

Planning Commission  
Martin Memorial Hall  
5459 Rte 5 Ascutney, VT  
Planning Commission Meeting  
Wednesday, March, 28, 2022 6:00 PM

Planning Commission Members Present:

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

Planning Commission Members Absent: Tyler Harwell

Attendees: Ryan Gumbart, Land Use Administrator, Greg and Mandy Martell

Online Attendees: Jason Rasmussen, Kevin Rumrill, Owner of Twin Line Towing

1.) Call to Order made by Paul Tillman, Chair at 6:30 pm.

2.) Agenda Review

No changes

3.) Comments from the Chair and Land Use Administrator

Ryan Gumbart, Land Use Administrator has some project updates, however they will be discussed under any other business that can be legally discussed.

4.) Comments from Citizens regarding items on agenda.

None

5.) Approval of Meeting Minutes – February 28, 2022 and March 16, 2022

Michael Todd made a motion to approve the minutes from 2-28-22.

Howard Beach – 2<sup>nd</sup>

Discussion – no further discussion

Vote – Unanimous

Michael Todd made a motion to approve the minutes from 3-16-22.

Joseph Bublat – 2<sup>nd</sup>

Discussion – no further discussion

Vote – Unanimous

## 6.) Energy plan discussion

Jason Rasmussen sent out an email today (3-28-22) just prior to the meeting. No one has had a chance to review the packet so Paul would like to send the information out for the next meeting so that everyone can have time to review it. Jason knows that it needs review and welcomes the board to review so that they can make changes. Paul will add this topic and for the April 11, 2022 and Jason will be in attendance to review with the Planning Commission.

Jason also let everyone know that Alex Taft has left his position with Regional Planning.

## 7.) Subdivision open space requirements

### **Section 380. Dedication of Open Space and Common Land**

**380.1 Preservation of Open Space:** Land dedicated to open space shall be in a location or locations, and of a size and shape approved by the Planning Commission. Provisions for open space shall include but shall not be limited to the following objectives:

- a. The location, shape, size and character of the open space land shall be suitable for its intended use(s) and shall be located to conform with and extend existing and potential common open space lands on adjacent parcels.
- b. The open space land shall provide for the protection of natural and cultural resources pursuant to Section 320.
- c. Open space land will be suitably improved and/or maintained for its intended use, except that open space containing important natural resources may be required to be left undisturbed.
- d. The Planning Commission, as a condition of approval, may establish such conditions as it deems necessary to the ownership, use(s) and maintenance of land set aside as open space to assure the preservation of such lands for their intended purposes. Additional measures may also be imposed to protect resources identified on the parcel, such as establishing development envelopes pursuant to Section 320.2.
- e. The Planning Commission may require that the Town be a party to any legal mechanisms for the protection of open space.
- f. Road and driveway rights-of-way and parking spaces shall not be included in the determination of open space requirements per this Section.
- g. Where a subdivision will accommodate a total of more than twenty-five dwellings, the Planning Commission may require the designation of recreation sites.

**380.1 Creation of Common Land:** Land held in common for the maintenance and protection of shared facilities may be held under separate ownership from contiguous parcels and shall be subject to

the legal requirements set forth below. Such common land may be used for community wastewater systems, community water supplies, recreation or community facilities, or road and trail rights-of-way.

**380.2 Legal Requirements:** The Planning Commission may require that protected open space be dedicated, either in fee or through a conservation easement approved by the Commission, to the Town of Weathersfield, a community association comprising all of the present and future owners of lots in the subdivision, and/or a non-profit land conservation organization. At a minimum, designated open space shall be indicated with appropriate notation on the final plat. Land held in common shall be subject to deed restrictions stipulating the permitted and restricted use of such land, and establishing the person or entity responsible for maintenance and long-term stewardship. All costs associated with administering and maintaining open space and/or common land shall be the responsibility of the applicant and subsequent land owners.

Howard Beach noted that going back to a discussion a year ago, C-10 instead of having one house every 10 – acre parcel, giving people the opportunity to have 4 hours on 1-acre lot and leave the remaining C-10 creating an open space subdivision.

Michael Todd noted that “open space subdivisions” was created for PUD (Planned Unit Development). The Planning Commission had started creating a chart for subdivisions that has not been completed or approved. The Planning Commission will keep this on the agenda to continue this discussion and chart completion.

Ryan Gumbart wanted to know how the acreages are determined. Mike stated it was decided on by the chart and zoning district. In addition, it is based on lot sizes.

Is it required to have an open space? The intent is to have an open space.

#### 8.) Setback Requirements

No changes from previous discussion on 2-28-22.

#### 9.) Bylaw Project Update

The owner of Twin Line Towing was in attendance regarding putting apartments in his building. The Planning Commission is going to review the updated zoning map and see where his building lies and will determine if he is able to use his building for apartments.

Planning Commission reviewed the bylaw sections highlighted in yellow as follows:

#### 2.5.8 Industrial

Conditional Principal Uses

Contractor's storage <sup>1</sup> (materials, machinery, heavy equip)

### 3.7 Performance Standards

#### Noise Levels and Guidance

A person conducting sound measurements shall have been trained in the techniques and principles of sound measuring equipment and instrumentation. Instruments used to determine sound level measurements shall be sound level meters, as defined in Section 8.

### 3.5.5 Commercial/Industrial Signage

#### **7.9.2 Signs in Residential (RR-1), (RRR 3-5), or Conservation (C10) Districts**

a) One sign not exceeding four (4) square feet in area is allowed without either zoning permit or fee. Such sign may be either free standing or building mounted, and shall not exceed eight (8) feet in overall height including supporting structure above the ground.

b) For a home occupation or home industry, one free standing or building mounted sign not exceeding six (6) square feet in area is permitted. A building mounted sign shall have an overall height, including supporting structure, not exceeding twelve (12) feet. Such sign shall not extend above the roof line.

c) For other permitted uses in these districts, one free standing or building mounted sign not exceeding twelve (12) square feet in area may be permitted with height limitations as in Sect. (b) above.

#### **7.9.3 Signs in Village (V) and Hamlet (H) Districts**

a) One sign not exceeding four (4) square feet in area is allowed as in 7.9.2(a) above.

b) One free standing or building mounted sign not exceeding twelve (12) square feet in area may be permitted as in 7.9.2(b) above, with the following additional requirements:

- Small Enterprise Uses: The free standing sign shall have an overall height including supporting structure not exceeding twelve (12) feet. The building mounted sign shall have an overall height including supporting structures, not exceeding eighteen (18) feet. Such sign shall not extend above the roof line.
- Small Enterprise Multiple Uses: The total sign area specified in 7.9.3(b)(1) above may be increased to a total area of eighteen (18) square feet.

### 5.7.3 Other Provisions

#### A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard regulation imposes a greater restriction the provisions here shall take precedence.

#### C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Weathersfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

## 5.7.5 Development Review in Hazard Areas

### F. Variances

Variances may be granted in writing by the ZBA only in accordance with all the criteria in 24 V.S.A. § 4469, and 4 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

### 6.2 Permit Requirements

#### 6.2.1 Applicability

...assuring that the proposed land development or change in use conforms to all applicable regulations of the zoning district in which it is located.

No new structural development shall take place until a zoning permit has been issued and has become effective; assuring that the proposed structural use conforms to the applicable regulations of the zoning district in which it is located.

No structural change leading to a change in the use of the land or the structure shall take place until a zoning permit has been issued and has become effective assuring that such change conforms to all applicable regulations of the zoning district in which it is located.

#### 6.2.2 Exemptions

No zoning permits shall be required for the following activities:

Required Agricultural Practices (RAPs)

Accepted Silvicultural Practices (ASPs):

**n.) Agricultural Structures:** Pursuant to 24 V.S.A. §4413(d) the following are exempt from local permitting requirements:

1. farm structures (excluding dwellings);
2. required agricultural practices; and,
3. accepted silvicultural practices.

However, farmers intending to erect a farm structure, as part of a farming operation as defined by Section 6001(22) of Title 10, must:

1. notify the municipality of the intent to build a farm structure, and
2. abide by setbacks contained within the zoning bylaws, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets.

The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way.

Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program.

Lastly, the municipality may report violations of Required Agricultural Practices or Accepted Silvicultural Practices to the appropriate state authorities.

**o.) Residential Care and Group Homes:** A group home, to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or

permitted home. A residential care home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. §4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.

**r.) Home-Based Occupations:** A home-based occupation shall be considered a permitted use in all districts where a residential structure is a permitted or conditional use. No zoning permit is required for a home-based occupation as long as the use does not exceed following conditions:

1. Placed within an existing residence;
2. Employs only those who reside at the private residence;
3. Placed entirely within the existing private residence;
4. Generates a maximum of 20 average daily vehicle trips (defined as double the traffic generated by a private residence);
5. Does not have displays, storage, lights, heavy commercial vehicles, or any other exterior evidence of a home occupation that is viewable from the public right-of-way or by abutting landowners;
6. Does not generate noise, vibration, odor, glare, or other nuisances outside the residential or accessory outbuilding;
7. May display one non-illuminated, non-reflective building or free-standing mounted sign, a maximum of three square feet in size; and,
8. Parking may include a 1-2 vehicle enlargement of an existing driveway. Separate on-site parking can be provided if fully screened from the public right-of-way or abutting properties.

#### Flood Insurance Rate Map

#### Hazardous Materials

...in Title 49 of the Code of Federal regulations, as amended or those materials regulated pursuant to Title 10, Chapter 47, of the Vermont Statutes Annotated, or any other applicable Federal or State regulations.

#### Junkyard

#### Light Industry

Ryan Gumbart will make the appropriate updates to the draft for review.

10.) Bylaw administration – tabled for future meeting.

11.) Discussion of Items for Future Agenda

- Energy Plan
- Subdivision chart
- Continue bylaws

12.) Any other business that can be legally discussed

None

13.) Adjourn

Howard Beach made a motion to adjourn at 8:51pm

Joseph Bublat– 2<sup>nd</sup>

No discussion

Vote - unanimous

Next Planning Commission Meeting is scheduled for Monday, April 11, 2022 at 6:30 pm at Martin Memorial Hall.

Respectfully,  
Chauncie Tillman  
Recording Secretary

**Planning Commission**

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Howard Beach, Vice - Chair

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Joseph Bublat, Clerk

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Tyler Harwell, Chairperson

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Paul Tillman, Chair

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Michael Todd, Chairperson