

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting Minutes
DRAFT Monday, February 28, 2022 6:30 PM

Planning Commission Members Present:

Paul Tillman
Joseph Bublat
Howard Beach, Online
Mike Todd, Online

Planning Commission Members Absent: Tyler Harwell

Attendees: Greg and Mandy Martell

Online Attendees: Jason Rasmussen, Alex Taft, Brandon Gulnick

- 1.) Call to Order by Chair, Howard Beach at 6:36 pm
- 2.) Agenda Review – no changes
- 3.) Comments from the Chair and Land Use Administrator

Howard Beach noted that the next Planning Commission will be the appointment of positions.

He also received an email from the Zoning Administrator in Chester, VT. They are doing a revision of the zoning regulations. They want to create a Town Green Zone that handles that section of Town where the Town Green is to monitor just those properties. If there are no objections Howard will send a reply that the Planning Commission is ok with that.

- 4.) Comments from Citizens on items not on the agenda.

None

- 5.) Approval of Meeting Minutes – February 14, 2022

Paul Tillman made a motion to approve the minutes from 2-14-22 with corrections as needed.

Joseph Bublat– 2nd

Discussion – no further discussion

Vote – Roll Call Vote:

Paul Tillman – Yay
Mike Todd – Yay
Joseph Bublat – Yay
Howard Beach -Abstain

Vote – Yay – 3, 1 - Abstain

- 6.) Martell Subdivision Discussion

Ryan Gumbart, Land Use Administrator, received an application for subdivision from the Martells. The parcel is in Perkinsville. The property crosses 2 Zoning Districts; Conservation C-10 and Highway Commercial.

The Martell's are the applicants and Heidi Mitchell is the Land Owner. They are looking to split the parcel in almost half, but the subdivision line would go through both districts. The issue is the total lot size is 19.7 acres. So, subdividing a lot if it were completely in the Conservation district would not meet the 10-acre minimum. However, there are 5 +/- acres in the Highway Commercial, Ryan wanted to discuss with the Planning Commission how this subdivision would work.

Michael Todd noted that the subdivision would have to leave 10 acres in the Conservation district. The option would be to subdivide in the Highway Commercial zone.

Howard Beach noted that it had been proposed to change that section of the Conservation district to 5-3.

After further discussion, once the Select Board has approved the zoning changes, the Martell's can resubmit and the Planning Commission gave permission for the Chair to sign off on the subdivision.

7.) Energy Plan Discussion

Alex Taft and Jason Rasmussen were present to discuss their review of the Energy Plan. They found the following:

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TO: Weathersfield Planning Commission
Ryan Gumbart, Zoning Administrator
FROM: Alexander Taft, Senior Planner
SUBJECT: Energy chapter review and suggestions
ATTACHMENTS: Historic and Scenic Resources overlay with Solar Resources map, Natural Resources and Habitat overlay with Solar Resources map, Pages from Randolph Vermont Municipal Plan, Pages from Bennington Vermont Municipal Plan.

After reviewing the current Weathersfield Town Plan, Energy Chapter 7 I suggest the following changes to help strengthen policy language. The scope of our focused changes was influenced by the presentation done by Annette Smith in December 2021. Additionally, we have provided some additional maps which can help illustrate impacts of solar development in areas as discussed in January.

To better understand constraints against the renewable energy potential data, we have created maps as we discussed last month (enclosed). Our findings are as follows:

We overlaid natural resources and habitat areas with Solar Resources map. It shows existing conservation areas per the Town Plan Natural Resources Chapter, further described in the map key, and includes a hatched area which is the Conservation (C-10) Zoning District. Solar potential resources are notably reduced if you exclude those areas.

Subject to 24 VSA § 4413 the town does not have the authority to regulate solar generation that requires Section 248 approval. These areas will also undergo review by Agency of Natural Resources in the Section 248 process as they impact ANR goals and concerns raised by Act 171. However, you may want to include strong, mandatory language in the Town Plan to influence where renewable energy projects can locate in town.

Historic and scenic resources were also overlayed on the Solar Resources map. It displays some areas where further consideration is warranted by the Weathersfield Planning Commission. As discussed during the Planning Commission meeting January 24, 2022, historic and scenic resources are a coveted portion of the look and feel of Weathersfield which is desired to be protected. A few scenic views could be impacted by renewable energy projects (scenic views 1, 6 and 7) and therefore stronger language should be considered.

We would recommend that the following changes are made:

- Section 7.2.4 Solar: define commercial and industrial scale solar projects both net metering and standard offer 150kW and greater. Define residential and community scale which can be less than or equal to 15kW. Consider where renewable energy projects, and at what scale, are allowed, and spell that out clearly in the Town Plan.
- Section 7.7 Policies: revise policies to be more specific to limits of development desired by the Town. These strengthened policies will give direct guidance to the PUC while reviewing Section 248 applications as noted by Annette Smith. See the full version of direct policies created in the Randolph Town Plan (attached).

As a subsequent next step, we encourage revising other chapters of the Town Plan, such as land use and natural resources.

The also provided maps for the solar.

8.) Driveway Maintenance Responsibility

Ray Stapleton came in to speak with Ryan regarding who is responsible for what portions of the driveways and noted that there isn't any language for this. If a driveway crosses a ditch, the homeowner is responsible for driveway being built the proper standards and the culvert. The Town is responsible for the culvert. There is nothing to review if there is a disagreement between the home owner and the Town.

It was decided that the Planning Commission would invite Ray Stapleton to a meeting to review and make a proposal to the Select Board.

9.) Setback requirements

Existing smallest lot set backs chart. 2.5.2 Village (V) - Perkinsville

Page (9) of bylaws

	Perkinsville Center	Greater Perkinsville
Lot area minimum	0.6 acre	1 acre
Minimum lot frontage	80 feet	80 feet
Minimum front setback	15 feet	20 feet
Minimum rear setback	20 feet	20 feet
Minimum side setback	10 feet	10 feet

Proposed setback for 0.5 acre and under

Minimum lot frontage - 80 feet

Minimum front setback - 10 feet

Minimum rear setback - 10 feet

Minimum side setback- 5 feet

Establish language for existing lots in zones that require larger setbacks such as the RR-3 so land can be fully utilized.

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3.2.8 Streambank Conservation (Amended November 22, 2011) Purpose

The purpose of this bylaw is to prevent:

- erosion of the soil 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 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.

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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

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.

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.

Minor Structure: (Removed effective 10/9/2012; see section 9.2.2[12])

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.

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.

12) Minor Structures (Amended April 10, 2012)

- (a) Any new, single-story, non-residential structure of 150 square feet or less;
- (b) said structure must be accessory to an existing primary structure on the same lot as the proposed minor structure;
- (c) 150 total square feet of such structures are allowed per acre of lot size up to a maximum of 500 square feet of total structure area. (Lots that are less than one acre in size are allowed a single 150 sq. ft. structure.)
- (d) No single structure may be greater than 150 square feet.
- (e) Applicant must notify the Zoning Administrator in writing of the intent to build such structure(s) by providing such information as is required by the Zoning Administrator.
- (f) Such structures must be set back a minimum of 10 feet from all property lines

10.) Bylaw update project

Ryan Gumbart met with deForest Bearse met and went through all the meetings and found all the bylaws. They started in 2013. In 2013 there were 2 that addressed home industries and one in 2016 that added a section on Drug and Tobacco Paraphernalia. There were provided an updated Bylaw list after they found the language. Ryan and deForest found everything to put into a complete document. The will prepare and give to the Planning Commission for review.

11.) Bylaw administrative questions

12.) Discussion of Items for Future Agendas

13.) Any other business that can be legally discussed

14.) Adjourn

PT made a motion to adjourn at 8:33 pm

MT– 2nd

No discussion

Vote - unanimous

Next Planning Commission Meeting is scheduled for Monday, March, 14, 2022 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

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Joseph Bublat, Chairperson

Paul Tillman, Vice Chair