

Planning Commission
Martin Memorial Hall
5259 Route 5, Ascutney VT
DRAFT of Planning Commission Meeting Minutes
Monday June 22, 2020 6:45 PM

Planning Commission Members Present:

Paul Tillman
Fred Kowalik
Howard Beach
Tyler Harwell
Chris Whidden, Zoning Administrator
Brandon Gulnick, Town Manager

Online attendees: Nikita Lenahan, Caller One (unidentified)

Attendees: Ralph Meima, Douglas Reed, Dillin Reed, Nancy Reed, Colin Tindall, Robin Tindall, Ethan McNaughton, Michelle McLaughlin, Luke McLaughlin

1.) Call to Order by Chair, Paul Tillman at 6:47 pm

2.) Agenda Review – June 22, 2020

Paul Tillman moved item #5 “Bylaw Petition Hearing re: logging on parcels > 25 acres to item #3 on the agenda so the remaining agenda will now be as follows:

#3 Bylaw Petition Hearing re: logging on parcels > 25 acres
#4 Comments from the Chair and Land Use Administrator
#5 Comments from Citizens regarding items not on this agenda
#6 Approval of Meeting Minutes – June 8, 2020
#7 Discussion of unnatural structures and property aesthetics
#8 Zoning Bylaws Updates

- a.) Conservation of Natural Resources bylaw- Riparian buffers, Aquafer protection
- b.) Changes to zoning map
- c.) Review and approval of Definitions
- d.) Status spreadsheet review

#9 Discussion of Items for Future Agendas

#10 Adjourn

No discussion on agenda change.

3.) Paul Tillman called the public hearing to order for the petition that the planning commission has for wood processing. Paul Tillman read the notice of public hearing:

NOTICE OF PUBLIC HEARING

In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, of the Vermont Statutes Annotated, and in consideration of the stay at home guidelines in STATE OF VERMONT EXECUTIVE DEPARTMENT ADDENDUM 6 TO EXECUTIVE ORDER 01-20 with respect to the timing of a public hearing, the Planning Commission for the Town of Weathersfield, Vermont, will hold a public hearing on Monday, June 22, 2020, at 7:00 P.M., in the Weathersfield Town Office, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the adoption of proposed Zoning Bylaw amendment submitted by petition exempting fire processing as specified in the proposed amendment.

Statement of Purpose

A group of registered voters of the Town of Weathersfield have submitted a petition to amend the Zoning Bylaws that would have the effect of exempting firewood processing facilities of any size and in any district provided that the processing takes place on parcels of 25 acres or more.

Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

Sections Headings

The proposed Zoning Bylaw amendments would add a new Section 4.2.6 Processing of Firewood and add a definition for Processing of Firewood.

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

Dated at Town of Weathersfield, Windsor County, State of Vermont, this 4th day of June, 2020.

Paul Tillman, Chair
Weathersfield Planning Commission

Paul Tillman asked Chris Whidden, Zoning Administrator if he received any written documents or anything prior to this from anybody that wanted to comment.

Chris Whidden received a letter from Willis Wood that stated the following:

Dear Planning Commissioners-

I think there is a need to conditionally permit more firewood processing locations in

Weathersfield. We strive to have a working forestry and agricultural landscape in town. We want to have a community where we are more than a bedroom community for upper valley commuters, but where there are real and necessary jobs close to home.

However, I do not think the present petition to amend the zoning by-laws to permit firewood processing is a good idea. I believe that making such a use a conditional use, rather than a permitted use, would be a much better way to address the issue.

An example in our existing zoning by-laws that is in some ways similar to firewood processing is 7.10, Extraction of Earth Resources. While many of the conditions there do not apply, several seem similar to me. For example:

“f) No stationary power-activated crushing or sorting machinery or equipment shall be located within 300 feet of any occupied building without written and filed consent of the abutter...

j) The hours, frequency and duration of operation of the facility shall not unduly affect the character of the immediate neighborhood area.

k) The operation shall not ... create excessive dust, traffic, vibration, or noise at the site or in areas of close proximity to the site.”

I do not mean that a conditional firewood processing permit would contain the exact wording above, just that any permit should be conditioned on its location and effect on the neighborhood, not just on the lot size that it is situated on.

In full disclosure, I am a member, and presently chair, of the Weathersfield Zoning Board of Adjustment, but both my advocacy for more conditionally permitted firewood processing and my reluctance to make it a permitted use with no conditions attached are my personal opinions, not those of the board.

Sincerely,

Willis Wood

Paul Tillman read the petition that was received

- I. “The following shall be added to Section 4.2.6:
4.2.6 Processing of Firewood

No provision of these bylaws shall have the effect of regulating the processing of firewood (as defined in Section 8) in any district, provided that the processing takes place on parcels of 25 acres or more.

- II. The following shall be added to Section 8 definitions:
Processing of Firewood: the storage, cutting, splitting, processing, packaging, distribution and sales of firewood of commercial value whether the processing occurs at the site where the product was harvested or at a site that is not the harvest site.”

Paul Tillman reiterated that the Planning Commission has no authority to change anything in the petition with the exception of a spelling or grammatical error. As stated in the petition, this will go forward to the Select Board to be heard.

The meeting was opened up to the public for comments.

Doug Reed "First question, if you do a petition and get 5% of the votes, why isn't the petition allowed to do what it states and that's to go to a Town vote? It wasn't written up to go in front of the Planning Commission, it wasn't written up to go in front of the Select Board, it was written up to go in front of the people of the Town. That's 10% of the Town's signatures, from opposite ends of the Town."

Michael Todd "Can I deal with that first Doug? We're required by law to do this. We can't change anything and we have to forward this. What the law states is 24 V.S.A §4441(B) "A proposed amendment or repeal prepared by a person by a person or body other than the planning commission shall be submitted in writing along with any supporting documents to the planning commission."

It has to come to us first, it is State law. That's not our rules, it's not something we are making up.

"The planning commission may then proceed under this subchapter as if the amendment or repeal has been prepared by the commission."

Just like we had written this by law. It's handled the same way, but we can't make any changes to it because it's a petition the language has to stay exactly the same way you presented it. So, that's where we are.

"However, if the proposed amendment or repeal of a bylaw is supported by a petition signed by not less than 5 percent of the voters of the municipality, the commission shall correct any technical deficiency and shall, without otherwise changing the amendment or repeal, promptly proceed in accordance with subsections c through g of this section, as if it has been prepared by the commission."

Which is what we are going to do now.

Doug Reed "It was a waste of time to get 5% of the votes to sit here, fight about it and it's going to do nothing."

Michael Todd "No Doug, it's going to go in front of the voters."

Doug Reed "The next one is going to Superior Court to make the Town put it to a vote."

Paul Tillman "As you know there's multiple things going on, all we're working on is this petition right here that you got signed. Following the procedure of the law that comes before us and we act upon it as if we wrote it, which is to have this public hearing. As you heard Mike say and from the last one we did, there is nothing we can change on this. So there is not going to be any argument, there is not going to be any dispute on how this goes forward. This is going to forward to the Select Board, which is the standard procedure of how the State works the law. There might be debate here about what people think or whatever, but there is nothing that is going to change on this."

Doug Reed “Yeah, but it isn’t going to be allowed to do what it is written to do. It has to go to a vote to the Town’s people.”

Paul Tillman “So let me go one step further, once this leaves here with a recommendation from the Planning Commission, it goes to the Select Board.”

Michael Todd “The Select Board has one, possibly two hearings and there probably ought to be a Town Meeting specifically dedicated to this petition and then it will be on the ballot. That’s what will happen.”

Paul Tillman “This is the process we have to go through to get it to the next step of the way it goes.”

Doug Reed “The next note, whoever prepared your notes on that, stating that it affects all of Town, it only affects a small portion of Town actually. If you count up how many lots in Weathersfield are under 25 acres, there are going to be a lot more than lots that are over 25 acres and I wasn’t able to get the exact numbers because the Town Office has been closed, but did some research into it and you’ll find it was a small percentage of Town that petition could affect.”

