



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, 11 May 2020 - 7 PM

1. Call to order

✓ 2. Agenda Review – 11 May 2020

✓ 3. Comments from the Chair and Land Use Administrator

✓ 4. Comments from Citizens regarding items not on this agenda

→ 5. Green Lantern Solar – Ralph Meima, Director of Development, Green Lantern ✓

✓ 6. Approval of Meeting Minutes – 27 April 2020

7. Zoning Bylaw Updates

✓ (a) Conservation of Natural Resources bylaw - Riparian buffers – Tabled (next agenda)

✓ (b) Changes to zoning map – tabled (need big maps) (presentation)

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

(d) Status spreadsheet review ← table

~~8. Signing of Ethics documents~~

→ 9. Description of the Town Energy Coordinator and their responsibilities

10. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, May 25, 2020 - 7 PM**, Martin Memorial Hall.

Due to the COVID-19 pandemic, the meeting will be held electronically. Please join my meeting from your computer, tablet or smartphone. <https://global.gotomeeting.com/join/745765701>

You can also dial in using your phone. United States: +1 (571) 317-3122
Access Code: 745-765-701

New to GoToMeeting? Get the app now and be ready when your first meeting starts:
<https://global.gotomeeting.com/install/745765701>

issue
PFS
letter;
vote next
meeting
on letter
(agenda item)

memo
re: Hotel/
motel definition

Tuesday, 26th



MEMORANDUM

To: Ralph Meima
From: Jeremy B. Owens
Date: January 27, 2020
Re: Weathersfield GLS Solar – Preliminary Aesthetic Review

Per Green Lantern Solar's request, T.J. Boyle Associates has conducted a field review of potential aesthetic impacts as a result of the proposed Weathersfield GLS Solar Project ("Project"), a 500 kW photovoltaic electric generation project proposed in Weathersfield, Vermont. The Project site is located in an existing field bordered by forested area to the north, hedgerows to the east and west, and a building and fallow fields to the south. The closest array is approximately 380 feet east of VT Route 106, which itself runs in a north-south orientation as it passes the Project location.

The proposed array will have some visibility from an approximately 600-foot segment of Vermont Route 106. In this area of Route 106, the landform rises to the east and descends to the west, and views to the Project location are screened by a thin roadside hedgerow and the hedgerow that lies immediately east of the Project. Traveling southbound, viewers may see the tops of the array structure through the intervening hedgerow vegetation as well as the southwest corner of the array as travelers pass through the area northwest of the Project (see Photos 1 through 3). Beginning in the area due west of the Project, intervening landform blocks the Project from view (see Photos 4 and 12).

When headed northbound, intervening buildings and terrain will block the Project from view (see Photo 5) until travelers are due west of the Project, at which point some visibility of the array may be possible through the intervening hedgerows similar to southbound travelers.

Views from the Project site help illustrate that residential homes to the south are not expected to have significant visibility of the Project area (see Photos 6 and 7). Likewise, views to the roadway are also shown as significantly screened (see Photos 8 through 11). The only area of the Project likely to have direct visibility is the southwest corner of the array, which will be visible from Route 106 and two residences to the northwest (see Photo 12).

Because of these considerations and concern that the Project may have visibility from two residences, a sketch of potential landscape planting solutions is included with this memo (see Weathersfield GLS Solar Landscape Sketch LSK-1). T.J. Boyle Associates will complete a full aesthetic impact review for inclusion with the petition for a Certificate of Public Good. Any impacts will be evaluated under the so-called Quechee Analysis and the need for potential mitigation will be further assessed. Our preliminary findings indicate that the Project will not result in undue adverse impacts to the aesthetic and scenic and natural beauty of the area.



Photo 1 – View from Route 106 northwest of the Project, looking southeast



Photo 2 – View from Route 106 northwest of the Project, looking southeast



MEMORANDUM

To: Ralph Meima
From: Jeremy B. Owens
Date: February 10, 2020
Re: Weathersfield GLS Solar – Existing Stone Wall

Based on potential concern regarding a stone rubble wall at the Weathersfield GLS Solar site, T.J. Boyle Associates has visited the site as well as reviewed the language in the 2017 Weathersfield Town Plan regarding stone walls and scenery.

Photos A and B (below) depict the existing stone wall at the south end of the Project site, which has the appearance of a stone rubble pile rather than a wall. The rubble generally consists of medium to large boulders, with large mature vegetation growing in and amongst the rubble area. The boulders do not appear to have been originally constructed as a wall, and instead appear as a linear pile of stones that were pushed or dropped into place over a long period of time to clear the soil for easier farming of the land.

The 2017 Weathersfield Town Plan defines “stone walls that line the edge of road rights-of-way” as being part of the rural character (Town Plan, p. 22). Other references to stone walls (p. 38, p. 75) also mention stone walls in the context of road rights-of-way. The Town Plan does not mention stone walls in other contexts, such as walls located on private property that are not adjacent to roadways. A review of online Town Maps did not reveal any existing or ancient roadways in the area immediately south of the Project site.

Based on the condition of the rubble wall, its location on the interior of the parcel away from public roadways, and general lack of visibility of the rubble wall from the surrounding area, the existing rubble wall does not contribute to the rural character of the wider community. Excerpts of the Town Plan that discuss stone walls are attached to this memo.



Photo A – View from the Project site looking southeast

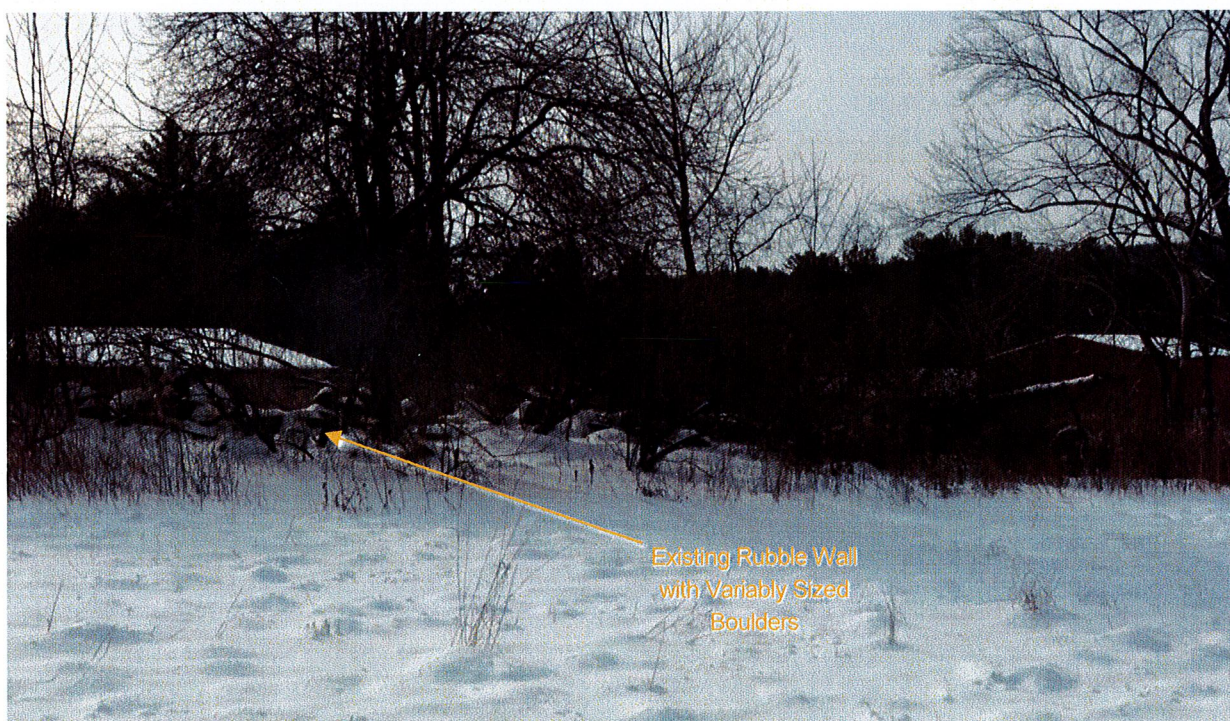


Photo B – View from the Project site looking southwest

[illegible]

Subject: RE: RTE Plant Survey Waiver: GLC Weathersfield Solar project
From: "Popp, Bob" <Bob.Popp@vermont.gov>
Sent: 9/19/2019 9:05:44 AM
To: "Dori" <dori@arrowwoodvt.com>;
CC: "Dodge, Noel" <Noel.Dodge@vermont.gov>;

Hi Dori, no RTE plant inventory is required for this mowed hayfield.
Thanks for checking with us.
Bob

Bob Popp
Department Botanist
VT. Dept of Fish & Wildlife
5 Perry St. Suite 40
Barre, VT. 05641

(802) 476-0127
bob.popp@vermont.gov

From: Dori <dori@arrowwoodvt.com>
Sent: Friday, September 13, 2019 10:13 AM
To: Popp, Bob <Bob.Popp@vermont.gov>
Cc: Dodge, Noel <Noel.Dodge@vermont.gov>
Subject: RTE Plant Survey Waiver: GLC Weathersfield Solar project

Hi Bob. We are in the preliminary stages of reviewing a potential solar project site in Weathersfield. As you know the clock is ticking on the window for RTE plant surveys. I've been out to this site to map wetlands (attached). The project would not have wetland impacts. It is a little unclear right now about the exact project area. It would primarily be focused in the central area between wetlands B and A, and possibly extend over south of wetland C. I looked at the bedrock geology and it does not appear calcareous. The field south of wetland C is (actually including wetland C) is mowed hayfield. The area in between wetland B and A is dominated by goldenrod and is brush cleared annually (they had started to do the brush clearing the day I was there and I asked them to stop, you can see the swathe done in the photo attached). I have attached pictures of both fields. I am wondering if you would waive a survey in this circumstance. And if not, can I assume that similar to the past few years that if Michael and/or Matt go out to this field at the beginning of October and feel they can do the survey that we would be okay?
Thank you! Dori

Dori Barton
Ecologist/Project Manager

ARROWWOOD ENVIRONMENTAL
950 Bert White Road

4/15/2020

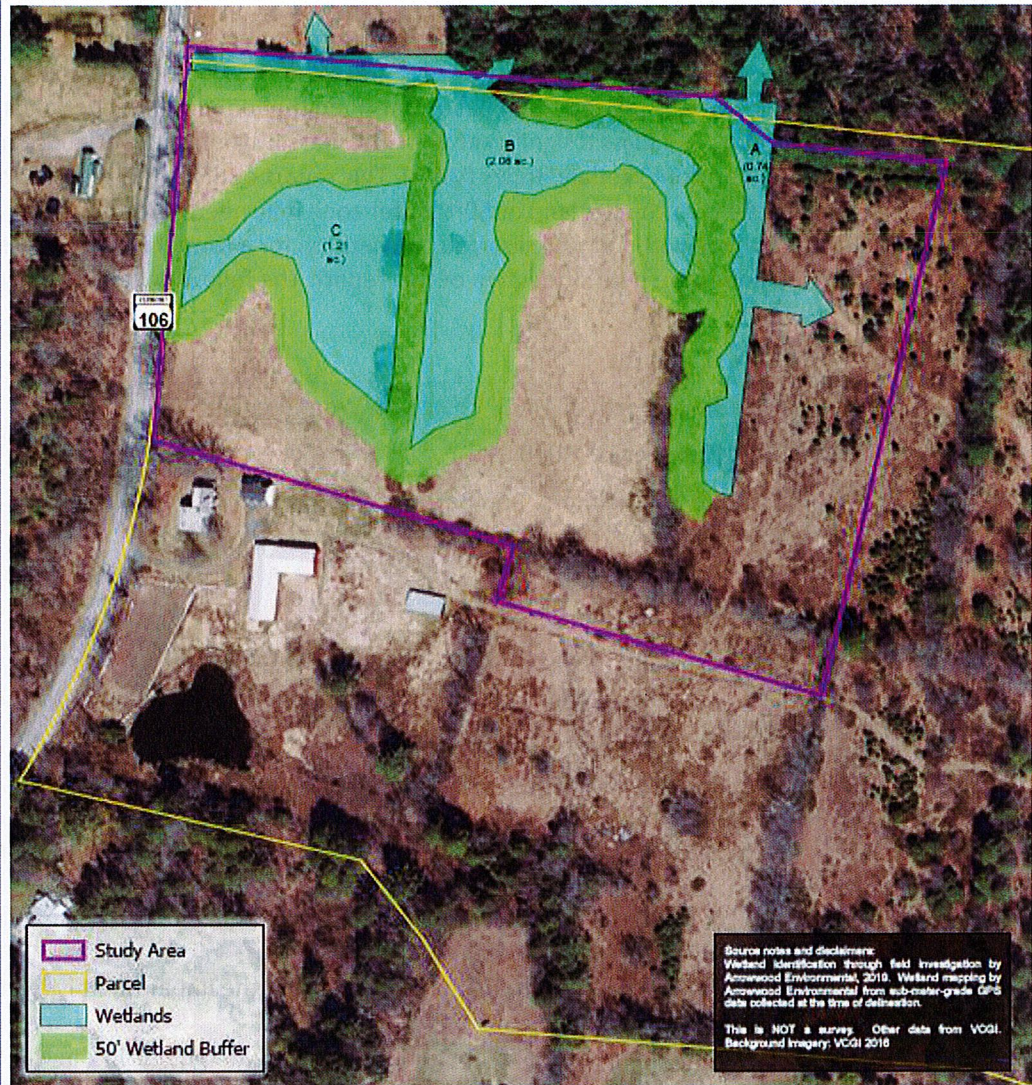
Huntington, VT 05462
(802)434-7276 x1
www.arrowwoodvt.com



Virus-free. www.avg.com

Sketch Map:

[area reviewed in yellow]



Preliminary
Classification:

- ☒ Class II
☐ Class III

Wetlands Determination Petition Process

If you disagree with this report, you may request a formal determination of wetland classification, pursuant to Section 8 of the VWR. To request a §8 formal determination of wetland classification, please fill out and submit the petition form located on the Vermont Wetlands Program's website "Permit Information" page. Formal determinations are appealable pursuant to 10 V.S.A. § 917.

Pursuant to 10 V.S.A. chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Division of the Superior Court within 30 days of the date of the decision. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Division; and must be signed by the appellant or their attorney.

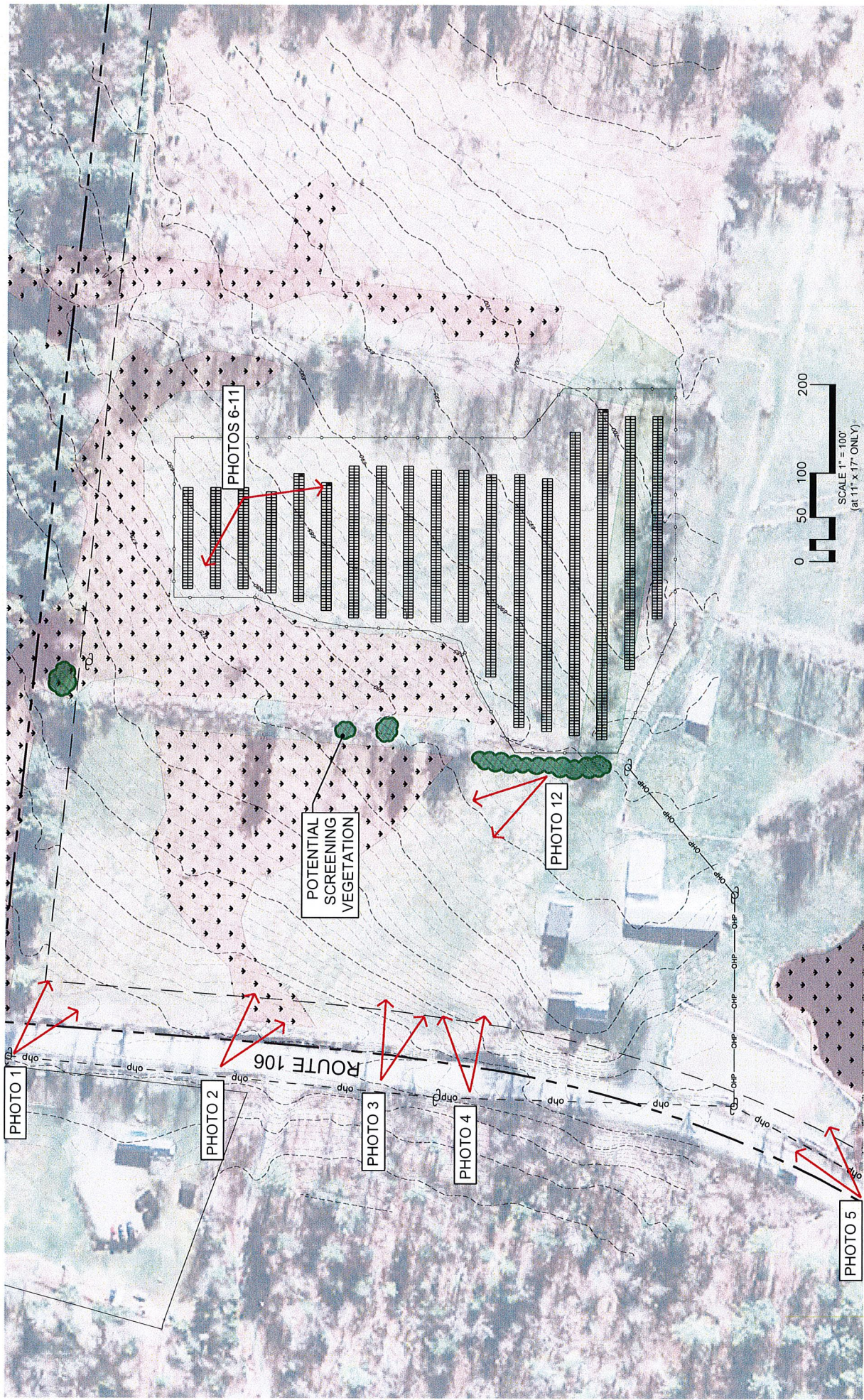
#2019-626 Wetland Classification Report

Friday, September 27, 2019 2:41 PM

[Please add this document to your land records for reference](#)

Wetland is Class II: Please be advised that I have confirmed that one or more wetlands on your property has characteristics that make it a Class II significant wetland. Class II significant wetlands and their 50 ft buffers are protected under the Vermont Wetland Rules (VWR). This report outlines the reasons for this decision, and serves as notice that any activity in the wetland or 50ft buffer zone may need a Vermont wetland permit before you start work. If you disagree with this decision you can petition for a formal wetland classification determination of Class III as outlined under the petition section of this report. The following table(s) document the reasons for this decision.

Wetland Names:	A, B, and C
Wetland Location:	In fields north of 1465, VT Rt 106, Weathersfield
Site Visit Date:	September 20, 2019
People Present:	Rebecca Chalmers, Dori Barton
Wetland is Mapped:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Wetland is contiguous to Mapped wetland:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Unknown (Wetland C might be contiguous; this was not assessed by RC)
Wetland was found to meet the following presumption(s) of significance:	<input checked="" type="checkbox"/> §4.6(a) over half an acre in size; <input type="checkbox"/> §4.6(b) contains woody vegetation and is adjacent to a stream, river, or open body of water; <input type="checkbox"/> §4.6(c) contains dense, persistent non-woody vegetation and is adjacent to a stream, river, or open body of water; <input type="checkbox"/> §4.6(d) is a vernal pool that provides amphibian breeding habitat; <input type="checkbox"/> §4.6(e) is a headwater wetland; <input type="checkbox"/> §4.6(f) adjacent to impaired waters and the impairment is related to wetland water quality functions; <input type="checkbox"/> §4.6(g) the wetland contains a species that appears in the NNHP database as rare, threatened, endangered or uncommon; or is a natural community type that is rare or uncommon; <input type="checkbox"/> §4.6(h) has been previously designated as a significant wetland.
Jurisdictional Comments:	As long as the wetlands that are currently agriculture remain in ordinary rotation, no wetland buffer applies, however, as soon as food or crop is no longer grown in ordinary rotation (or activities such as solar are planned in the wetland itself) then these wetlands are Class II and regulated as such. The areas of wetland in forest, or not in ordinary rotation as agriculture (such as any brushhogged areas) are Class II now.



T. J. Boyle Associates LLC

landscape architects • planning consultants

301 college street • burlington • vermont • 05401 802 • 658 • 3555

www.tjboyle.com



jbo
drawn by

01-27-2020
date

1" = 100'

Landscape Sketch

Weathersfield GLC Solar

sheet no

SKL-1

Weathersfield

Arguments to consider in issuing "preferred site" (PS) status to the Walters site on Route 106

The "preferred site" designation **does not lock** the Town into supporting the project. It merely allows the Town to approve a location that is not one of the other types of preferred sites (landfill, gravel pit), and let a project application try to prove its merits.

None of the **in-depth analyses** have yet been completed, including a review of natural resources impacts and aesthetics. The issues of wetlands and bat habitats and deer habitat, for example, will be examined by our natural resources consultant and then reviewed by ANR and mitigated if required.

Potential **aesthetic and historic** impacts will be examined by our consultants and then reviewed by DPS and VHDP and mitigated if required.

We have **worked with** Windsor, Vernon, Wilmington, Bristol, Stamford, Fair Haven, Castleton, and numerous other towns on preferred siting, and all of them are happy with the process and outcome. I would be happy to provide references.

If there are **specific neighbors** whose views might be impacted we are happy to discuss screening with them.

The denial of preferred status effectively **eliminates the possibility** of this property being used for a NM solar project at all, which is unfair to the landowner. If the Town chooses to oppose the project once the analysis is all in, then that's its prerogative.

Note: Of over 80 projects like this to date – all in Vermont - Green Lantern has never put a project into a Town where the **Town opposed** the project.

Treating this property and the Town's property in terms of the preferred sites designation differently seems **unfair and arbitrary**. Worse, it would seem to confer a benefit on the Town that it is denying to its own taxpayers. Why would the Town not want its taxpayers to enjoy the same lease payments that it does? Out of fairness to all taxpayers and citizens, all solar projects should receive equal treatment.

The build-out of distributed generation throughout the state is critically important, and in line with Vermont's renewable **energy, climate, and economic development** goals.

Weathersfield

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Preferred Site Checklist

150KW-500KW

The Town of Weathersfield will use the following criteria for any requested "preferred site" designation for ground-mounted solar projects under [Vermont Public Utility Commission Rule 5.103](#) that are not clearly identified in the [2017 Weathersfield Town Plan](#), as most recently amended. If all of the following criteria are met to the satisfaction of the Planning Commission and Selectboard, the Town will issue a preferred site determination for this project. In evaluating each project, the Planning Commission and Selectboard will evaluate all aspects of the project, including proposed location, clearing activity, solar arrays, fencing, access roads, and interconnection with three phase power lines. To do so, the Planning Commission and Selectboard will use information provided by the applicant as well as mapping materials found on the potential solar maps provided by the Southern Windsor County Regional Planning Commission as well as the most currently available data found on [VT ANR's Natural Resources Atlas](#).

*Not by
abutters*

- ☐ Is the project located less than one-mile from a three phase power line?
- ☐ Is the project consistent with the land use goals? *in the Town Plan*
- ☐ Will the project not result in undue adverse impacts on the important scenic resources identified in the town plan?
- ☐ Does the proposal reasonably mitigate negative aesthetic impacts along major travel corridors, important scenic viewsheds, and neighboring properties?
- ☐ Does the proposal avoid undue adverse impacts on resources listed on the National or State Registers of Historic Places or on resources listed in the Town Plan's Natural, Scenic, and Historic Resources Chapter?
- ☐ Will the project not result in fragmentation of important forest blocks, wildlife habitat and/or wildlife travel corridor areas? *+ E-THOMPSON STUDY*
- ☐ Does the project avoid Vermont Significant Wetlands and buffer areas and special flood hazard areas?
- ☐ Does not negatively impact the safety and operation of the Hartness State Airport?

*Revised
Draft date*



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Other suggestions:

- Distance between existing and proposed sites what to allow
- Has the land owner secured a decommissioning fund.
- Create the language so as to be conditional per our discussion at the last meeting
- Amount of allowable clearing of trees

notes

DRAFT

5.100 RULE PERTAINING TO CONSTRUCTION AND OPERATION OF NET-METERING SYSTEMS, VT Public Utility Commission (Effective July 1, 2017)

“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a lawful gravel pit, quarry, or similar site for the extraction of a mineral resource, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;
- (7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; **or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.**
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms that the site is listed on the NPL, and further provided that the Applicant demonstrates as part of its CPG application that:
 - (a) development of the plant on the site will not compromise or interfere with remedial action on the site; and
 - (b) the site is suitable for development of the plant.

(9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system's electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system's operation.

http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf



Planning Commission
Martin Memorial Hall
5259 Route 5, Ascutney VT
DRAFT of Planning Commission Meeting Minutes
Monday April 27,2020 7:00PM

Planning Commission Member Present:

Paul Tillman

Michael Todd

Howard Beach

Fred Kowalik

Chris Whidden (Zoning Administrator)

Members Absent: Tyler Harwell

Online attendees: Nikita Lenahan, Julia Lloyd Wright, David Fuller, Dave Carpenter - Attorney Green Lantern Solar, Ralph Meima from Green Lantern Solar and Brian Walter, land owner for solar project.

1.) Call to Order by Chair, Paul Tillman at 7:00 pm

2.) Agenda Review – April 27, 2020

No changes to agenda

3.) Comments from the Chair and Land Use Administrator:

Paul Tillman discussed attendance and the importance of being at the meetings. The Planning Commission is looking at having a more definitive policy regarding attendance.

Michael Todd asked a question regarding the most appropriate way to hand attendance for the committee. This will be discussed with the Select Board for direction.

Paul will also be created a binder for each committee member to include hard copies of:

- Town Bylaws
- Town Plan
- Zoning/Subdivisions

Chris Whidden is currently working with the Town Manager regarding an update to the Town Plan and reviewing grants, etc.

Discussion was also had about the Energy Coordinator, ex officio position, what will be expected of this position and how they will work with the Planning Commission.

Michael Todd noted that the language is unclear in Title 24, Chapter 117. It states “If the Town has an Energy Coordinator, they “may be” an ex officio member of the Planning

Commission (non-voting).” They are looking for the definition of that, what does “may be” mean?

Further discussion will be had with the Town Manager regarding this position.

- 4.) Comments from Citizens regarding items not on this agenda:
No comments

- 5.) Green Lantern Solar – Ralph Meima, Director of Development, Green Lantern
The Planning Commission was given a packet with a letter and information that Ralph Meima feels adequately answers the questions on the check list they were given. The packets were not received by the Planning Commission in time to review for the meeting.

Per Ralph Melina 9’ foot poles have been erected at the solar site so you can visibly see what corners would be in view from all 4 sides.

Paul Tillman requested additional time to review packet and would like to go out to the site to see the poles that have been put into place.

This was ok with Green Lantern.

Dave Carpenter noted that the 45-day notice to abutters is not only the town’s process, but also the process of CPG. He offered the suggestion to have 1 notice go out from Green Lantern with all of the information from Green Lantern as well as the information regarding the preferred site criteria. Possibly coordinating a meeting during that 45-day period specifically for abutters to provide commentary and to address the Planning Commissions and Green Lantern with questions and/or concerns.

Green Lantern has all of their information ready to provide for the notice. Paul Tillman asked to add the 45-day notice at the next meeting on May 11, 2020.

David Fuller “How does this affect the surrounding 1 acre zoning with a 5 acre solar array in the middle of the zoning? How does this conform to the Town Plan as well as the zoning restrictions of RR1?”

Brian Walter (Land Owner) “The survey we have notes it at 98 ½ acres and the Town records show it as 96 acres the parcel has not changed since I bought it 19 years ago. If I’m looking at the deed, I am not sure what you are referring to about 1-acre, but as far as I am aware the whole farm is land use and so there is not a lot of restrictions that can be done with it.

David Fuller “I think the Zoning Map in the Town of Weathersfield determines what areas are zoned in different things.”

Dave Carpenter (Green Lantern) “The State Vermont solar siting law, Section 248, unless there are specific citing ordinances, specific records in the Town Plan, any specific

electric plans that are adopted by the Town, local zoning doesn't apply. It's a good point, but there has to be some proof in the record when we send in our application for the development in the Town and we looked at the Town Plan and the Town electric plan for those things."

Paul Tillman added Green Lantern Solar to the agenda for the next meeting on Monday May 11, 2020.

6.) Approval of Meeting Minutes from March 23, 2020

Motion to approve minutes made by Howard Beach

2nd by Michael Todd

No discussion

Vote – unanimous

Approval of Meeting Minutes from April 13, 2020

Motion to approve minutes made by Michael Todd

2nd by Howard Beach

No discussion

Vote – unanimous

7.) Zoning Bylaw Updates:

a. Conservation of Natural Resources bylaw – Riparian buffers

David Fuller commented that he had never heard of a Riparian Buffer at 4 feet, it has always been greater. He suggested that the Planning Commission refer to the State Agency of Agriculture (SAA). The Planning Commission will review the SAA guidelines. This did not appear to be the most up to date bylaw, Chris Whidden to follow up with Paul Tillman or Sven Federo to locate a more recent version for the next meeting.

b. Changes to zoning map – zoning map was not present at time of meeting. Chris Whidden to follow up with Paul Tillman or Sven Federo to locate the most recent version with updated village area for the next meeting.

c. Evaluation of and possible changes to definitions in zoning bylaws:

Copy in packet is not the most up-to-date, tabled until next meeting so Paul Tillman can review with Chris Whidden to see if they can locate the most current version.

d. Status spreadsheet review – tabled for future meeting.

Upcoming bylaws to review:

- Personal residences/ordinances
- Resources available to the Town
- Visual Aesthetics
- Performance Standards
- Future land and use map
- Speak with Conservation Committee regarding the results of the water study and use as an overlay on Zoning maps.

8.) Signing of Ethics documents:

Documents to be emailed to members that have not signed.

9.) Items added to agenda for next meeting:

- a. Green Lantern Solar application
- b. Excessive Noise bylaw
- c. Fence regulations
- d. Adverse Position
- e. Building permit/no permit

10.) Motion to adjourn at 8:56 pm made by Howard Beach

2nd by Michael Todd

Vote – unanimous

Next meeting is scheduled for Monday May 11, 2020 at 7:00 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

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TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

MEMORANDUM

To: Weathersfield Planning Commission
From: Chris Whidden, Land Use Administrator
Date: 5/7/2020
Re: Energy Coordinator

The question presented is what does “may be” mean under 24 V.S.A. § 4322?

24 V.S.A. § 4321(a) states: “A planning commission may be created at any time by the act of the legislative body of a municipality.” 24 V.S.A. § 4322 states “The selectboard of a rural town, or not more than two elected or appointed officials of an urban municipality who are chosen by the legislative body of the urban municipality, shall be nonvoting ex officio members of a planning commission. If a municipality has an energy coordinator under chapter 33, subchapter 12 of this title, the energy coordinator may be a nonvoting ex officio member of the planning commission.” The Town Bylaws are silent as to this issue.

Here, the legislative body of the municipality is the Selectboard. The Selectboard made the Land Use Administrator Weathersfield’s first ex officio member (non-voting) of the Planning Commission. The Land Use Administrator’s status as an ex-officio member is not subject to the items on the agenda, nor to the election/appointment of new officers in the Planning Commission. The Administrator is appointed by the Selectboard, as is the Energy Coordinator. The only limitation on the Land Use Administrator’s ex-officio membership in the Planning Commission are in situations where there is a conflict of interest, which would be a very rare circumstance because the Land Use Administrator is a non-voting member, and is not present here.

Therefore, it is likely that the choice to make the Energy Coordinator an ex officio member does not lie within the Planning Commission, but rather the Selectboard (the legislative body of the town). Ex-officio membership would thus endure the duration of the Energy Coordinator’s appointment, and would then continue to the next appointee. The termination of the ex-officio membership would also require Selectboard action. If the Selectboard were to make the Energy Coordinator an ex officio member, they could not make another person an ex-officio member because they would have reached their statutory limit of two under 24 V.S.A. § 4322. Thus, “may be” means that the Selectboard may give the Energy Coordinator ex-officio status on the Planning Commission, but they are not required to by law, and are in fact limited in the number of ex-officio members they can appoint to the Planning Commission.

The first part of the paper discusses the importance of the study of the history of the English language. It is a branch of linguistics which deals with the changes in the language over time. The study of the history of the English language is important for several reasons. First, it helps us to understand the development of the language and the factors which have influenced it. Second, it helps us to understand the relationship between the English language and other languages. Third, it helps us to understand the cultural and social context in which the language has developed.

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(State Standards?)
(VT Agency of Agriculture)
Criteria for mapped waterways?

Riparian Buffers bylaw

6.10.1 Riparian Buffers

(NRCs)

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~~ ^{mapped} greater than four (4) feet at the regular high water mark is subject to the following buffer requirements:

→ any stream identified in data set

(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:

29 VSA etc.

(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.

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.).

Proposed new bylaws:

Agricultural Soils bylaw

3.2.1 Agricultural Soils

(1) Conditional use approval is required for any development or use on “prime” or “statewide significant” soils as defined by the US Department of Agriculture, unless one of the following exemptions applies:

- (a) The development or use is within the Village, Hamlet, Highway Commercial or Industrial district; or
- (b) The development will not result in impermeable surfaces covering greater than 10% of the portion of “prime” or “statewide significant” soils existing on the parcel; or
- (c) The parcel contains 4 or less contiguous acres of “prime” or “statewide significant” soils; or
- (d) The Farmland Conversion Impact Rating score is less than 160 points (see Appendix to calculate).

Subdivision regs: Current language:

“Contiguous prime agricultural soils of state-wide significance on any property that is greater than the four acre exemption shall not be further subdivided to achieve the exemption status.”

10 acres or less cannot be subdivided?
8 acres

Ponds bylaw

6.10.4 Ponds

(1) **Setbacks.** Unless otherwise prohibited by State law, ponds are subject to a minimum 10 foot side, rear and front setback.

(2) **Exempt ponds.* (see notes at bottom)** The construction or creation of a pond meeting the following criteria does not require a zoning permit:

- (a) Total surface area does not exceed 5,000 square feet; and
- (b) The maximum depth at any point is 20 feet or less; and
- (c) The pond does not require the construction of an embankment, such as an earthen dike, concrete dam or spillway.

(3) **Hydric soils.** Notwithstanding the above, construction of ponds within 50 feet of hydric soils as mapped by the Vermont Agency of Natural Resources requires a conditional use permit for wetland determination.

→ stronger legal agreement e.g. maintenance may be

(4) **Ponds on multiple parcels.** Ponds may be constructed across property lines with the written agreement of the parcel owners.

(5) **Ponds subject to conditional use permit.** The construction of any pond not specifically exempted under section 6.10.4(1) requires a conditional use permit. The following requirements apply:

- (a) The pond must be designed by a professional engineer, licensed by the State of Vermont, with expertise in pond design and construction.
- (b) The design of all water control structures must be based on the size of the watershed area that drains into the pond and, at minimum, a 25-year storm event.
- (c) An emergency spillway capable of passing flows which exceed the capacity of the control structures must be constructed.
- (d) The property owner acknowledges, as a condition of the conditional use permit, responsibility for the pond's safety and liability for the pond's failure if the pond is not maintained, repaired and operated in a safe and proper manner.
- (e) It is demonstrated to the satisfaction of the Zoning Board of Adjustment that the pond and associated spillway areas will not adversely affect municipal facilities, other properties, or downstream drainage. The Zoning Board of Adjustment may require that an applicant obtain easements from other property owners covering impoundment or spillway areas, if those impoundment or spillway areas will extend onto or have the potential to flood those other properties.

NOTES TO PONDS: State and Federal permits often apply to pond construction. In particular, ponds capable of impounding 500,000 cubic feet, and work in or near streams, wetlands or rivers. You are responsible for following all State and Federal requirements.

Steep Slopes bylaw

6.10.10 Steep Slopes and High Elevation

Development is prohibited on land 1,500 feet or above elevation and on slopes greater than 25%, with the exception of the following:

- (1) No permit required: Fixed ladders, stairways, fixed cables, or other structures as may be deemed similar in nature by the Zoning Board of Adjustment.
- (2) Conditional use approval required:
 - (a) Ski lifts.
 - (b) Primitive camps as defined by the Vermont Agency of Natural Resources, not exceeding 400 square feet in size.

Article 7: Definitions

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. *[what is the state definition]? ****

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. *top of foundation w/ no more than 8 feet of foundation shaving.*

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. *excluding cupolas, steeples, chimneys, elevator shafts, satellites, utilities*

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

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*

Contractor's Storage Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

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

Critical Facilities: 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

Daytime Hours: Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

Decibel: (dB) A unit of measurement of the sound level.

Development: The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any mining, excavation or landfill; and any change in the use of any building or other structure, land or extension of use of land.

Development in the areas of special flood hazard: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

District, Zoning District: A part of the territory of the Town of Weathersfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of these Bylaws.

Dwelling, Dwelling Unit: A building or part thereof, including a kitchen and bathroom, used as living quarters for a single individual or family (see definition of family).

Emitter: Source of noise.

Excessive Noise: Any sound, the intensity of which exceeds the standard set forth in **Section 6.13. of Zoning Bylaws**

Existing Small Lot: Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, is in existence on the date of enactment of any bylaw, and is too small to conform to the minimum lot size requirements for the zoning district in which it is located.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Family: For the purposes of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing the rooms of an individual dwelling unit in the same structure (i.e., persons related by blood, marriage, or adoption; housemates; unrelated friends sharing expenses).

Family Child Care Home: A family child care home or facility is a day care facility which provides for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

1. these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
2. during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

Family Child Care Facility: A state registered or licensed family child care facility serving ten or more children (at least six full-time and four part-time).

Farming: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap,

or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm.

Farming structure: A structure or structures that are used by a person for agricultural production that meets one or more of the following:

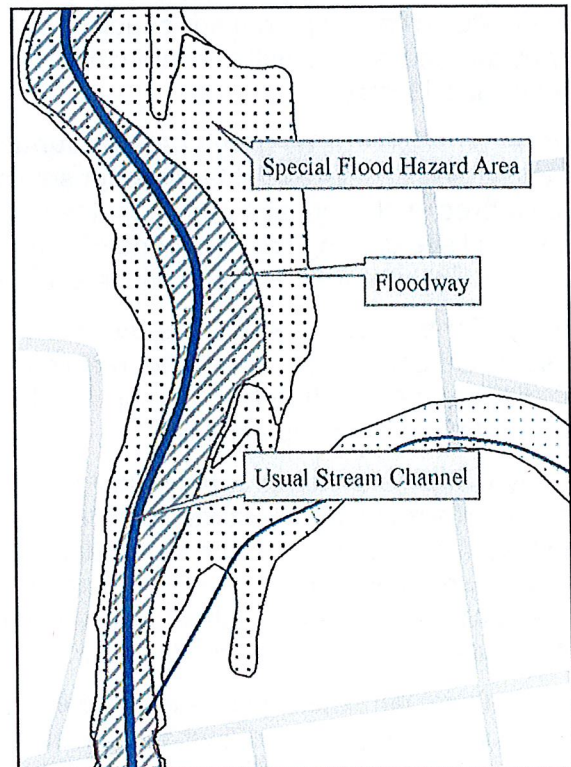
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four raptorial birds (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
3. is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
4. is on a farm with a business and farm management plan approved by the Secretary.

Fill: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: see Flood Insurance Rate Map.

Flood:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.



Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and

determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "flood").

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Fluvial Erosion: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

Fluvial Geomorphic Equilibrium: The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading (down-cutting) the channel bed elevation. When a stream or river is in an equilibrium condition the stream power and erosive process is minimized reducing damage to public and private infrastructure, reducing nutrient loading, and allowing for bank stability and habitat diversity.

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.

Frontage: The length of that portion of a lot which abuts a public road right-of-way or mean watermark of a public waterway. In the case of corner lots, it shall be that portion that has or is proposed to have access.

Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Gasoline/Service Station: A retail establishment at which motor vehicles are serviced, especially with fuel, air, and water; also called a filling station. Includes the retail sale of motor vehicle fuel carried on as part of other commercial or industrial activities.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. § 4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Guest House: An accessory residential structure with no kitchen (may or may not have bath facilities) used for the sole purpose of temporary housing for nonpaying guests.

Hazardous Materials: Those substances, materials, or agents in such quantity, state, and form as may constitute potential risk to the health and safety of the people and environment of the Town, and which may constitute a threat to property, including, without limitation, the following: explosives; radiative materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. This shall also include any other materials listed as 'hazardous' by the Materials Transportation Bureau of the United States Department of Transportation, in Title 49 of the Code of Federal regulations, as amended, or

end/

and

those materials regulated pursuant to Title 10, Chapter 47, of the Vermont Statutes Annotated, or any other applicable Federal or State regulations.

Highway-Commercial: The use of a structure and/or lot for the following purposes:

1. motel or large hotel;
2. shopping plaza;
3. wholesale or retail sales;
4. drive-in theater;
5. restaurant;
6. drive-in food service;
7. drive-in bank;
8. lumber yard;
9. sales and service of automobiles, mobile homes, large boats or recreational vehicles;
10. dry cleaner;
11. bar; nightclub; or
12. any other purpose deemed by the Zoning Board of Adjustment to be similar in nature to those listed.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Home-Based Business: A professional, commercial, or light industrial activity that takes place on a residential property, is for gain by the resident(s), and where these activities are subordinate to (Level 1) or augment (Level 2) the residential use.

Home-Based Occupation: Employment activity that is carried on for gain by the resident and is clearly subordinate to the residential structure.

Impulse Noise: Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

Indoor Recreational Facility: A commercial or public facility for the following indoor activities: bowling, table tennis, tennis, pool, roller and ice skating, swimming, customary gym activities, rifle/pistol/archery, others deemed similar in nature by the Zoning Board of Adjustment.

Industry: The use of a building or land for the manufacture, production, processing, assembly or storage of goods or commodities. Includes research, testing, and large offices (more than ten employees); and others deemed similar in nature by the Zoning Board of Adjustment.

Inn/Small hotel: A commercial establishment offering sleeping accommodations for paying guests. Meals may be offered in a central restaurant or dining room on the premises, but no

cooking facilities are available to guests. The maximum number of guest rooms is eight. Tourist homes and boarding houses with four to eight rooms for guests are considered to be small hotels. ~~(See also: Bed and Breakfast)~~

Insignificant Activities and/or Repairs:

1. Insignificant activities that involve the placement or erection of decorative or directional elements which do not result in new obstructions to flood flows or alter drainage or have the potential to be a substantial improvement. Insignificant activities may include mowing, planting a garden, adding soil amendments, installing a mail box for the delivery of US postal mail or newspaper, or erecting a flag pole. Insignificant activities will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement; and/or,
2. Insignificant repairs that involve projects to fix or mend to a sound condition after decay or damage and the cost of which does not exceed \$500 or does not result in the replacement, alteration, addition or extension of an existing structure. Insignificant repairs will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement.

Junkyard: A yard for the deposit, storage, or resale of any junk or discarded materials, machinery, or vehicles; whether or not in connection with any other commercial activity.

Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

Light Industry: Same as Industry, but limited to:

1. no more than 10 employees
2. buildings do not cover more than 10,000 square feet of land area;
3. production of noise, vibration, smoke, dust, heat, odor, glare or other disturbance shall not exceed what is characteristic of the District.
4. production of electrical interferences and line voltage variations must no create a nuisance.

Lot: A portion or parcel of land occupied or intended for occupancy by a use or a building.

Lot Size: The total area of land, excluding the road right-of-way, included within the property lines.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3

Lumber Yard: An establishment for the retail or combined wholesale/retail sale of new lumber and/or other new building materials. For the purposes of these Bylaws, establishments engaged in the sale of other new building materials without the sale of new lumber are included.

Manufactured Home (or Mobile Home): A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a

“recreational vehicle”.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 and other data, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical Facility: For the purposes of these Bylaws, a medical facility shall include hospitals, including nurses' residential quarters; nursing homes; and homes for the elderly or incapacitated.

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. transportable in one or more sections; and
2. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. as set forth in 10 V.S.A. § 6201(1).

Mobile Home Park: Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. § 6201(2).

Modular (or Prefabricated) Housing: A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel: A commercial lodging facility for transients, having a private outside entrance and one suitable automobile parking space for each room or suite of rooms.

Multi-family Dwelling: A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

Municipal Land Use Permit: Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to “land development” as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
2. A wastewater system permit issued under any municipal ordinance adopted pursuant to 24 V.S.A. Chapter 102.
3. Final official minutes of a meeting that relate to a permit or approval described in (a) or (b) above that serve as the sole evidence of that permit or approval.
4. A Certificate of Occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (a) or (b) above, if the bylaws so require.
5. An amendment of any of the documents listed in (a) through (d) above.

New construction:

1. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
2. For floodplain management purposes, new construction means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Nightclub or Bar: An establishment whose major activity is the service of alcoholic beverages for consumption on the premises and which may or may not provide entertainment.

Nighttime Hours: The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that Nighttime Hours shall mean the hours between 7:30 p.m. Saturday and 10:00 on Sunday and 7:30 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

Noise Zone: The geographic area between emitter and receptor of noise.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming Use: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. **24 V.S.A. § 4303(15)**

Nonconformity: A nonconforming use, structure, lot or parcel.

Non-highway Commercial: The use of a structure and/or lot for the following purposes:

1. wholesaler,
2. fuel oil depot,
3. bottled gas depot,
4. coal depot,
5. lumber yard, and
6. other similar purposes as determined by the Zoning Board of Adjustment.

Non-Residential: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Outdoor Recreation Facility: A commercial or public facility for the following out-of-doors activities: customary playing fields and municipal park activities (baseball, soccer field, etc.);

tennis, swimming, roller and ice skating, skiing, boating, fishing, horseback riding, golf, miniature golf, bicycling, or other similar activities as determined by the Zoning Board of Adjustment. Excludes tracks or trails for competitive and/or commercial use of motorized vehicles.

Planned Residential Development (PRD): An area for strictly residential use, in which the design and development promotes the most appropriate use of the land, to facilitate the adequate and economic provision of streets and utilities, and to preserve open space. PRD's designated as single family contains only single family residential structures; those designated as multi-family contain one or more multi-family residential structures.

Planned Unit Development (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

Pre-existing: In existence prior to the adoption date of the original Bylaws, March 5, 1974.

Prime Agricultural Land: 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>.

Public Water: Any community drinking water distribution system, whether publicly or privately owned.

Receptor: With the intent of confining decibel levels higher than allowed to the emitter's property, the receptor is any abutting property receiving noise.

Recreational Vehicle: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regular High Water Mark: The lower limit of vegetation on the streambank.

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

Residential Care Home: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board and personal care to nine or more residents unrelated to the home operator.

Residential, Single-Family: The use of a structure and/or lot to house a single individual or family (see definition for family).

Residential Structure: Any structure designed and constructed for human residence.

Residential, Multi-family: The use of a structure or lot to house three or more families (see definition for family) or individuals.

Residential, Two-Family: The use of a structure or lot to house two families (see definition for family). A legitimate home occupation is optional.

River Corridor: The land area adjacent to a river that is required to accommodate the

dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. § 1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

School: Includes public, parochial and private kindergarten through college or university and accessory uses such as dormitories, fraternities and sororities. Shall not include commercially operated schools of business, driving, dance, music, cosmetology, beauty, culture, or similar establishments.

Self-Storage Facility: A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses.

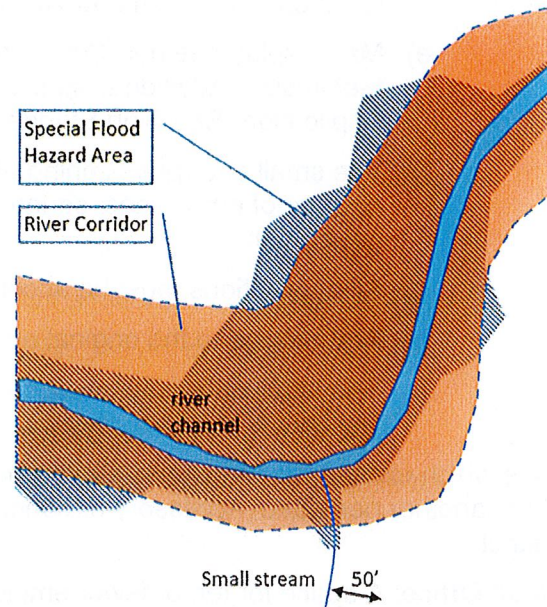
Setback:

1. The shortest distance between the exterior of a building and the nearest adjacent boundary of the building lot, measured at right angles to said boundary.
2. Porches are included as part of the building, however, steps are not.
3. Setbacks shall be measured from the nearest boundary of the road right-of-way.
4. When the road or right-of-way measures less than fifty feet in width or is of unknown width, a right-of-way width of 50 feet shall be assumed.
5. The edge of the right-of-way shall be determined by measuring half of the right-of-way width from the center of the traveled portion of the road.
6. Structures added to existing buildings in order to provide access to the disabled or handicapped (i.e., ramps, special stairways, elevators, etc.) are not required to meet setback requirements.
7. New building construction that includes such devices shall meet said requirements.

Sign: Any device, logo, structure, illustration, emblem, building, or part thereof for visual communication that is placed in view of the general public for the purpose of directing public attention to any business, industry, profession, product, service, or entertainment.

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 a narrow 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~~ **2000** 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.

Small Office: A space for ten or fewer employees with no deliveries and only employee parking allowed on-site.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The Sound Level Meter shall conform to the ANSI Specifications for Sound Level Meters S1.4-1971.

Special Flood Hazard Area (SFHA): The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term "area of special flood hazard" is synonymous in meaning with the phrase "special flood hazard area". This area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction: For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The "start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless whether that alteration affects the external dimensions of the building.

Stream: A perennial watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended or severe drought, continuously conveys surface water flow. Human caused interruptions of flow; i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream does not include the standing waters of wetlands, lakes, and ponds. Streams are indicated on the

Vermont Hydrography Dataset viewable on the Vermont Natural Resources Atlas.

Structure: An assembly of materials for occupancy or use for more than six (6) months. Fences, gates, stone walls, landscape timbers, sculptures, memorial monuments, TV antennae, and satellite dishes are not structures.

For floodplain management purposes, "structure" shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

For flood insurance purposes, "structure" shall mean:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home, also known as a mobile home, which is built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws, but does not include a recreational vehicle or a park trailer or other similar vehicle, or a gas or liquid storage tank.

Structural Development: The addition of a new structure to a parcel of land.

Subdivision: Either:

1. division of a parcel of land into two or more lots, plots, or sites; or
2. construction of a single structure containing two or more functional units, such as but not limited to: apartment buildings, condominiums, or shopping plazas, when such actions are taken for the purpose of sale, transfer of ownership, building development or property improvement.

The term subdivision includes re-subdivision.

Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, ^{Keep} over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Telecommunications Facility: A tower or other support structure, including antennae that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

Top of Bank: That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope. See **Figures 3 and 4** for representative illustrations for these terms.

q
ok

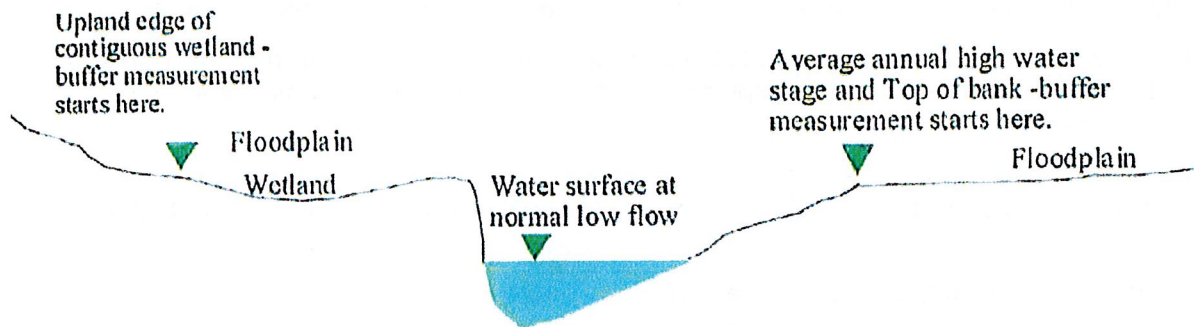


Figure 3: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

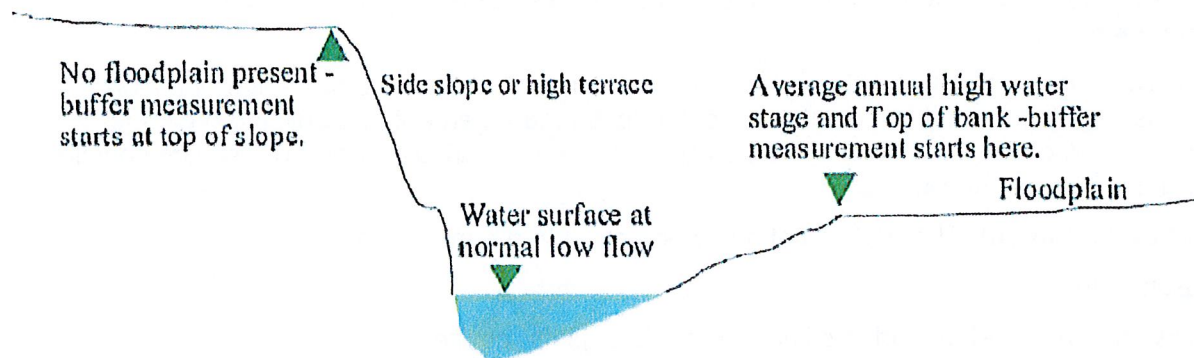


Figure 4: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

Travel Trailer: Any vehicle used, or so constructed as to permit such use, as a conveyance on the public roads and duly licensed as such, which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons. Includes motor homes, tent trailers, truck campers and any vehicle converted to provide temporary sleeping facilities other than a mobile home. This definition does not apply to commercial vehicles, such as 18 wheel trucks equipped with sleeping quarters, that are used to transport goods.

Use, Associated: A use customarily incidental to the principal use and on the same lot as the principal use.

Use, Conditional: A use permitted only by approval of the Board of Adjustment following a public hearing.

Use, Permitted: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Variance: A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A. §§ 4464 and 4469. *dk*

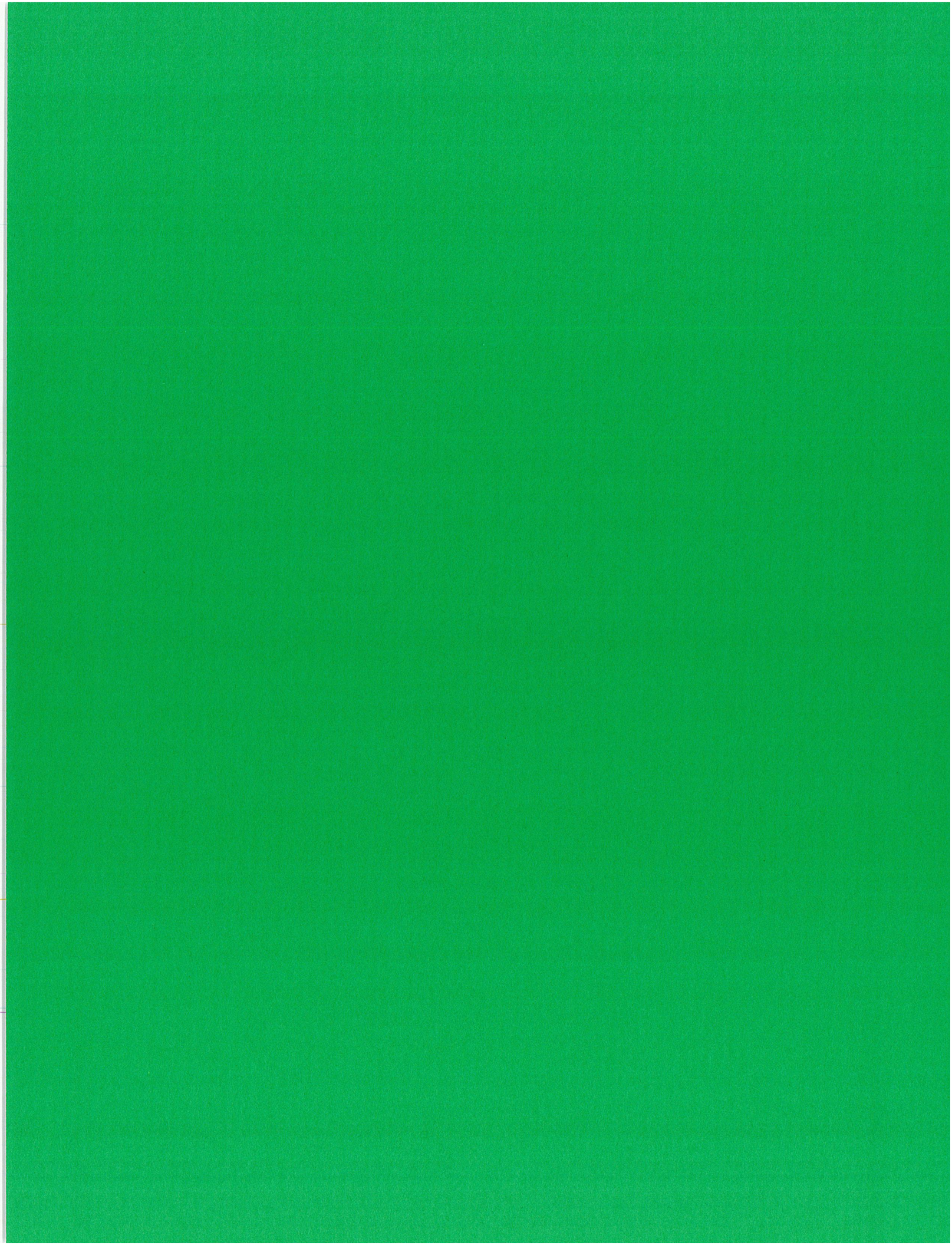
Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Wetlands: Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Wireless Communications Facility: A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals

or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

Wireless Telecommunication Facility: A facility consisting of the structures, including the towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.



Bylaw update status as at XX/XX/20XX

Bylaw Section

	Not done	Maybe done	Done	Related Subdiv Reg	
1.1 Authority					
1.2 Purpose				120	
1.3 Application of Regulations					
1.4 Interpretation					
1.5 Adoption and Amendments; Effective Date					
1.6 Severability					
2.1 Introduction and Table of Districts and Uses					
2.2 Zoning Map and Interpretation					
2.3 Lot in Two Districts					
2.4 Expansion of Minimum Lot Size					
2.5 Table of Districts and Uses					
2.5.1 Village (v) – Ascutney				320.8, 330.1(a)	Merge both into one village zone?
2.5.2 Village (V) – Perkinsville				320.8, 330.1(a)	
2.5.3 Hamlet (H)				320.8, 330.1(b)	
2.5.4 Rural Residential (RR-1)				330.1(c)	
2.5.5 Rural Residential Reserve (RRR 3-5)				330.1(d)	
2.5.6 Conservation (C-10)				330.1(d)	
2.5.7 Highway Commercial (HC)				330.1(e)	
2.5.8 Industrial (I)				330.1(e)	
3.1 Required Frontage On, or Access To, Public Roads					
3.1.1 Location of Driveways					Double check if 50 feet / 100 feet make sense
3.2 Conservation of Natural Resources				320	
3.2.1 Agricultural Zoning				Appx A Farmland, Prim. Soils	May be OK
3.2.2 Biological Natural Areas Survey, 1992				320.5	
3.2.3 Connecticut River					
3.2.4 Deer Wintering Areas				320.5, Appx A Wild Habitat	
3.2.5 Pond Construction					
3.2.6 Rare and Endangered Species				Appx A Wild Habitat	
3.2.7 Steep Slopes and High Elevation				320.4, Appx A	
3.2.8 Streambank Conservation				320.3	
3.2.9 Wetlands				320.3	
3.3 Damaged Structures					
3.4 Nonconformities					
3.4.1 Nonconforming Lots and Parcels					
3.4.2 Nonconforming Structures					
3.4.3 Nonconforming Uses					
3.5 Off-Street Parking					
3.5.1 General Standards					
3.5.2 Specific Standards					
3.5.3 Waivers					
3.6 Outdoor Lighting					
3.6.1 General Standards					
3.6.2 Home Business, Commercial and Industrial Uses					
3.6.3 Private Roadways					
3.7 Performance Standards					
3.7.2(a) Noise Pollution					
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		Yellow			
3.7.2(g) Liquid or solid wastes or refuse		Yellow			
3.7.2(h) Fire, safety, explosive or other hazard		Yellow			
TABLE: Permitted Noise Levels	Red				
3.8 Signs		Yellow			
3.8.1 General Standards: Applicable in all Zoning Districts			Green		
3.8.2 Home Occupation Signage			Green		
3.8.3 Home Business Level 1 Signage			Green		
3.8.4 Home Business Level 2 Signage			Green		
3.8.5 Commercial / Industrial Signage		Yellow			
4.1 Accessory Dwelling Unit			Green		
4.1.1 Definitions			Green		
4.1.2 General Standards			Green		
4. Airport Uses	Red				
4.2 Day Care Facilities		Yellow			
4.2.1 Child Day Care		Yellow			
4.2.2 Adult Day Care		Yellow			
4.3 Extraction of Earth Resources			Green		
4.4 Gasoline Station / Convenience Stores		Yellow			
4.4.1 General Standards		Yellow			
4.5 Home-Based Occupation and Home-Based Business			Green		
4.5.1 Definitions and General Standards			Green		
4.5.2 Home-Based Occupation			Green		
4.5.3 Home-Based Business-Level 1			Green		
4.5.4 Home-Based Business-Level 2			Green		
4.6 Junkyards, Scrap Materials, Recycling Facilities, and Landfills (privately owned)			Green		
4.7 Low and Moderate Income Housing			Green		
4.8 Mobile Homes and Modular (or Prefabricated) Housing			Green		
4.9 Mobile Home Parks			Green		Looks OK but may want to review
4.10 Public Utility Substations		Yellow			
4.11 Renewable Energy Production		Yellow			
4.12 Seasonal Road Stands	Red				No definition
4.13 Self-Storage Facility	Red				
4.14 Storage of Flammable Liquids and Gases		Yellow			
4.15 Subdivision of Lots			Green		
4.16 Temporary Uses and Structures			Green		
4.17 Travel Trailer Camping Areas	Red				
4.18 Travel Trailers/Camping Vehicles	Red				
4.19 Wireless Communication Facilities			Green		
4.19.1 Wireless Communications Facilities			Green		
4.19.2 Wireless Telecommunications Facilities			Green		
4.20 Renewable Energy Systems	Red				
4.20.1 Definitions	Red				
4.2.2 Small-Scale Renewable Energy Systems	Red				
4.2.3 Large-Scale Renewable Energy Systems	Red				
4.2.4 General Standards	Red				
5.1 Application Submission Requirements			Green		
5.1.1 Permitted Uses		Yellow			Dimensions of sketch plan 8.5 x 11?
5.1.2 Site Plan Review		Yellow			
5.1.3 Conditional Use Review		Yellow			
5.1.4 PUD Review		Yellow			320.8
5.1.5 Flood Permit Review			Green		
5.2 Permitted Use Review		Yellow			
5.3 Site Plan Review		Yellow			230, 240, 250, 310

5.3.1 Compatibility with surrounding development				
5.3.2 Traffic access and circulation				370.7
5.3.3 Protection of natural resources				320
5.3.4 Storm water management and drainage			370.8, 360	1992 Biological Natural Areas
5.3.5 Landscaping and screening				310.5
5.4 Conditional Use Review				
5.5 Combined Review				
5.6 Planned Unit Development			310.2, 210.4, 320.8	
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				
5.7 Flood Plains and Floodways			320.3, Appx A Floodplains	
5.7.1 Statutory Authorization and Effect				320.3
5.7.2 Statement of Purpose				320.3
5.7.3 Other Provisions				320.3
5.7.4 Lands to Which these Regulations Apply				320.3
5.7.5 Development Review in Hazard Areas				320.3
5.7.6 Development Standards				320.3
5.7.7 Administration				320.3
5.7.8 Certificate of Occupancy				320.3
5.7.9 Enforcement and Penalties				320.3
6.1 Municipal Appointments				
6.1.1 Administrative Officer				410.1
6.1.2 Planning Commission				410.2
6.1.3 Board of Adjustment				410.3
6.1.4 Advisory Commissions				
6.2 Permit Requirements				May want to add "Cert. of conformance" language her
6.2.1 Applicability				
6.2.2 Exemptions				
6.2.3 Limitations				
6.2.3 Issuance				
6.2.4 Effective Date				
6.2.5 Permit Notice Posting Requirement				
6.2.6 Permit Expiration				
6.3 Public Hearings				430.2
6.3.1 Public Notice				430.1
6.3.2 Hearings				430.2
6.3.3 Decisions				430.3
6.3.4 Recording Requirements				
6.4 Deed Restrictions				
6.5 Other Town Regulations				
6.6 Certificate of Conformance				
6.7 Certificate of Occupancy				
6.8 Appeals				450
6.8.1 Administrative Officer Actions				
6.8.2 Interested Persons				450.3
6.8.3 Notice of Appeal				
6.8.4 Appeals to Environmental Court				
6.9 Waivers				Setback waivers

6.9.1 Purpose					
6.9.2 Allowable Waivers					
6.9.3 Review Procedures					
6.9.4 Standard of Review					
6.9.5 Decisions and Conditions of Approval					
6.10 Variances					unchanged from past language
6.10.1 Variance Criteria					
6.10.2 Variances for Renewable Energy Structures					
6.10.3 Variances within the Flood Hazard Area					
6.11 Violations and Enforcement					440
6.11.1 Violations					
6.11.2 Notice of Violation					
6.11.3 Limitations on Enforcement					
Article 7: Definitions					
A Zone					flood related
Abandoned Structure					
Accessory Structure					
Accessory Use					
Affordable Housing					
Affordable Housing Development					
Agriculture Use					
Airport Uses					
Appropriate Municipal Panel					
Area of Special Flood Hazard					flood related
Athletic Courts					
Average Grade					
Background Noise					
Bankfull Width					
Base Flood					flood related
Base Flood Elevation					flood related
Basement					
Bed and Breakfast					
Buffer				defined	
Building					
Building or Structure Height					
Cemetery					
Channel					
Common Plan of Development					
Community Non-profit					Replaces "Semi-public"
Contractor's Storage Yard					
Coverage					
Critical Facilities					
Daytime Hours					
Decibel					
Development				defined	
Development in the areas of special flood hazard					flood related
District, Zoning District					
Dwelling, Dwelling Unit					
Emitter					
Excessive Noise					
Existing Small Lot					
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
Fill					
FIRM					flood related
Flood					flood related
Flood Insurance Study					flood related
Floodway					flood related
Fluvial erosion					
Fluvial Geomorphic Equilibrium					
Formula Business					
Frontage					
Functionally dependent use					
Gasoline/Service Station					
Group Home					

Guest House					
Hazardous Materials					
Highway-Commercial					
Historic Structure					
Home-Based Business					
Home-Based Occupation					
Impulse Noise					
Indoor Recreational Facility					
Industry					
Inn/Small hotel					
Insignificant Activities and/or Repairs					Anything else to add to this?
Junkyard					
Land Development					flood related
Letter of Map Amendment					
Light Industry					
Lot					
Lot Size					flood related
Lowest Floor					
Lumber Yard					"Designed for use with or without permanent chassis"
Manufactured Home (or Mobile Home)					
Manufactured Home Park or Subdivision					flood related
Mean Sea Level					
Medical Facility					
Minor Structure					
Mobile Home					
Mobile Home Park					
Modular (or Prefabricated) Housing					
Motel					
Multi-family Dwelling					
Municipal Land Use Permit					flood related
New construction					
New Manufactured Home Park or Subdivision					
Nightclub or Bar					
Noise Zone					
Nonconforming Lots or Parcels					
Nonconforming Structure					
Nonconforming Use					
Nonconformity					
Non-highway Commercial					
Non-Residential					
Outdoor Recreation Facility					
Planned Residential Development					210.4
Planned Unit Development					210.4
Pre-existing					
Prime Agricultural Land					defined
Public Water					defined
Receptor					
Recreational Vehicle					
Regular High Water Mark					
Renewable Energy Resources					
Residential Care Home					
Residential, Single-Family					
Residential Structure					
Residential, Multi-Family					"A legitimate home occupation is optional"
Residential, Two-Family					
River Corridor					
School					
Self-Storage Facility					
Setback					
Sign					
Small Office					
Sound Level Meter					
Special Flood Hazard Area					flood related
Start of Construction					
Stream					
Structure					
Structural Development					defined
Subdivision					
Substantial damage					
Substantial improvement					
Telecommunications Facility					
Top of Bank					
Travel Trailer					

[Use, Associated](#)
[Use, Conditional](#)
[Use, Permitted](#)
[Variance](#)
[Violation](#)
[Wetlands](#)
[Wireless Communications Facility](#)
[Wireless Telecommunication Facility](#)

flood related

statutory?

statutory?