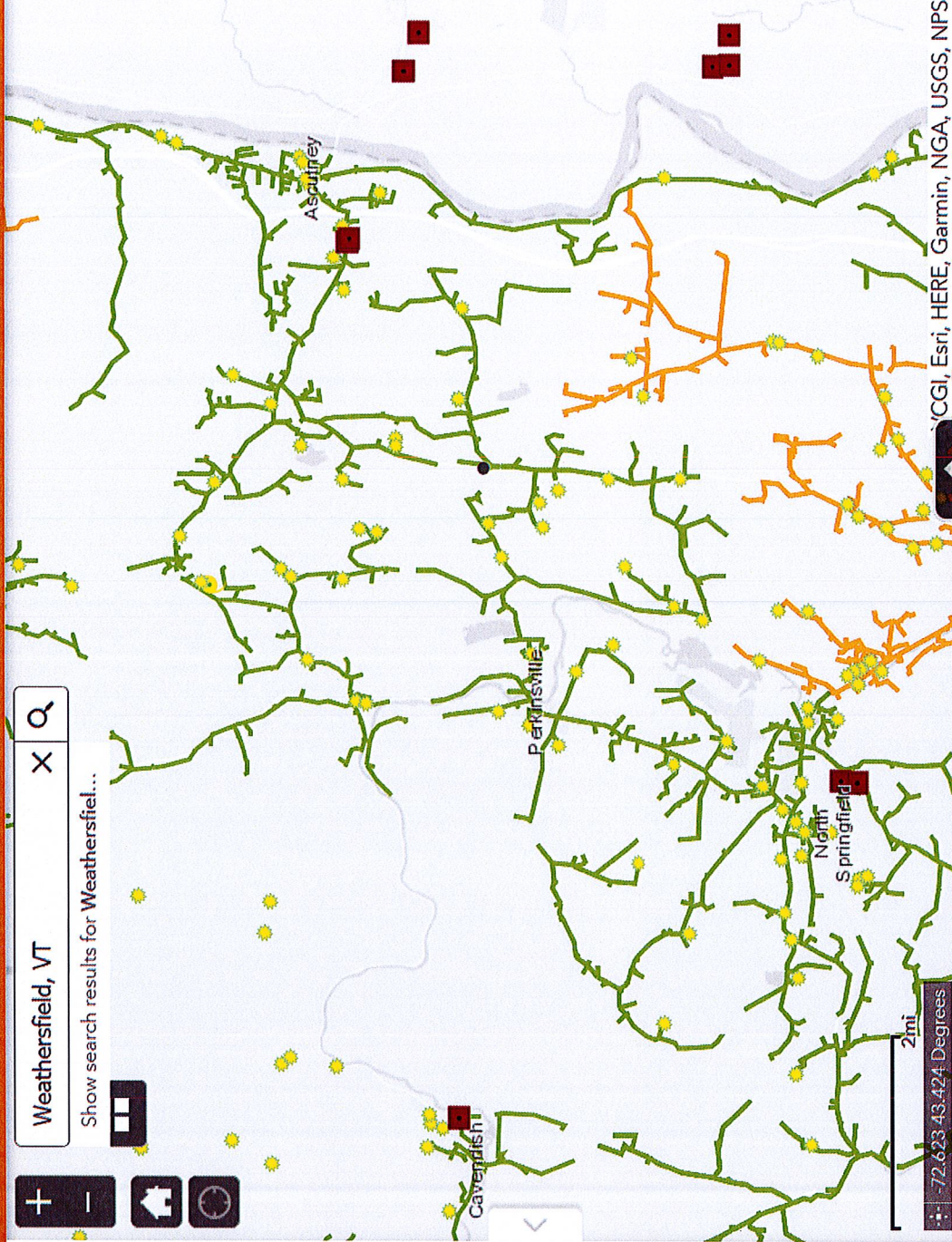
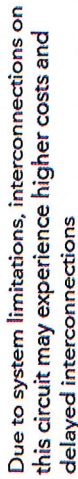
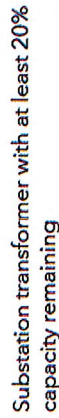
### Substations



### Distributed Generation - Active



### DG Circuit Capacity Per Substation Nameplate Rating





# Solar Screening Ordinance & Site Plan Review Bylaw Update

## TOWN OF WEATHERSFIELD, VERMONT

### ARTICLE XXXX. SOLAR FACILITIES

**(A) Purpose.** In accordance with 24 V.S.A. § 2291, this Civil Ordinance sets forth requirements for ground mounted solar electric generation facilities in excess of 15kW(AC) (solar facilities) located in the Town of Weathersfield. This Ordinance is intended to further the goal of preserving the scenic quality of Weathersfield consistent with the goals and policies of the Weathersfield Town Plan. This Ordinance is further intended to ensure that solar facilities do not degrade the natural visual appeal of hillsides, ridgelines, or open fields, and do not encroach visually or otherwise aesthetically upon a natural or historic area or gateway or upon a stream, wetland, or other water resource. **This Ordinance is intended to be no more restrictive of ground mounted solar electricity generation plants than the screening requirements governing new commercial development in Weathersfield.**

#### **(B) Screening Requirements.**

1. All solar facilities shall be screened in accordance with the screening requirements set forth in this Ordinance. The screening requirements: a) are consistent with the screening requirements applied to commercial development in all zoning districts as set forth in the Town of Weathersfield Land Use and Development Regulations, **particularly in consideration of the non-retail nature of a solar array use which does not rely on traffic to conduct its business nor regular deliveries;** and b) articulate reasonable aesthetic mitigation measures to harmonize a solar facility with its surroundings.
2. All solar facilities shall be sited and screened so that visual impacts of such facilities, including but not limited to, solar panels, transformers, utility poles, fencing, etc., are mitigated as viewed from public streets and thoroughfares, scenic viewpoints, and/or adjacent properties. The Town of Weathersfield Select Board shall determine screening requirements and associated site issues for each solar facility based upon the standards in this Ordinance. The Select Board may request recommendations from the Town of Weathersfield Planning Commission, or by other boards or advisory groups appointed by the Select Board.
3. Screening shall provide a year round visual screen, and shall occur on property owned or controlled by the owner and/or operator of the solar facility. **Existing screening on adjacent properties is not sufficient to fulfil any of the screening requirements herein, nor does the visibility of an existing industrial or commercial use within the viewshed of the solar facility act to reduce the requirements set forth under this Ordinance.** A diversity of materials shall be used to create a diverse, naturalized screen rather than a large expanse of uninterrupted, uniform material. Materials may include: trees and



shrubs indigenous to Vermont, and berms, or a combination thereof, to achieve the objective of screening the site. (APPENDIX: Reference a list of appropriate tree/vegetation species per discussions at January 28 Planning Commission meeting)

4. All screening shall be maintained to optimize screening at all times by the owner, lessor, lessee and/or operator of the solar facility until the solar facility is decommissioned and removed. Plantings that die or become diseased shall be replaced within six months of dying or becoming diseased.

### **(C) Siting of Solar Projects.**

**Per discussions during January 28 Planning Commission meeting: restrict all net metered systems 150kW to 500kW in size to preferred sites?**

Good solar project sites generally have several of the following characteristics:

- (i) Roof-mounted systems;
- (ii) ~~Systems located in close proximity to, or screened by, existing large-scale commercial, industrial or agricultural buildings;~~
- (iii) Proximity to existing hedgerows, evergreen vegetation, berms, hills, or other topographical features that naturally screen some aspects of the proposed array;
- (iv) Reuse of former brownfields or otherwise impacted property, which otherwise complies with the set-back requirements of the bylaws.

Poor solar project sites generally have several of the following characteristics:

- (i) No natural screening;
- (ii) Topography that causes the arrays to be visible against the skyline, or from hiking trails or scenic routes, public, historic or scenic places, and common vantage points like roads or neighborhoods;
- (iii) A location that requires clear-cutting or fragmentation of the working landscape, including forestland, open farm land, and prime or statewide significant agricultural soils.
- (iv) Rare, threatened or endangered species habitat, or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors.
- (v) In order to avoid clustering of solar projects, locations within 20002640 feet of any other ground-mounted solar project.
- (vi) A location in proximity to and interfering with a significant viewshed. Significant viewsheds within the Town of Weathersfield include the Town's scenic by-ways, historic districts, and other specific scenic resources identified in the Town Plan.



**(D) Performance Bonds for Decommissioning.** The Town of Weathersfield strongly recommends the Public Utility Commission impose a performance bond securing the cost of decommissioning any approved solar project in any instance in which it has the statutory authority to do so.

**(E) Recommendations to the Public Service Board.** Pursuant to 24 V.S.A. § 2291, the Town of Weathersfield may make recommendations to the Public Service Board applying the requirements of this Ordinance to a proposed solar facility. The Select Board is designated to make such recommendations.

**(F) Condition of Certificate of Public Good.** Pursuant to 24 V.S.A. § 2291, the requirements of this Ordinance and the recommendations of the Town of Weathersfield shall be a condition of a Certificate of Public Good issued under 30 V.S.A. § 248 for a solar facility in Weathersfield.

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Weathersfield this \_\_\_\_\_ day of \_\_\_\_\_, 2019 and shall, unless a petition is filed as provided by law, become effective upon the expiration of 60 days after said date.

Select Board  
Town of Weathersfield, Vermont

### 5.3 Site Plan Review

In accordance with 24 V.S.A. § 4416, for any use other than a one- or two- family dwelling, and where indicated in the bylaws, the approval of site plans by the Zoning Board of Adjustment is required prior to the issuance of a zoning permit. In reviewing site plans, the Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to impact on character of the area, adequacy of traffic access, circulation and parking; landscaping and screening; compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the Town Plan and the zoning bylaws of the affected district(s).

#### 5.3.5 Landscaping and screening

(1) Landscaping shall enhance the features and conditions unique to each site and shall include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers.



Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening and without compromising vehicular and pedestrian safety by blocking visibility and site lines.

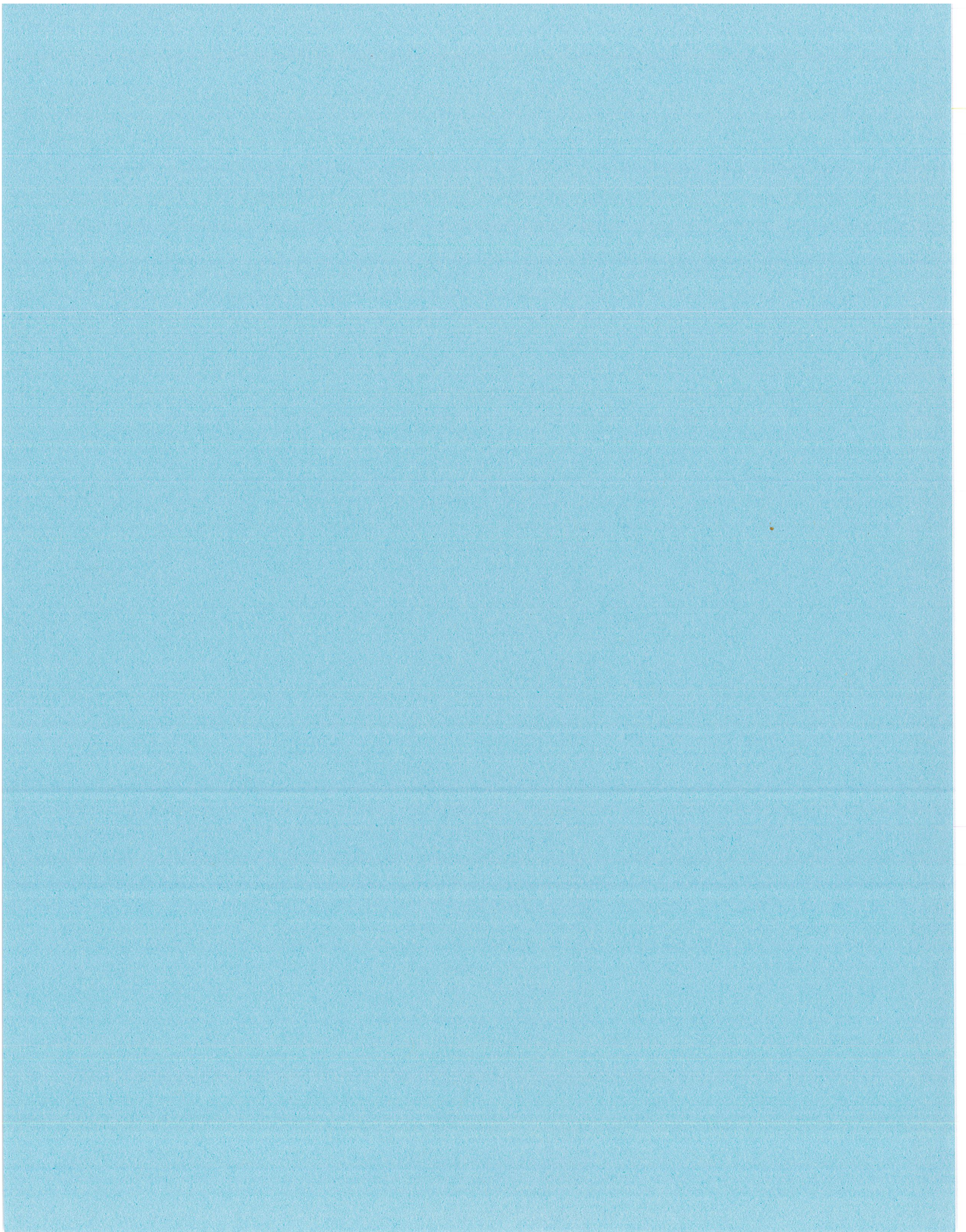
Landscaping plans shall emphasize the following:

- a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
  - b) The use of both deciduous and coniferous shade trees **indigenous to Vermont** (APPENDIX: Reference a list of appropriate tree/vegetation species per discussions at January 28 Planning Commission meeting) in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g. wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).
  - c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such planting practical. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be **species indigenous to Vermont** (APPENDIX: Reference a list of appropriate tree/vegetation species per discussions at January 28 Planning Commission meeting) and deciduous species tolerant of road- salt, soil compaction and drought.
- (2) A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance as authorized in 24 V.S.A. § 4464. The Zoning Board of Adjustment may require a professional landscape architect to prepare a plan ~~on a case-by-case basis.~~
- (3) All screening shall be maintained to optimize screening at all times. Plantings that die or become diseased shall be replaced within six months of dying or becoming diseased. Plantings for screening purposes must be of sufficient height, density and maturity to achieve the screening standard within five (5) years of planting.
- (4) In determining the extent of screening required for a proposed commercial or industrial use, the following factors are among those to be considered by the Zoning Board of Adjustment:
- (a) The need for retail businesses and other businesses requiring traffic to have some visibility in order to succeed;
  - (b) The need for some visibility of the use or facility based on frequency of deliveries or other business related traffic;
  - (c) The proximity of scenic viewpoints, historic buildings and other valuable resources; and
  - (d) Whether existing residential uses within the vicinity of or within the viewshed of the proposed use would be impacted.
- (5) The following factors shall **not** be considered to reduce the need for screening required for a proposed commercial or industrial use:



- (a) Whether existing uses in the vicinity of or within the viewshed of the proposed use detract from the overall aesthetic value of the area;
- (b) The current level of screening of other properties or uses within the vicinity of the proposed use; or
- (c) Whether the area within the vicinity of the proposed use is mainly industrial or commercial.







## List of commitments / undertakings contained in draft Enhanced Energy Plan

- **Encourage** the town and school libraries to expand and regularly update their collections of energy publications.
- **Require** that all residential Act 250 projects follow the residential stretch energy code.
- **Require** that all commercial Act 250 projects follow commercial stretch energy guidelines.

(**Stretch Code:** A building energy code that achieves greater energy savings than the base Residential Building Energy Standards (RBES). The Stretch Code is required for Act 250 projects and may be adopted by municipalities.)

**Consider** providing incentives (e.g. density bonuses) to developments that exceed the state's stretch energy code, or net-zero ready or net-zero demonstrated requirements, and that are located in an area identified as appropriate for growth.

**Promote** building placement and location with [passive solar](#) and active solar in mind, and promote the use of [landscaping for energy efficiency](#).

**Maximize** energy efficiency in existing municipal buildings and operations, including weatherizing, researching renewable energy systems for the municipality, and conducting energy audits of and developing long- term efficiency plans for municipal buildings.

Identify municipal buildings that would be good candidates for cold climate heat pumps, and **develop a plan** and schedule to add the heat pumps to those buildings.

The Renewable Energy Standard requires utilities to help reduce customer fossil fuel use through "energy transformation projects" such as weatherization, and incentives for heat pumps and electric vehicles. Municipalities **should coordinate** with their utilities to deliver these services in the most effective manner.

**Encourage, promote, and incentivize** advanced wood heating in certain situations by:

- 1) Supporting the conversion of existing fossil fuel heating systems to wood;
- 2) Encouraging local manufacturing of advanced wood heat technology;
- 3) Supporting development of wood fuel delivery infrastructure;
- 4) Supporting development of sustainable forestry and procurement services;
- 5) Expanding wood fuel processing facilities, encouraging bulk wood pellet delivery systems; and,
- 6) **Providing training** and education on the benefits of heating with efficient, clean wood energy systems that have low-particulate emissions.



Identify municipal buildings that would be good candidates for wood pellet or chip heating and **develop a plan** and schedule to convert those buildings to wood heat.

**Develop an inventory and conduct energy audits** on municipal facilities, and **develop a strategic plan** to make energy efficiency and conservation upgrades

**Incorporate** weatherization/energy efficiency projects into the municipal Capital Budget.

**Implement** weatherization/energy efficiency projects in municipal buildings.

**Implement** [low-impact development](#), [green stormwater infrastructure](#) practices, and/or strategic landscaping to shade buildings and reduce temperatures, thereby increasing overall efficiency.

**Develop policies** so that if investing in new municipal buildings, municipalities **strongly consider** locations that will give people the option to get to those buildings without driving – for example, by putting a new town hall near the post office or school or other village/downtown location instead of distant from the town center.

**Replace** older municipal fossil-fired heating systems with high-efficiency, cold-climate heat pumps, geothermal heat, or advanced wood heating systems (including wood-fired district heat), or **considering switching** over to biofuels.

**Institute a pay-back plan** with town officials so that 2 years of the money saved as a result of the implementation of each project developed in (b) above is reserved for future energy efficiency projects recommended by the energy committee for approval by the select board.

**Improve awareness** of existing public transit services and taxi service to residents and visitors.

**Plan and advocate** for access to public transit, especially for Act 250 proceedings for larger developments.

#### ***7B: Promote a Shift Away from Single-Occupancy Vehicle Trips***

Public transit can meet the needs of some mobility needs, but additional efforts will be needed in order to reach the energy goals for reducing transportation energy use. Weathersfield will work to encourage the following actions to encourage a reduction in single-occupant vehicle trips:

- a) **Encourage** people to re-think their trip before leaving home.
- b) **Promote** the Go Vermont webpage, which provides rideshare, vanpool, public transit and park-and-ride options.
- c) **Support employer programs** to encourage telecommuting, carpooling, vanpooling, walking and bicycling for employees' commute trips. **Encourage employers** to offer such programs and provide information on tax benefits that may be available for doing so.
- d) **Promote consumer awareness** of the benefits of, and access to, electric vehicles and alternative-fuel vehicles.
- e) **Promote** and **seek grants to fund** the installation of DC fast-charging infrastructure at strategic locations along major travel corridors and in transit hubs such as park-and-ride locations. –  
“Encourage electric car charger stations”

- f) **Plan, advocate for**, and consider **requiring** the installation of Electric Vehicle charging infrastructure as part of new development or redevelopment, especially for developments subject to Act 250.
- g) **Encourage** the establishment of a local biofuel supplier.

*7E: Demonstrate the Municipality's Leadership by Example with Respect to the Efficiency of Municipal Transportation*

In order to meet the State energy goals, municipalities should lead by example and demonstrate to individuals and organizations the benefits of energy efficiency in transportation. Springfield wishes to do so through the following ways:

- a) **Establish policies** that allow selected employees to telecommute.
- b) **Install electric vehicle charging** infrastructure on municipal properties.
- c) **Purchasing plug-in hybrid** or plug-in all-electric municipal and fleet vehicles when possible, and choosing the most fuel-efficient models if EVs are not practicable.
- d) **Establishing minimum fuel efficiency** standards for the purchase of new vehicles.
- e) **Consider incentives** for employees who commute using methods alternative to single occupancy vehicles, e.g. walking, biking, public-transit, and carpooling.
- f) When purchasing diesel fuel, the Town **should use the highest biodiesel blend available** without compromising the manufacturer's engine warranty. All manufacturers fully warranty their engines with the use of B5, a blend of 5% biodiesel and 95% diesel.
- g) **Support the development** of additional refueling stations for alternative fuels for both private and public transportation fleets by sharing station development costs between public and private interests.
- h) Maintaining Village Center Designation, **and improving the awareness** of property owners about the tax credit opportunities to help pay for improvements to eligible buildings within Weathersfield's Village Centers.
- i) Coordinating with Southeast Vermont Transit (The Current) and the Go Vermont program to **discuss options to promote** car-sharing and public transit services.
- j) **Plan sidewalk improvements** in the newly designated Village Centers.



## 9E: Statements of Policy to Accompany Maps

Weathersfield hereby promotes the development of renewable energy generation in order to achieve the energy goals and targets as established in this plan. The following statements of policy apply to renewable energy projects:

- a) Weathersfield supports rooftop solar projects.
- b) Weathersfield supports residential-scale wind turbines, which are generally up to 30 meters (or 98 feet) tall, measured at the hub, or center of the wind turbine blades.
- c) Renewable energy projects, including ground-mounted solar projects of 15 KW and bigger, must not be located in the following areas:
  - 1. Vernal pools with a surrounding 50 foot buffer;
  - 2. Commercial scale projects in the river corridors as most recently mapped by the Vermont Department of Environmental Conservation (DEC);
  - 3. FEMA floodways;
  - 4. State significant natural communities and rare, threatened and endangered species;
  - 5. National wilderness areas; and,
  - 6. Class 1 and Class 2 wetlands.
- d) Proposed renewable energy facilities must demonstrate that the proposed project siting is appropriate in scale as it relates to the character of the area in which it is to be located, and the applicant must also demonstrate that all reasonable options have been considered in siting the facility.
- e) All ground-mounted solar projects must meet or exceed the setback standards in 30 V.S.A. §248(s).
- f) Any new biomass facility and all ground-mounted solar projects of 150 kW or greater that are within view of public roadways (i.e. state highways, US routes, and Class 1, 2 and 3 town highways) must provide landscaping that blends the project with its surroundings. This shall consist of naturalistic plantings using a mix of native plants and avoid introducing invasive species.
- g) The applicant must replace any dead or diseased vegetation serving as part of the landscape mitigation measures throughout the life of the project or until the project ceases commercial operation.
- h) In accordance with PUC Rule 5.900, the applicant is required to provide a plan for the site to be adequately decommissioned at the time when the project ceases commercial operation. This should involve the removal of all parts of the project from the site including, but not limited to, the solar panels or wind turbines, inverters, metal framework that supports the solar panels, fencing, control invasive species, and any necessary site recovery as stipulated in the permit.
- i) Proposed renewable energy facilities must not have undue adverse impacts on significant wetlands, significant wildlife habitat, wildlife travel corridors, stormwater, water quality, flood

### **Undue Adverse Effect (Impact):**

An adverse impact that meets any one of the following criteria:

- (1) Violates a clear, written community standard intended to preserve the aesthetics or scenic, natural beauty of the area;
- (2) Offends the sensibilities of the average person (i.e. it is offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area); or,
- (3) Fails to take generally available mitigating steps that a reasonable person would take to improve the harmony of the proposed project with its surroundings.

resiliency, important recreational facilities or uses, scenic resources identified in this plan, or inventoried historic or cultural resources.

- j) Proposed renewable energy facilities must not result in substantial deforestation, cause forest fragmentation, or perpetuate invasive species.
- k) For all utility-scale wind (i.e. hub height of 70 meters/230 feet) and commercial-scale wind projects (i.e. hub height of 50 meters/164 feet hub height), the applicant must demonstrate that the proposal was evaluated and that reasonable mitigation was considered with respect to the following criteria:
  - 1. Operational noise, to be measured at the property line, will result in noise levels that are compatible with the adjacent land uses in the surrounding area, and are consistent with state standards.
  - 2. Avoid or minimize "shadow flicker" through careful project siting, planting trees or other methods.
  - 3. Avoid or minimize adverse impacts to significant wildlife habitat and wildlife travel corridors, including applicable terrestrial, aquatic and aerial species (e.g. migratory, resident and breeding bird and bat populations).
  - 4. Avoid or mitigate safety hazards in the vicinity of the project area (i.e. ice shedding or ice throw hazards, blade throw hazard, and tower fall zones).

#### **Shadow Flicker**

A flickering effect caused when rotating wind turbine blades periodically cast shadows, such as through the windows of adjacent homes. Shadow flicker is considered by some individuals as a nuisance and may cause headaches. No more than 30 hours per year is commonly used as a limit to reduce nuisance complaints.

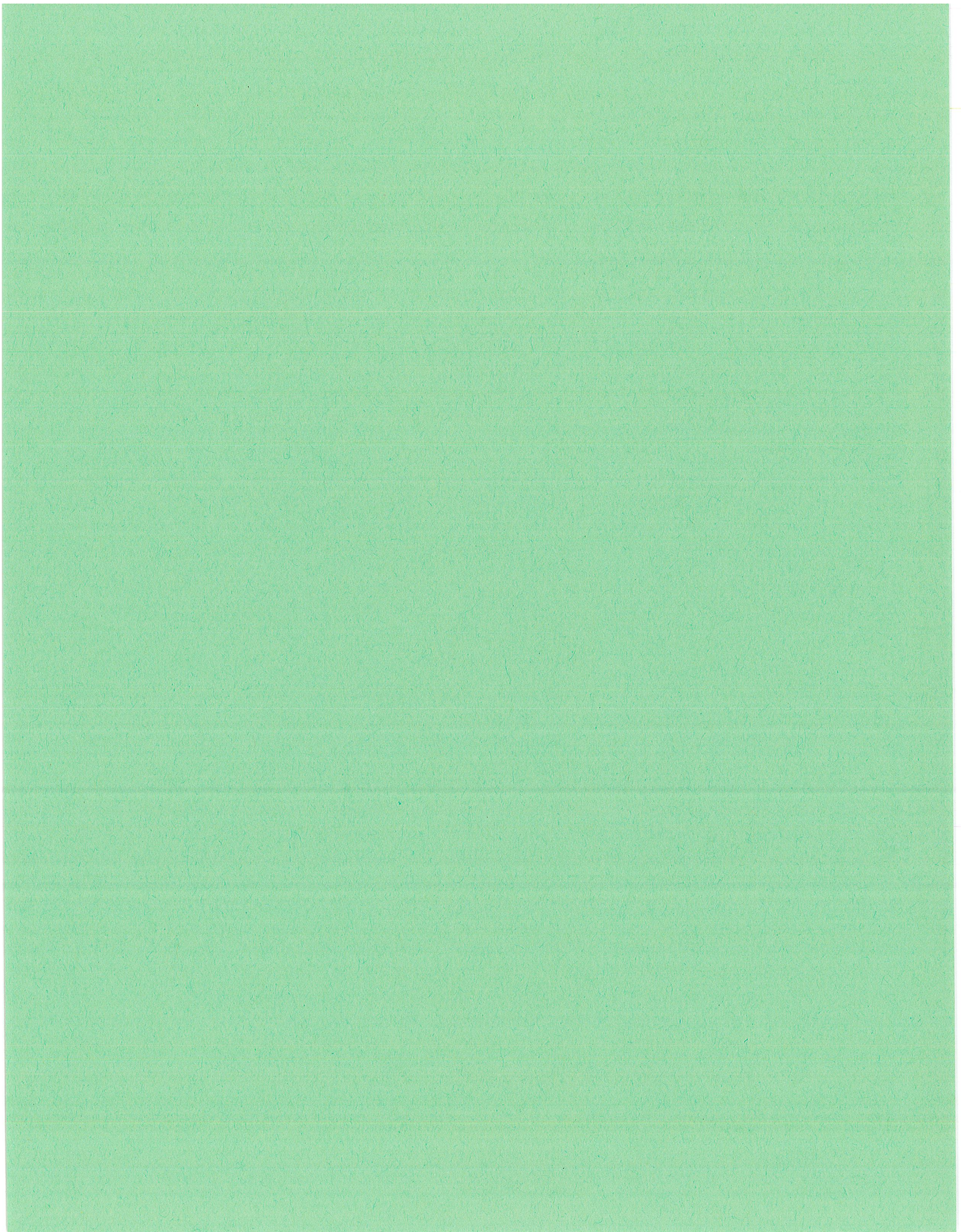
#### ***9F: Maximize the Potential for Renewable Generation on Preferred Locations***

Preferred locations include specific areas or parcels that are specifically identified to indicate preferred locations for siting a generator or a specific size of type of generator. Identifying preferred sites informs the community where renewable generation is desired. The identification of such sites can help to streamline the permitting process.

Preferred sites for Weathersfield include:

- a) Rooftops;
- b) Parking lots;
- c) Brownfield/superfund sites;
- d) Disturbed portions of extraction sites (i.e. gravel pit, quarry);
- e) Marginal farmlands that are not classified as prime agricultural soils or agricultural soils of statewide significance.







DRAFT  
TOWN OF WEATHERSFIELD, VERMONT  
MINUTES OF PLANNING COMMISSION MEETING  
Monday, 11 March , 2019

I. Call to Order - Chair, Nancy Heatley called the meeting to order at 7:05pm.  
Introductions: Howard Beach, Sven Fedorow (Land Use Administrator), Tyler Harwell, Nancy Heatley, Paul Tillman, Michael Todd, Julia Lloyd Wright (Energy Coordinator, ex-officio)  
Visitors: None

Reorganization following Town Meeting 2 March, 2019  
Paul Tillman called for Chair nominations  
Michael Todd nominated Nancy Heatley  
Sven Fedorow closed nominations, Nancy Heatley confirmed by a unanimous vote  
Michael Todd nominated Paul Tillman for Vice-Chair and Howard Beach for Clerk  
Sven Fedorow closed the nominations which were voted unanimously  
Paul Tillman nominated the reappointment of Julia Lloyd Wright as Secretary, the nomination was approved unanimously.  
Newly appointed Planning Commissioners will sign the Town ethics sheets at the next meeting

II. Agenda Review - 11 March, 2019, no changes

III. Approval of Meeting Minutes - 11 February, 2019  
A motion was made by Paul Tillman to accept the Minutes of 11 February, 2018, seconded by Michael Todd. Voted: Unanimously.  
A motion was made by Michael Todd to accept the Minutes of 25 February, 2019, seconded by Tyler Harwell. Voted: Unanimously

IV. Comments from Citizens - None

V. Solar screening/Enhanced Energy Plan

- \* Recap from last meeting

- \* Discussion of planned 25 March meeting with Annette Smith. VCE

Nancy Heatley reviewed discussions with Jason Rasmussen, Senior Planner, Southern Windsor County Regional Planning Commission (SWCRPC) on 25 February, 2019. Jason Rasmussen had reported that grant money is available to help with the Plan but this offer will expire at the end of the spring. Nancy Heatley suggested that Jason Rasmussen be asked to do a draft with concerns/questions and come back to the Planning Commission with something that is Weathersfield specific. Discussion also raised the issue of how to implement the Plan with a suggestion that Sven Fedorow contact representatives from Windsor/West Windsor to attend a meeting. The Enhanced Plan could be useful for the town. Paul Tillman said he would like to see the bare minimum. Sven Fedorow will ask Jason Rasmussen if he can come up with a draft to cover the bare minimum and include maps, showing photos of solar arrays and power lines. Annette Smith of Rutland will share her expertise with the Commission at the next meeting on March 25.



## VI. Zoning Bylaw Updates

(a) Proposed ambiguity clause: "Any ambiguity or uncertainty which may exist in interpreting these bylaws shall be construed in favor of the applicant".

Sven Fedorow asked that this wording be included in the Procedural Section of the Bylaws to make it explicit when conditions are included.

### (b) Airport Uses

There was a discussion on possible economic development at the Springfield Airport that might benefit Weathersfield. Restrictions would be limited to navigation, height and electronic interference for local homeowners. It was decided that the town needed a map and Sven Fedorow was asked to come up with an overlay of the district and contact Bob Flint, Executive Director of the Springfield Regional Development Corporation regarding any future economic plans for the area.

### (c) Village district bylaw- 2.5.1 Village (V)

Sven Fedorow revised the Draft bylaw and the Commission reviewed and reduced (D) Dimensional Standards for Minimum and Rear Setbacks to 10ft each. Maps showing prime ag. soils in the two villages will be available for the next meeting.

## VI. Agenda Items and Materials from prior Planning Commission meetings to continue on 25 March, 2019

Annette Smith from Rutland, VT will speak on the Draft Enhanced Energy Plan.

### (d) Minimum lot size bylaw

### (e) Conservation of Natural Resources bylaw

- Agricultural Zoning
- Places having unique ecological interest or value
- Connecticut River
- Pond construction
- Steep slopes and high elevation
- Streambank conservation
- Wetlands
- Damaged structures

## VII. Adjourn

A motion to adjourn at 9pm was made by Michael Todd, seconded by Howard Beach. Voted: Unanimously.





# TOWN OF WEATHERSFIELD

CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761  
NEW YORK ON APRIL 8, 1772

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

[townmanager@weathersfield.org](mailto:townmanager@weathersfield.org)

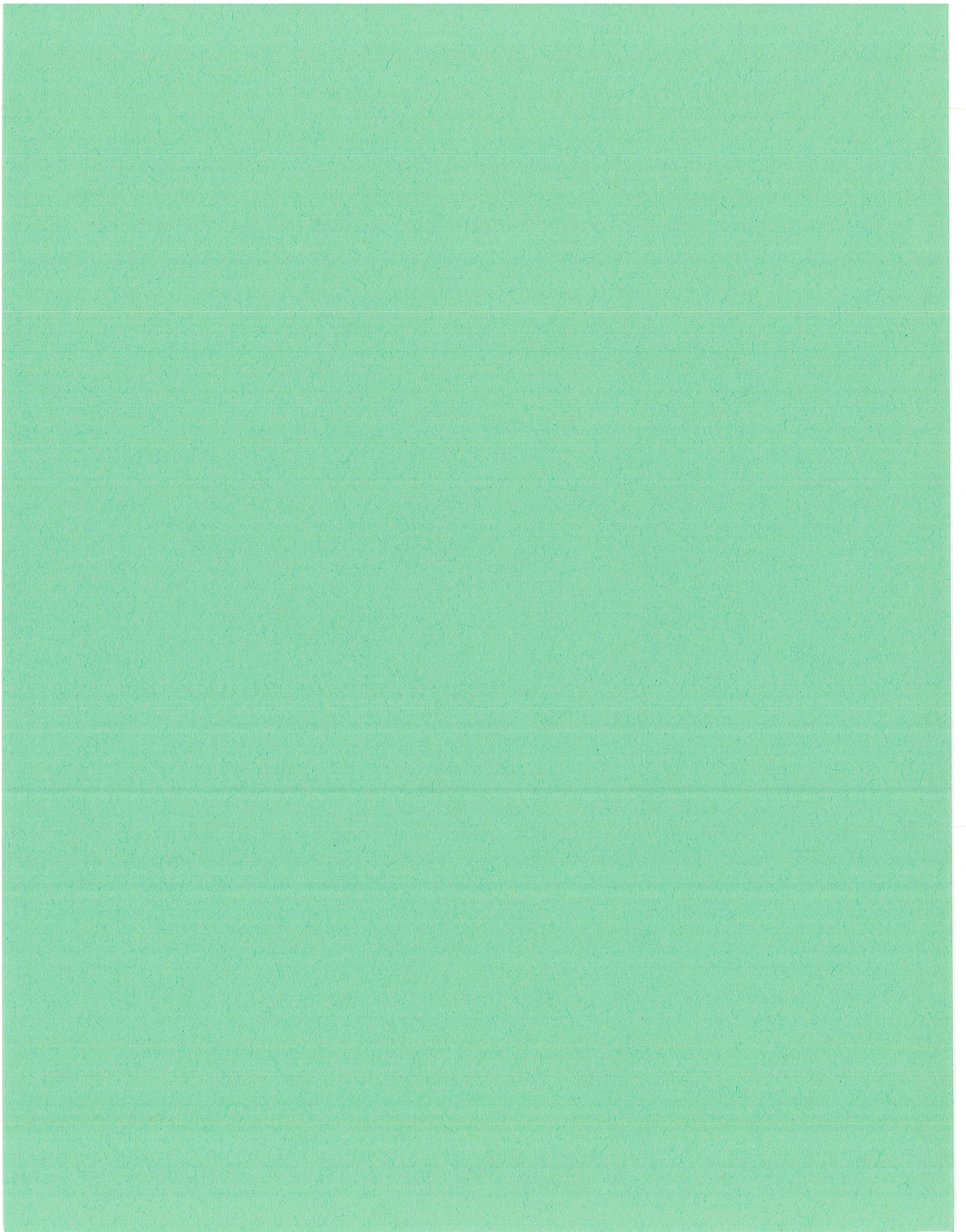
I \_\_\_\_\_ have received a copy of the following  
Town of Weathersfield's Policies on this the \_\_\_\_ day of \_\_\_\_\_,  
2019:

- Ethics Policy
- Conflict of Interest Policy
- Conduct of Meetings and Hearings Policy

I understand that as a public official (any person elected, appointed or  
employed by the Town of Weathersfield), I will be held responsible for  
following these policies.

Public official's signature: \_\_\_\_\_ Date: \_\_\_\_\_







## Original draft bylaw:

### 2.4 Expansion of Minimum Lot Size

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

## Modified bylaw:

### 2.4 Expansion of Minimum Lot Size

- c) ~~For a Conditional Use:~~ The Zoning Board of Adjustment, when considering conditional use applications, may determine that a larger lot size than normally required in a zoning district be required for resorts, bed and breakfasts, **campgrounds, mobile home parks,** hotels, and other paying guest or multi-family complexes. The minimum lot size may be increased by **up to** one acre per guest room, campsite, mobile home site or per family. **The existence of the following circumstances favors increasing the minimum lot size, with no singular factor being determinative:**

- a. Proximity of residential uses to the parcel being developed;
- b. Large average lot sizes in the imdiate area surrounding the development;
- c. Visibility of the use or structures associated with the use from neighboring parcels or any public right-of-way;
- d. Whether the proposed use will involve music, entertainment, or lighting exceeding levels found in the immediate area surrounding the development;

The existence of the following factors favors **not** increasing the minimum lot size, with no singular factor being determinative:

- a. Developments occurring in an area with existing clustered, compact development patterns;
- b. Proximity to highways and thoroughfares;
- c. Existing similar uses in the immediate area surrounding the development;
- d) ~~For a Permitted Use: When the physical characteristics of the lot and/or the nature of the proposed use are such that larger lots are advisable, all parties are encouraged to consider lot sizes larger than the minimum.~~



## 3.2 Conservation of Natural Resources

### 3.2.1 Agricultural Zoning

Contiguous prime agricultural soils of state-wide significance on any property that is greater than the three acre exemption shall not be further subdivided to achieve the exemption status. There is a process within the zoning bylaws to evaluate the status of protection of prime agricultural soils.

Prime land identified by the Natural Resources Conservation Service (NRCS) as "P – prime" or "S - statewide significant" and as described in the Farmland Classification System for Vermont Soils, published by the United States Department of Agriculture (USDA) - NRCS and available at <http://www.nrb.state.vt.us/lup/publications/importantfarmlands.pdf>, is land to be preserved.

These lands are shown on the map, "Important Farmland Soils, Weathersfield, Vermont" printed by Southern Windsor County Regional Planning Commission (SWCRPC) based on data provided by the USDA. Additional information can be obtained from the USDA Web Soil Survey at <http://websoilsurvey.nrcs.usda.gov/app/>.

Applicants or interested parties may challenge applicability of this section to a project site. Challenges may be based upon the "Farmland Classification System for Vermont Soils" and/or the "Weathersfield, VT, Farmland Conversion Impact Rating" (Appendix #3). A score of less than 160 points on the Weathersfield, VT, Farmland Conversion Impact Rating shall exempt a project site from this section.

Land uses on P- or S- designated soils other than agricultural or forestry shall require a conditional use permit from the Zoning Board of Adjustment. The Zoning Board shall condition the proposed land use so as to maximize preservation of the protected soils. In no event shall the total area of impermeable surfaces on the P- or S-designated soils - existing and proposed combined - exceed 10% of the total area of the mapped protected soils on the parcel.

A conditional use permit shall not be required when an attached addition to an existing building is proposed that will not result in greater than 10% impermeable surface on the protected soil or on lots which contain three (3) or less acres of contiguous P- or S-designated soils or for an accessory structure that is to be located within 50 feet of the primary structure and that will not result in greater than 10% impermeable surface on the protected soil.

Impermeable surface is defined for the purpose of this bylaw as any manmade surface including, but not limited to, paved and unpaved roads, parking areas, roofs, driveways, walkways, decks and pools that disturb the soil such that it is no longer useable for agricultural purposes.

### 3.2.2 Places having unique ecological interest or value

As authorized in 24 V.S.A. § 4411, places having unique ecological interest or value may be regulated in all districts. Any development or use subject to Site Plan review or Conditional Use approval must mitigate impacts to any scenic, cultural, historic, ecological, or any other important resource identified in the Town Plan or the 1992 Biological Natural Areas of Weathersfield, VT study by Elizabeth H. Thompson. Applications may be denied by the Zoning Board of Adjustment if the Board deems measures taken to mitigate impacts to be insufficient.

Applications for Site Plan Review and Conditional Use must include a statement that the "1992 Biological Natural Areas of Weathersfield, Vermont", prepared by Elizabeth H. Thompson, has been reviewed for potential disturbances or threats. This publication is available at the Town Office.



### *3.2.3 Connecticut River*

Setbacks along the Connecticut River shall be a minimum of 100 horizontal feet from the top of bank or top of slope. Flood Hazard and/or River Corridor provisions may also apply (see Section 5.7).

Construction of docks and landings are conditional upon approval of the U.S. Army Corps of Engineers and the Vermont Fish and Wildlife Department.

Any development along the Connecticut River shall be evaluated for the impact it will have on the scenic, recreational, ecological, and agricultural value of the River.

The Connecticut River Joint Commissions: Corridor Management Plan shall serve as a reference to guide the protection of resources of the Connecticut River Valley, the River.

### *3.2.5 Pond Construction*

- a) To protect the lives and property of citizens, the infrastructure of the community, and the health of the natural environment, the construction of ponds shall require a zoning permit.
- b) The purpose of regulating construction is to reduce the possibility of failure from improper design or construction, to minimize potential flood damages incurred to upstream properties by the storage of flood waters, and to minimize the damages caused by the sudden release of stored waters from a failure of the dam or intentional rapid draining of the impoundment.
- c) The creation of ponds and other impoundments less than 5,000 cubic feet is allowed as an accessory use upon application and receipt of a zoning permit.
- d) A pond measuring 5,000 cubic feet or more shall require a conditional use permit.
- e) The construction of any pond upon any permanent or seasonal stream, or using stream water as a source, is prohibited, unless approved by the Vermont Department of Environmental Conservation, in accordance with 10 V.S.A. Chapter 41.
- f) Pond discharges into a stream may be possible provided they do not violate the Vermont Water Quality Standards for temperature, dissolved oxygen, and turbidity of the permanent stream or pond receiving the discharge.
- g) Any pond involving the impoundment of water through the creation of an embankment, berm or other structure that exceeds the natural grade must provide documentation from a licensed engineer of the likely results of catastrophic failure of the impoundment. This exercise is not to evaluate the likelihood of failure but to examine worst case scenarios (terrorism, major accident, extreme negligence, etc.).
- h) All impoundments must have an emergency spillway, designed by a Vermont licensed engineer, capable of passing flows that exceed what the control structure is capable of handling. All drainage shall flow into established watercourses.

### **Conditional Use Review**

All ponds and other impoundments 5,000 cubic feet or more are subject to conditional use review. In granting approval, the Zoning Board of Adjustment must find that the proposed pond is located where failure of the embankment, berm, or other structure would not cause:

1. Loss of life;
2. Injury to persons or livestock;



3. Damage to residences, commercial or industrial buildings;
4. Damage to roads, bridges, culverts, or other infrastructures; or
5. Interruptions of the use of public utilities.

### **Conditions of Approval**

Upon issuance of conditional use approval, the Zoning Board of Adjustment shall note that the owner of the property is responsible for the safe functioning of the pond and is liable for its failure if the owner does not maintain, repair, or operate the pond in a safe and proper manner.

### **Construction Standards**

1. Excavated soil must be disposed of in an upland site so as not to wash back into water bodies and wetlands. All areas above the pond's waterline stripped of vegetation during construction must be seeded and mulched as soon as possible after construction is completed.
2. The banks of ponds should be no steeper than a 3:1 slope (i.e., three feet horizontally to one foot vertically) out to a depth of three feet.
3. Ponds and their supporting structures shall not encroach on highway rights-of-way.

### **3.2.7 Steep Slopes and High Elevation**

These lands are most often located in forested areas that serve as vital groundwater recharge and critical habitat and travel corridors for wildlife and as a consequence are better left undisturbed.

Development shall be sited in a manner that will cause a minimum of disturbances to the natural landscape and is prohibited on land 1,500 feet or above elevation and on slopes greater than 25%.

These conditions make the land highly susceptible to erosion and should be protected from any development.

### **3.2.8 Streambank Conservation**

#### **Purpose**

The purpose of this bylaw is to prevent:

- erosion of soils adjacent to streams;
- sedimentation of streams;
- destruction of stream bank habitat.

#### **Application**

This bylaw shall be applied to any stream wherever the stream channel width is greater than four (4) feet at the regular high water mark. These streams shall be referred to as "protected streams". (See definition of stream.)

#### **Method**

- A naturally vegetated buffer strip of no less than 25 feet shall be maintained on the banks of protected streams.
- The width of the buffer strip shall be measured from the top of bank or top of slope.
- New development or improvements to existing development located within the 25 foot



buffer areas shall be subject to the Flood Hazard and/or River Corridor provisions in accordance with [Section 5.7](#).

- No manipulation of the buffer vegetation, other than approved management practices or approved stream crossings, shall occur within the buffer strip.

#### Approved Management Practices

The following activities are allowed to occur within a protected stream bank buffer:

- Removal of invasive species
- Cutting hazard trees and/or limbs (stump shall remain)
- Removal of debris

#### *3.2.9 Wetlands*

A naturally vegetated buffer strip shall be maintained, of at least 50 feet in uniform width, for Class Two wetlands, and 100 feet in uniform width, for Class One wetlands.

No development, dredging, ditching or manipulation of vegetation will be permitted within the buffer strip or within the wetland unless in conformance with the Vermont Wetlands Rules.

(For conformance requirements, the applicant should contact the Vermont Department of Environmental Conservation.)

#### *3.3 Damaged Structures*

Within forty-eight (48) hours, the property owner shall post warnings and take precautionary measures upon and around the premises to insure the safety and welfare of the public.

Within six (6) months after any building or structure has burned, collapsed, or otherwise been destroyed or demolished, all structural materials shall be removed from the site and the excavation thus remaining shall be covered or filled to existing grades. An extension of time for such site work may be granted by the Zoning Administrator under extenuating circumstances (e.g. insurance delays, financing, weather, etc.).

Nothing in these zoning bylaws shall prevent the commencement of reconstruction or restoration within eighteen (18) months of a building damaged by fire, accident, or act of God, to its condition prior to such damage. Such reconstruction shall be a permitted use and no Special Procedures shall apply, excepting the reconstruction of buildings located in flood hazard areas for which a permit is required under [Section 6.20 - Floodplain and Floodways](#). An extension of time for such reconstruction may be granted by the Zoning Administrator under extenuating circumstances (e.g. insurance delays, financing, weather, etc.).