



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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Planning Commission Agenda

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

Monday, 28 January 2019 - 7 PM

1. Call to Order
2. Agenda Review – 28 January 2019
3. Approval of Meeting Minutes – 14 January 2019
4. Comments from Citizens
5. Zoning Bylaw Updates
 - (a) Solar screening ordinance & screening bylaw
 - (b) Airport Uses
 - (c) Village district bylaw
 - (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
6. Proposals for next meeting agenda
7. Adjourn

The next regularly-scheduled meeting of the Planning Commission will be

Monday, 11 February 2019 - 7 PM, Martin Memorial Hall

DRAFT
TOWN OF WEATHERSFIELD, VERMONT
MINUTES OF PLANNING COMMISSION MEETING
Monday, 14 January, 2019

I. Call to Order - Chair, Nancy Heatley called the meeting to order at 7:01pm.
Introductions: Howard Beach, Sven Fedorow (Land Use Administrator), Nancy Heatley, Paul Tillman, Michael Todd, Julia Lloyd Wright (Energy Coordinator, ex-officio) Visitor: Ed Morris, Town Manager

II. Agenda Review - 14 January, 2019

III. Approval of Meeting Minutes - 10 December, 2018
A motion was made by Michael Todd to accept Minutes of 10 December, 2018 with corrections, seconded by Howard Beach. Voted: Unanimously.

IV. Comments from Citizens - None

V. Better Connections Grant application and updates: Resolution for Better Connections Grant

Ed Morris asked the Planning Commission for their approval to sign off on the application grant for municipal planning on the east side of town. The \$60,000 grant will focus on economic development for the village of Ascutney. It will also include transportation and look at benefits that exist such as the Town Forest. Ed Morris said with airport planning being discussed, committee members could consider a connection for the town. The SWCRPC (Southern Windsor County Regional Commission) have agreed to help with the process and a report which will go to the Selectboard.

A motion was made by Michael Todd to endorse the application to authorize the Chair of the Planning Commission to sign the recommendation for the Better Connections Grant for the Town of Weathersfield and Village of Ascutney, seconded by Howard Beach. Voted: Unanimously

VI. Zoning Bylaw Updates

(a) Solar screening bylaw

An ordinance prepared for the Town of Bennington for ground mounted solar electric generation facilities in excess of 15kW(AC) was reviewed with the goal of preserving scenic quality set forth in the Town Plan. The Ordinance further stipulated that all solar facilities be screened as set forth in the Ordinance.

The Commission discussed screening for Weathersfield's rural, village, commercial, industrial and individual sites. Provision is already in the Town Plan to protect named areas of scenic significance. An interim bylaw for the Town of Cornwall was also discussed. It was agreed by the commission that wording regarding decommissioning of solar arrays be written into the bylaws. Sven Fedorow will check on standard recommendation for performance bonds and write up a draft bylaw for the next meeting.

(b) Airport Uses

A Town of Springfield, VT Airport Approach Overlay District Map showing various Cone Zones was reviewed,. Sven Fedorow will contact Jason Rasmussen (SWCRPC) to request an extended copy of the map to include the Town of Weathersfield's areas abutting the airport. There was discussion of possible industrial/commercial activities that could be encouraged to take advantage of the airport facility.

(c) Proposed final Conservation (C-10) district bylaw

A final copy of the 2.5.6 Conservation (C-10) bylaw was reviewed. Sven Fedorow will contact Jason Rasmussen (SWCRPC) to request that existing parcel boundaries be included on the map. There was discussion on how a parcel split in the village with a C-10 property could be handled. The Commission agreed to let the proposed bylaw go forward.

A motion was made by Michael Todd to accept the 2.5.6 bylaw changes, seconded by Howard Beach. Voted: Unanimously

(e) Updated bylaw status spreadsheet

Work continues on updating the current bylaws. After reviewing the list the Planning Commission agreed to move forward with the following reviews/revisions: 2.4 Expansion of Minimum Lot Size; 2.5 Table of Districts and Uses, all; 3.2 Conservation of Natural Resources, all; 3.4 Nonconformities, all. Regarding "definitions" Nancy Heatley said there may be issues or maybe non-issues but we need to check for need and print the definitions.

(d) "De minimis" bylaw for setbacks, height

Sven Fedorow raised the question of how the Zoning Board might handle an honest mistake if a calculation is flawed and is less than 10 percent. This item will be continued at the next meeting.

VII. Proposals for next meeting agenda on Monday, 28 January, 2019

Bylaw discussion: 2.4, 2.5

Draft of airport map for discussion

VIII. Adjourn

A motion to adjourn at 9:04pm was made by Howard Beach, seconded by Michael Todd. Voted: Unanimously.

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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.

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.

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 2000 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** 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** 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.

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Purpose. The purpose of the Airport Approach Overlay District (AAOD) is to provide an area of restricted use that protects the airport from injurious encroachment, and from nearby uses harmful to the operation of the airport and aircraft using it, pursuant to 24 V.S.A. § 4414(1)(C). This district also provides for the safe and convenient use of lands within the district, and allows the airport to successfully coexist with its neighbors within and without the district. Where compatible with the underlying zoning district within the AAOD, land uses which benefit from proximity to the airport are particularly encouraged, such as motels, restaurants, warehouses, hangars, shipping agencies, and aircraft related industries. Among the discouraged uses are sanitary landfill, wetland mitigation projects, and any other uses identified by the FAA as being incompatible with proximity to airports. (**FROM FAA Publication: Land Use Compatibility and Airports, a Guide for Effective Land Use Planning)

A. Applicability: The AAOD consists of the airport approach zones that are shown on the Official Zoning Map of Weathersfield and defined below. All properties affected by this overlay district shall be subject to Site Plan Review per Section 5.2 and the Special Provisions in this Section. The 11/29 runway is 75 feet wide and 3,000 feet long and is located entirely within the Town of Springfield. The 5/23 runway is 100 feet wide and 5,498 feet long, and extends into the Town of Springfield. The airport approach zones are defined as follows:

1. Primary Surface is the area longitudinally centered on a runway, and extends 200 feet beyond each end of the paved runway surface. The vertical elevation of the Primary Surface is the same as the elevation of the nearest point on the runway centerline. The Primary Surface for the 11/29 runway is 250 feet. The Primary Surface for the 5/23 runway is 500 feet.

2. Approach Cones are the areas longitudinally centered on the extended runway centerline and extend outward and upward from each end of the Primary Surface.

a. The Approach Cones for the 11/29 runway, extend outward from the Primary Surface for a distance of 5,000 feet, and are 1,250 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of 20 to 1 beginning at the elevation of the Primary Surface.

b. The Approach Cones for the 5/23 runway, extend outward from the Primary Surface for a distance of 10,000 feet, and are 3,500 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of

34 to 1 beginning at the elevation of the Primary Surface.

i. **Horizontal Zone** is the horizontal plane 150 feet above the established airport elevation, the perimeter of which is determined by swinging arcs of specified radii (10,000 feet) from the center of each end of the Primary Surface of each runway, and connecting the arcs by lines tangent to those arcs. The horizontal zone does not include the approach cones or primary surface.

ii. **Conical Zone** is the surface extending outward for a horizontal distance of 4,000 feet, and upward from the periphery of the horizontal surface at a slope of 20 to 1.

B. Allowed Uses: All permitted or conditional uses in the AAOD shall be limited to those uses permitted in the underlying zoning districts.

C. Special Provisions: All properties affected by this overlay district shall be subject to the following Special Provisions:

1. No use, structure or trees shall be permitted which could obstruct the aerial approaches to the airport (i.e. extend above tree line or otherwise restrict airport operations).
2. All uses shall comply with applicable FAA and other federal and state regulations.
3. No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.
4. No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.
5. Notwithstanding any height restrictions to the contrary elsewhere in these Bylaws, structures of unlimited height for the purpose of airport operations may be approved by the Zoning Board of Adjustment subject to Site Plan Approval and a determination by the Federal Aviation Administration or its designee that the structure would not be an obstruction in the airspace or a hazard to air navigation.
(*** Adapted from Highgate Zoning Bylaws)

D. Implementation

1. When granting Site Plan Approval for projects located all or in part within the AAOD, in accordance with Section XXXXX of these Bylaws, the Zoning Board of Adjustment shall establish conditions designed to implement the requirements of

this Section.

2. Site plans for the Airport Overlay District shall include topographic elevations at structure locations and structure height in addition to the requirements listed in Table XXXXX. One additional copy of each site plan and application materials shall be submitted to the Springfield Airport Commission. The Airport Commission shall be notified of hearings, will have automatic status as an abutter, and be provided an opportunity to comment at hearings.

3. The Zoning Board of Adjustment may also consult with the Aviation Section of the Vermont Agency of Transportation to determine the potential impacts of a proposed use on the operations of the Hartness State Airport.

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2.5.1 Village (V)

(A) Purpose. Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a small village setting; intensive land use with some multi-family housing; efficient location for compatible commercial activities. The Village District can absorb growth without greatly increasing demand for roads and school bus services. ~~A public water system serves the Village district in Ascutney, but public sewer services may need to be provided to accommodate growth.~~ Expansion of public water and sewer to the Village districts is desirable to encourage growth, along with improvement in transit links and walkability.

(B) Permitted Uses:

1. Accessory Dwelling Unit (Section 4.1)
2. Accessory Use or Structure
3. Adult Day Care Service (Section 4.2.2)
4. Athletic Structures
5. Bed and Breakfast
6. Family Child Care Home (Section 4.2)
7. Home-based Business, Level 1 (Section 4.5)
8. Ponds (Section 3.2.5)
9. Seasonal Roadside Stand
10. Signs (Section 3.8)
11. Single-family Dwelling
12. Small Enterprise^{A,B} (See definition)
13. Swimming Pool
14. Two-family Dwelling

No permit required, but must inform Land Use Administrator:

1. Agriculture/Forestry
2. Babysitting Service
3. Home-based Occupation
4. Minor Structures
5. Temporary Signs

(D) Dimensional Standards

Minimum Lot Size	0.3 acres
Minimum Frontage	80 feet
Minimum Front Setback*	20 feet
Minimum Rear Setback	20 feet
Minimum Side Setback	10 feet
Maximum Height	35 feet

* Front setback to be measured from edge of right-of-way,
not from center line of road.

(C) Conditional Uses:

1. Adult Day Care Facility^{A,B} (Section 4.2.2)
2. Arts and Crafts, Studio and Gallery
3. Bank
4. Campground, Children's Camp or Resort^{A,B}
5. Cemetery
6. Commercial School (e.g. music, dance, driving, beauty, culture)
7. Community Non-Profit^{A,B} (See definition)
8. Contractor's Storage^{A,B}
9. Dock
10. Family Child Care Facility^{A,B} (See definition)
11. Gasoline/Service Station
12. Health Clinic
13. Home-based Business, Level 2 (Section 4.5)
14. Indoor or Outdoor Recreation Facility
15. Inn or Small Hotel^{A,B}
16. Medical Facility^{A,B} (See definition)
17. Multi-Family Dwelling (three to six units)
18. Outdoor Recreation Facility^{A,B} (See definition)
19. Personal Service (e.g. tailor, barber/beauty shop)
20. Public Water or Sewage Treatment Plant^{A,B}
21. Resource Extraction^{A,B} (Section 4.3)
22. School^{A,B} (See definition)
23. Theater
24. Wireless Communication Facility^B (See Section 4.19 and definition)
25. *** **Other uses** (as determined by the Zoning Board of Adjustment to be of a similar type and character to the uses listed above and consistent with the purposes of this District)

^A Site Plan Review required

^B Certificate of Occupancy required

(E) Supplemental District Standards

- (1) Only **one principal residential use** is allowed per parcel of land.
- (2) **All** uses within this district must meet the requirements of **Off-Street Parking** (Section 3.5), **Outdoor Lighting** (Section 3.6), and **Performance Standards** (Section 3.7).
- (3) A Driveway Access Permit is required for any use or development of a parcel with frontage on a town road without existing road access. The VTrans B-76 Standard applies to the construction of all driveways. See Section X.X.X for a complete list of requirements.
- (4) Special rules apply to uses or developments in or near the following areas: **Prime Agricultural Soils** (Section 3.2.1), **Connecticut River** (Section 3.2.3), **Habitat Areas** (Section X.X.X), **Streambank Conservation Areas** (Section 3.2.8), **Wetlands Areas** (Section 3.2.9), and **Flood Plains and Floodways** (Section 5.7).
- (5) Minimum lot size for resorts, bed and breakfasts, hotels, other paying guest or multi-family complexes may be expanded by one acre per guest room, or per family, above the minimum lot size by the Zoning Board of Adjustment.

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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.~~

The first part of the paper discusses the importance of the research and the objectives of the study. It highlights the need for a comprehensive understanding of the subject matter and the role of the researcher in this process. The second part of the paper presents the methodology used in the study, including the selection of participants, the data collection methods, and the analysis techniques. The third part of the paper discusses the results of the study and the conclusions drawn from the data. The final part of the paper provides a summary of the findings and discusses the implications for future research.

The research was conducted in a systematic and rigorous manner, following the principles of scientific inquiry. The data collected was analyzed using statistical methods to ensure the validity and reliability of the results. The findings of the study are presented in a clear and concise manner, allowing for a thorough understanding of the subject matter. The conclusions drawn from the data are based on the evidence presented and are supported by the research findings.

The study has several strengths, including the use of a large sample size and the application of advanced statistical methods. However, there are also limitations to the study, such as the potential for bias in the selection of participants and the use of self-reported data. These limitations are discussed in detail in the paper, along with suggestions for future research to address these issues.

In conclusion, the study provides a comprehensive overview of the subject matter and offers valuable insights into the field. The findings of the study are presented in a clear and concise manner, allowing for a thorough understanding of the subject matter. The conclusions drawn from the data are based on the evidence presented and are supported by the research findings.

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.).