Paul Tillman “Ok, but as far as 25 acres, which the petition does affect is not located in just one section of Town. That’s why it’s worded that way. If we looked at it, you’d probably find that up in the left-hand corner, the southwest corner, the northwest corner there would be people that owned 25 acres here and there. So, percentage wise, overall, I hear what you’re saying, but as a definition of where this affects this is not written to say east side of wherever or road. It’s encompassing the Town.” “Is there anything else you would like to particularly say on this?”

Doug Reed “Not at this time just that the Town hasn’t been very good timewise on anything. Posting anything on it, it’s been absolutely ridiculous through the whole thing and now you’ve got Willis (Wood) coming back with this. If you remember 2 years ago, I had it front of the Zoning Board trying to get a conditional use permit and they didn’t want to hear any part of that.”

Paul Tillman “Willis has the right, just like anyone in Town...”

Doug Reed “He was also sitting on the Board, but now things have changed. I mean we’re talking about something that was legal as far as anybody was concerned for years because of the way it was written up in the Weathersfield handbook. I was exempt. That was what all the other Zoning Commissioners felt. Until now.”

Paul Tillman “For right now, for all intents and purposes, this isn’t a discussion about whether it’s wrong, it’s right, the Town did this, the Town did that. There is a petition in front of us, which we have to go through the formalities of this public hearing and then move it on to the Select Board.”

Michael Todd “Chris, 24 V.S.A §4441, do you have the criteria c through g available?”

Chris Whidden “I can pull it up.”

Paul Tillman “24 V.S.A §4441 (c) states “When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384 (c) of this title concerning plan amendments. The Department of Housing and Community Development shall provide all municipalities with a form for this report. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal

and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- 1.) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.
- 2.) Is compatible with the proposed future land uses and densities of the municipal plan.
- 3.) Carries out, as applicable, any specific proposals for any planned community facilities.

Please see “Planning Commission Reporting Form for Municipal Bylaw Amendments” that was originally provided by Jason Rasmusson in 6-22-2020 packet.

Paul Tillman opened the floor up to comments from citizens on the Reed petition.

*The beginning of Ethan McNaughton’s comments were cut off due to an interruption in recording. I have requested a follow up email regarding his comments.

“...the best thing to explore is to have an industrial district, to have a commercial district and then making a conditional use if you want to try to expand outside of those districts to make sure if you are going to put it here, and I don’t think it makes a lot of sense, in general but if you are not going to make it unsafe for everyone else and ruin their ability to use their property then we’ll let you do it and this does not have any of those safe guards.”

Michael Todd “What I am about to say is more of a promotion for what we are doing here right now, later on tonight we’re going to start talking about these maps. This is the future land use map that’s already been adopted with the 2027 Town Plan. Future land use plan means, what are you going to do? What’s your future land use map going to be? That’s exactly what you just finished on was where do you want these things?”

Doug Reed “I have one for the Town Manager, are we going to shut down on the roads in Weathersfield that kids live on to commercial vehicles now?”

Brandon Gulnick “All roads?”

Doug Reed “Must be, can’t have them drive by kids at a bus stop. That affects every road. I’ve heard that more than once and now I want an answer. It isn’t just my trucks that are on the road.”

Brandon Gulnick “This gentleman just gave his point of view and many people have different points of view. He has the right to be heard, that’s why he’s here tonight.”

Doug Reed “For 2 years all I heard was it was a deer yard. If it was a deer yard are, we going to fence them in?”

Paul Tillman “One of the things we do Doug is, along with everything else on certain items in town is screening. It’s not necessarily screening the whole lot in.”

Doug Reed “Not according to the paperwork I’ve gotten from the town.”

Paul Tillman “We are strictly here for this particular petition.”

Nancy Reed “A lot has been said about daycare. I’m retired, I have my grandchildren now, both of these people sent their children to my house knowing full well that processor was up there. Has it bothered me? No. I’m just down over the bank. Has it bothered any of my children in all the

years that I had kids? Never did we ever have a complaint. We walk right up the road. The closest call I've ever had was last year when that had that run out on our road. I almost ran over a little girl that came out from behind a band that was half way out in the road."

Paul Tillman "Again, I don't want to keep harping on this, but this hearing is not about traffic on that road, what has happened or close calls."

Robin Tindall "First I want it entered into the record that I agree with everything that Ethan said. I would like to summarize by saying that I believe that the proposed amendment is overly broad. That is also based on what Ethan was saying that the purpose of zoning is that there are specific land uses and specific land types that are good for different things and it benefits all of us to have those specifics that the town works hard putting into place that's been part of the Weathersfield Town Plan in 2017 just 3 years ago through the zoning that already exists. A lot of thought goes into knowing the very specific nature of the town and its uses so having something so overly broad sort of wipes away all of that work and all of the purpose that's behind it. I guess my other point is that the zoning benefits all of us. So, an example with a paved road vs a dirt road. Our tax money goes, we see with the grader and the culvert repair, our tax money that all of us have to pay in, it goes up every year, that goes to keeping those roads in repair. If we have a paved road that serves many businesses, it's an economy of scale and it's good for the people that have to maintain the trucks that are from those businesses and it's good for the town in terms of not putting wear and tear on a road that wasn't meant or built for in the first place to have. That goes around to the natural conservation district as well. The purpose of that is to have residences in concert with conservation areas. We can have a healthy deer population; we can have people coming in from out of state to do their hunting here because we have a good deer population. We can have residences and property values can be stable or rising because people want to live here. People want to get out of the cities, people want to come to Vermont and buy a house or move here. They want it to be a safe area. So again, compatible uses. An area where it's for biking and running and walking your dog and an area where we all need gas. We come here and we have 2 gas stations and we can buy our milk and we can do those things in compatible areas. So it's really good for all of us as tax payers to keep those things in place and benefits all of our property values and keeps all of our taxes a little bit lower."

Colin Tindall "I echo many of the comments from Willis Wood, Ethan and my wife, Robin and I just have my perspective. When we moved in, we chose Weathersfield as a quiet corner of Vermont. Just today I took a drive up to Graves Road and Baltimore and remarked what a quiet corner of Vermont it was. Just so happens that is the same place Mr. Reed lives. Yet, with this particular petition, there is no doubt it would adversely affect our quiet corner of Vermont that has long been deemed as such. Which has also been incorporated into the new Town Plan. I very much too support any and all business enterprises that give meaningful, livable wage jobs that attract people to our town, but it has to be done in a lawful and considerate manner. And balancing out interests of lots of differences within the town. In this case, this particular petition would turn our road into virtual logging camp with processing going through all the time. We have children on the road, we have people from all over town that come to our road. It is known as a fun place to recreate. I watch Greg Brown run up the town road trying to get into shape. I see Steve Aikenhead, I see all of these people come in recreating. We have the run for Laura once a year on the road. It's known far and wide as such. The broad language of this would not really apply to the rest of town, but would be a means to an end for Mr. Reed to continue doing things

that he is already in violation of. I would just ask the members of the committee to take that into account in their deliberations.”

Michelle McLaughlin “I just want to say that I have been living in Weathersfield for 50 years now and I have done nothing but watch small business get pushed out for 50 years. I’ve seen farms get shut down, I see retail space that sits empty. I see other places in Perkinsville that filed to get a car fixing up place that were told wasn’t zoned right, but yet 2 houses down, what are they doing? Fixing cars. You don’t have certain zoned places for people to have their businesses for 1. For 2, like they said, people are flocking up here to this town, to this area right now. If we can’t give them the means to make money in the town they live in, they’re not going to stay. They’re going to go and the people who live here are also going to go and we’re going to go to another town and run our businesses and we’re going to make taxes for another town and not the town that we live in. There is nothing for small business in this town. I’ve been trying to find a place for my small business in this town for years.”

Brandon Gulnick “The Select Board did appoint a representative from the Select Board to economic development which is Michael Todd. He and I have been having those discussions about responsible businesses in the Town of Weathersfield.”

Luke McLaughlin “I just want to reiterate what my wife said. It’s more and more, I’ve watched this case develop. I’ve heard arguments from both sides of this and I hear what this board says about wanting to embrace small business. I just wonder how embracing this town is going to be towards small business when one who has a small business established gets a new neighbor who doesn’t like what he’s already doing and squeezes them out. I came here from somewhere else, but not to make here like where I came from. I watch how all this knit picking and hen pecking and all this complaining going on, just how embracing is this town going to be for small business? I have my doubts. I, myself, wanted to have a small, home-based business run out of out building. I was told that’s not possible because it’s not attached to your house. I’m talking a small building, smaller than the 30% that my house has to be for an “in house” small business. But because it wasn’t attached, I couldn’t do it. I’m talking about a craft; I couldn’t do a craft on my own property. That craft could have been great for business revenue for this town. My neighbors had no problems with what I wanted to do, again we’ve got a cupcake business that because of COVID, and knee jerk reactions, we lost it. What are we going to do? Can we do something to save our business from home. I’m going to have to go somewhere else because my hometown doesn’t want to make conditions so I can sell cupcakes.”

Paul Tillman “I can’t personally comment on this.”

Luke McLaughlin “What this has to do with all of this is that he has an established business long standing. No body had a problem with it until the ball started rolling on what all of this is. Where did it come from? To Doug, it came out of left field.”

Todd Hindinger “I just had one question about the procedure as you take this forward. You said that in your report to the Select Board you can include recommendations. So, I assume you are going to include the stuff from Jason Rasmussen and the public comments? What wasn’t clear to me was if we’re having a hearing, we’re having an interesting dialogue and it’s informing everybody, but it wasn’t clear if you were going to take that and package it up, think about it and write some comments for the Select Board to consider or if we were going to delete the stuff from Rasmussen, delete the public comments and just take the petition as is and forward as is to the Select Board. So, are you going to do recommendations or no?”

Michael Todd “The statute, regardless of whether we create a bylaw or if it’s requested through petition or other has to follow the statute. Which means we have to issue a report. That’s what Jason did, he prepared this report. This is the report that will probably have a motion on here shortly to accept and approve and forward to the Select Board.”

Paul Tillman “What we will do, after we close the public hearing, as Chair I will accept any motions to send this forward as is, with amendments, or whatever it could be or could not be depending on how the motion goes.”

Paul Tillman closed the public hearing at 8:17 pm.

Michael Todd made a motion to accept the Planning Commission reporting form municipal bylaw amendments dated March 25, 2020, date should be updated to June 22, 2020 and forward this and the petition to the Select Board for the next step.

Howard Beach 2nd

Discussion – Michael Todd asked that the public’s comments be included to the Select Board.

Vote- unanimous

4.) Comments from the Chair and Land Use Administrator

No comments from the Chair or Land Use Administrator

5.) Comments from Citizens regarding items not on this agenda:

Ralph Meima came to thank the Planning Commission for working with Green Lantern Solar.

6.) Approval of Meeting Minutes – June 8, 2020 Minutes were not included in packet as they were not received prior to packet being mailed.

Michael Todd made a motion to table the minutes until next meeting.

Howard Beach – 2nd

Vote – unanimous

7.) Discussion of unnatural structures and property aesthetics - Tabled

Discussion – change “unnatural to manmade”, Paul to contact Julia Lloyd-Wright

8.) Zoning Bylaw Updates:

- a. Conservation of Natural Resources bylaw- Riparian buffers, Aquafer protection – Tabled
- b. Changes to Zoning Map – Tabled
- c. Evaluation of and possible changes to definitions in zoning bylaws –
 - Michael Todd made a motion to accept Article 7 definitions as presented
 - Howard Beach – 2nd
 - Vote - unanimous
- d. Status Spreadsheet Review – up to date

9.) Discussion of items for future agendas – Tabled

10.)Adjourn

Howard Beach made a motion to adjourn the meeting at 8:45 PM

Fred Kowalik 2nd
Vote – unanimous

Meeting adjourned at 8:45 PM

Next Planning Commission Meeting is scheduled for Monday July 13, 2020 at 7:00 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary