

Planning Commission
Martin Memorial Hall
5259 Route 5, Ascutney VT
FINAL Planning Commission Meeting Minutes
Monday August 24, 2020 7:00 PM

Planning Commission Members Present:

Paul Tillman
Fred Kowalik
Howard Beach
Michael Todd
Chris Whidden, Zoning Administrator

Planning Commission Members Absent:

Tyler Harwell

Online attendees: Nikita Lenahan

Attendees: Carl Wyman

1.) Call to Order by Chair, Paul Tillman at 6:56 pm

2.) Agenda Review – August 24, 2020

Chair would like to move #6 and rename it to “Sketch plan/hearing for Carl Wyman Subdivision to #3”.

New Agenda as follows:

1. Call to Order
2. Agenda Review – 10 August 2020
3. Sketch Plan/hearing for Carl Wyman Subdivision on Route 131.
4. Comments from the Chair and Land Use Administrator
5. Comment from Citizens regarding items not on the agenda
6. Approval of Meeting Minutes – 27 July 2020
7. Discussion of interim bylaws
8. Discussion of noise ordinance bylaw change
 - a. Review and consider approval of proposed draft bylaw change
9. Discussion of approved “Definitions” section
 - a. Status of Planning Commission Hearing for these – Adding these to the August 24, 2020
10. Zoning Bylaws Update-
 - a. Review and consider approval of proposed Conservation of Natural Resources bylaws for the August 24, 2020 Hearing
 - i. Aquafer protection bylaw
 - ii. Riparian buffers

11. Discuss timeline for “Town Plan” review and update. What sections to work on first.
12. Changes to the Zoning Map
 - a. Review results from past survey results collected from Town Revitalization and Outreach surveys and meetings.
 - b. Review the proposed changes to the Village Designation
 - c. Review designations and boundaries for –
 - i. Hamlets
 - ii. Highway Commercial
 - iii. Industrial
13. Status Spreadsheet review –
 - a. Review bylaws that have been completed, approved and that have had Planning Commission Hearings. These will need to be sent to the Select board next.
 - b. Review status on non-completed bylaws.
14. Discussion of Items for Future Agendas
15. Any other business that can be legally discussed
16. Adjourn

No discussion from the Planning Commission.

3.) Sketch Plan Review for Carl Wyman Subdivision on Route 131

Paul Tillman, Chair opened the Public Hearing for address 7409 Rte 131 Weathersfield, VT 05151 for Carl Wyman. Project description is subdivision of parcel 03-02-07 at this 7409 Rte 131 Weathersfield, VT.

Public hearing scheduled for today 8-24-20 at 7:00 PM at Weathersfield Town Office Rte 5 in front of the Planning Commission. The purpose of this hearing is for a subdivision.

Included in the subdivision packet was:

- Town Checklist for subdivision
- Subdivision Application
- Sketch plan drawing
- Private Road Maintenance Agreement

The Planning Commission reviewed the checklist.

Michael Todd noted that there were things that are not included on the drawings:

- Pins need to be in place.
- All drawings need to have a building envelope, which is the setback lines for all parcels.
- Identify overlays.
- Note attached with lots not being developed.

Fred Kowalik asked if the well on Rte 106 is for the house on 106 or is it a shared well.

Carl Wyman “It currently has language for being shared, but it currently services the log cabin on Rte 106.”

While reviewing the Town of Weathersfield Final Plat Checklist, the following items were identified that need to be addressed:

- Power lines, access anything that exists. Carl Wyman noted that power pole and guide wire center line of the proposed shared driveway.
- Add zoning to the application.
- Need to show right of way from log cabin to Lot 6.
- Egress in for the log cabin.
- Put in a right of way.
- Easements for the well need to be included in the notes.
- Designate the wells (A/B or 1/2) with notes

Fred Kowalik asked if the 50 foot right of way be run all the way to Lot 6?

Carl Wyman “yes”

The Planning Commission re-capped what Carl Wyman had on his list to follow up on. This included:

- Pins need to be in place.
- All drawings need to have a building envelope, which is the setback lines for all parcels.
- Title block – final plat
- Date the North Arrow
- Ask Gary about the 5-foot contour lines.
- Note on each lot any State and Local permits required
- Egress for Lot 6 right of way to Lot 6, 50 feet
- Note and designate the wells, one for the office and 2 for the shared well
- Storm requires emergency general practices

Leaving hearing open for an additional 2 weeks and will be continued on the next agenda, September 14, 2020 @ 7:15 PM.

4.) Comments from the Chair and Land Use Administrator

Chris Whidden, Zoning Administrator handed out an RFP for Development of 100% final Engineering Design Plans for a Dam Removal in Weathersfield, VT. This was an FYI for the Planning Commission.

The Land Use office applied for a \$20,000 grant from the State.

Reviewing the fee structures for zoning permits.

Working on a new tracking system for bylaws.

Working on a tracking system for conditional uses.

Michael Todd received a call from Sven Federo who has offered to come down and spend some time with Brandon and Chris Whidden.

Chris has a meeting with Sven on Friday, August 28th at 2pm.

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

No comments

6.) Approval of Meeting Minutes –

Minutes from 7-27-20

Howard Beach made a motion to approve the minutes from 7-27-20

Fred Kowalik – 2nd

No Discussion

Vote – unanimous

7.) Discussion of Interim Bylaws

Chris Whidden provided a copy of the following statute.

The Vermont Statutes Online

[Title 24 : Municipal And County Government](#)

[Chapter 117 : Municipal And Regional Planning And Development](#)

[Subchapter 007 : Bylaws](#)

(Cite as: 24 V.S.A. § 4415)

• **§ 4415. Interim bylaws**

(a) If a municipality is conducting or has taken action to conduct studies, or has held or is holding a hearing for the purpose of considering a bylaw, a comprehensive plan, or an amendment, extension, or addition to a bylaw or plan, the legislative body may adopt interim bylaws regulating land development in all or a part of the municipality in order to protect the public health, safety, and general welfare and provide for orderly physical and economic growth. These interim bylaws shall be adopted, reenacted, extended, or amended by the legislative body of the municipality after public hearing upon public notice as an emergency measure. They shall be limited in duration to two years from the date they become effective and may be extended or reenacted only in accordance with subsections (f) and (g) of this section. An interim bylaw adopted under this section may be repealed after public hearing, upon public notice by the legislative body. The legislative body, upon petition of five percent of the legal voters filed with the clerk of the municipality, shall hold a public hearing for consideration of amendment or repeal of the interim bylaws.

(b) An interim bylaw adopted, extended, or reenacted under this section may contain any provision authorized under this chapter.

(c) Interim bylaws shall be administered and enforced in accordance with the provisions of this title applicable to the administration and enforcement of permanent bylaws, except that uses other than those permitted by an interim bylaw may be authorized as provided for in subsection (d) of this section.

(d) Under interim bylaws, the legislative body may, upon application, authorize the issuance of permits for any type of land development as a conditional use not otherwise permitted by the bylaw after public hearing preceded by notice in accordance with section 4464 of this title. The authorization by the legislative body shall be granted only upon a finding by the body that the proposed use is consistent with the health, safety, and welfare of the municipality and the standards contained in subsection (e) of this section. The applicant and all abutting property owners shall be notified in writing of the date of the hearing and of the legislative body's final determination.

(e) In making a determination, the legislative body shall consider the proposed use with respect to all the following:

- (1) The capacity of existing or planned community facilities, services, or lands.
- (2) The existing patterns and uses of development in the area.
- (3) Environmental limitations of the site or area and significant natural resource areas and sites.
- (4) Municipal plans and other municipal bylaws, ordinances, or regulations in effect.

(f) The legislative body of the municipality may extend or reenact interim bylaws for a one-year period beyond the initial two-year period authorized by subsection (a) of this section in accordance with the procedures for adoption in that subsection.

(g) A copy of the adopted, amended, reenacted, or extended interim bylaw shall be sent to adjoining towns, to the regional planning commission of the region in which the municipality is located, and to the Agency of Commerce and Community Development. (Added 2003, No. 115 (Adj. Sess.), § 95.)

This was brought up due to the noise ordinance discussion.

- 8.) Discussion of noise ordinance bylaw change
 - a. Review and consider approval of proposed draft bylaw

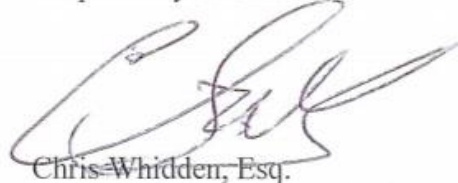
Chris Whidden sent a memo requesting an amendment to the Noise Performance Standard Bylaw Amendment:

TO: Weathersfield Planning Commission
FROM: Chris Whidden, Esq.; Weathersfield Land Use Administrator
RE: Noise Performance Standard Bylaw Amendment
DATE: 7/28/2020

The Land Use Administrator requests the Planning Commission to amend Section 6.13(B)(1)(a) of the Weathersfield Town Bylaws in which “a person conducting sound measurements shall have been trained in techniques and principles of sound measuring equipment and instrumentation” is stricken and replaced with “The Town Manager, Land Use Administrator, Town Health officer, Weathersfield Police Officer, Constable, deputies, or other Town enforcement officer is authorized to conduct sound measurement.”

Support for this request can be found in the memorandum from my office to the Planning Commission regarding noise performance standards, attached hereto and submitted to the Planning Commission on July 27, 2020.

Respectfully Submitted,



Chris Whidden, Esq.
Weathersfield Zoning Administrator

Michael Todd made a motion to request the Select Board enact the Interim Bylaw to as an amendment to the 6.13 (b)(1)(a) of the Weathersfield bylaw, in which we remove the language “a person conducting sound measurements shall have been trained in techniques and principles of sound measuring equipment and instrumentation” and insert in it’s place “The Town Manager, Land Use Administrator, Town Health Officer, Weathersfield Police Officer, Constable, Deputies or other Town Enforcement Officer is authorized to conduct sound measurement.”

Fred Kowalik – 2nd

Discussion – Paul Tillman asked if the Town had a sound meter?

Chris Whidden – no, but he believes that this could be covered under the Land Use budget.

Vote - unanimous

9.) Discussion of approved “Definitions” section - hearing 7:30 PM Monday, September 14, 2020 at Martin Memorial Hall.

10.) Zoning Bylaw Update – Zoning bylaw hearing 7:30 PM Monday, September 14, 2020 at Martin Memorial Hall.

- a. Review and consider approval of proposed Conservation of Natural Resources bylaws
 - i. Aquafer protection bylaw
 - ii. Riparian Buffers

11.) Discuss timeline for “Town Plan” review and update. What sections to work on first.

Energy – first one to look at. Add to agenda and roll it forward.
Complete the zoning map.

Michael Todd said “we need to know the timeline the last adoption of the Town Plan. Even without changes and we did absolutely nothing, that Town Plan has to go back before the Select Board. Secondly, we know that we need to do the Energy because there is so much going on there. Particularly in the development of solar. I had a conversation with Regional Planning and talked to Jason about where we are with our Town Plan, we did finish it that long ago. There might be new elements that we need to look at, discuss and get to work on.”

Paul Tillman stated that they would find the timeline and then determine what needs to get done in what order.

12.) Changes to the Zoning Map – Tabled for future meeting

- a. Review results from past survey results collected from Town Revitalization and Outreach surveys and meetings. – (Paul Tillman did receive results from Jason Rasmussen and will send out the information to the Planning Commission.)
- b. Review the proposed changes to the Village Designation
- c. Review designations and boundaries for –
 - i. Hamlets
 - ii. Highway Commercial
 - iii. Industrial

13.) Status Spreadsheet review – Tabled for future meeting

- a. Review bylaws that have been completed, approved and that have had Planning Commission Hearings. These will need to be sent to the Select board next.
- b. Review status on non-completed bylaws.

14.) Discussion of Items for Future Agendas - none

15.) Any other business that can be legally discussed -

Michael Todd asked to take a consensus of the Planning Commission regarding the missing member and any recommendation this board would like to make in reconsidering the appointment of Tyler Harwell.

Fred Kowalik made a motion to extend the meeting 15 minutes.

Michael Todd – 2nd

No discussion

Vote – unanimous

Paul Tillman had reached out via email after 4 consecutive missed meetings and did not get a response.

Paul Tillman will ask the Town Manager to reach out to Tyler. Things to be included in this letter are:

- Attendance
- The fact that the meetings are set for the 2nd and 4th Mondays of every month, unless cancelled.
- Include, if any, attendance procedures.
- Ask if this is still something he is interested in doing.
- Request a response

16.)Adjourn

Howard Beach made a motion to adjourn the meeting.

Michael Todd – 2nd

No discussion

Vote - unanimous

Meeting adjourned at 9:00 PM

Next Planning Commission Meeting is scheduled for Monday September 14, 2020 at 7:00 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary