

Planning Commission  
Martin Memorial Hall  
5459 Rte 5 Ascutney, VT  
Planning Commission Hearing  
Thursday, April, 14, 2022 6:00 PM

Planning Commission Members Present:

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

Attendees: Ryan Gumbart, Land Use Administrator, Greg and Mandy Martell, Kevin Rumrill, Dwight Phelps (via Zoom), David Fuller (via Zoom)

- 1.) Call to Order made by Paul Tillman, Chair at 6:32 pm.
- 2.) Agenda Review – no changes
- 3.) Comments from the Chair and Land Use Administrator

None

- 4.) Comments from Citizens regarding items on agenda.

None

- 5.) Public Hearing: adoption of bylaw amendments and zoning map

Paul Tillman opened the hearing by reading the warrant.

In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, the Planning Commission for the Town of Weathersfield, Vermont, will hold a public hearing on Thursday, April 14, 2022, at 6:30 P.M., at Martin Memorial Hall, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the adoption of the following bylaws:

- (1) Proposed Zoning District Map of Weathersfield, VT
- (2) Table of Districts and Uses, Sec. 2.5
- (3) Aquifer Overlay District Regulations
- (4) Definitions, Sec. 7

### **Statement of Purpose**

The Planning Commission is proposing the above listed bylaws in order to better achieve the objectives in the 2017 Weathersfield Town Plan, and revitalize the village centers in Ascutney and Perkinsville, areas that have been identified in the Plan as growth centers.

## Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

## Sections Headings

Amendment and adoption of the foregoing Bylaws. See Sections listed above. 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.

Information concerning this matter is available at the Town of Weathersfield office from 7:30 AM to 5:30 PM Monday through Thursday or by calling 802.674.2626. Participation in the local proceeding is a prerequisite to the right to take any subsequent appeal.

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

Ryan Gumbart, Land Use Administrator then presented the Planning Commission Reporting Form for Municipal Bylaw Amendments.

Town of Weathersfield, VT

Proposed amendments to the Town of Weathersfield Zoning Bylaws

This report is in accordance with 24 V.S.A. §4441(c) which states: “When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal.”

The above referenced proposed bylaws are summarized as follows:

### **1. Brief explanation of the proposed bylaw, amendment or repeal; and a statement of purpose as required for notice under §4444 of this title:**

There are 4 categories of changes being proposed by the Planning Commission to bring zoning in Weathersfield closer to achieving the goals outlined in the Town Plan.

1) Adopt the updated zoning map, “Proposed Zoning District Map of Weathersfield, VT”. This map was adopted in the Town Plan as titled “Future Land Use Map”. The zoning districts as they currently exist were adopted in 1994 in response to a fear of excess development and environmental degradation. There had been spikes in development, due to commercial enterprises such as ski areas and breweries, which strained municipal services, harmed natural, historic and scenic resources, and irreversibly converted rural farm and forest land to residential neighborhoods. The Town of Weathersfield responded by putting nearly 80% of the town in a “Conservation District”. The thought being that if only one residence (or primary use) was allowed on every ten acres it would result in a more dispersed development pattern, thus protecting Weathersfield’s rural character. It is now understood that 10-acre zoning not only is inadequate for the protection of rural character and

environmental resources, it also excludes people with low and middle income from living in these areas because of the high cost of owning 10+ acres. The “Proposed Zoning District Map of Weathersfield, VT” brings the zoning districts closer to what they were prior to 1994 and more in line with the goals of the Town Plan. This provides more equitable access to housing and greater flexibility for landowners to develop their land.

2) Update Section 2.5 Table of Districts and Uses. Several uses have been added to the use tables to provide clarity for applicants interested in common land uses. In the past a determination would have been needed from the Zoning Board of Adjustment simply because they were not listed in the table. Other items are housekeeping additions to keep the terminology consistent between the use tables and the rest of the bylaws. Some language has been stricken and some uses have changed categories to clarify or simplify the permitting process. An overlay district section was added to incorporate the Groundwater Protection Overlay District regulations.

3) Incorporate the Groundwater Protection Overlay District (GPOD) Ordinance into the zoning bylaws. The GPOD Ordinance was adopted by the Selectboard on November 16, 2020. The ordinance states that it is designed to be incorporated into an existing zoning bylaw. A new section in the District Use Tables has been added and language from the ordinance was added to Section 3.2 Conservation of Natural Resources. The new subsection 3.2.10 Groundwater Protection Overlay District Bylaw contains the performance standards, the procedure for handling district boundary disputes, and the procedure for enforcement and penalties. The definitions contained in the ordinance have been added to the definitions section of the Weathersfield Zoning Bylaws, Article 7.

4) Update Article 7: Definitions. In addition to the GPOD definitions there have been a few changes to keep the terminology consistent throughout the plan.

**2. How does the proposal conform with or further the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:**

These changes directly address the conflict between the goals for affordable housing in Town Plan and the regulations that limit such housing. The reduction of the 10-acre minimum Conservation District allows for smaller lots to be developed providing greater opportunities for affordable housing. The remaining Conservation District is located in the areas that would be most negatively affected by development. The incorporation of the GPOD bylaw addresses the need for access to safe drinking water for residents, in addition to the environmental and ecological benefits of reducing pollution in the water systems.

**3. Is the proposal compatible with the proposed future land uses and densities of the municipal plan:**

The first 2 changes constitute the incorporation of the proposed future land uses and densities of the municipal plan. These changes to the Town Plan were adopted in 2017 and the changes to the bylaws have been a work in progress since then to make the bylaws more compatible with the Town Plan.

**4. How does the proposal carry out, as applicable, any specific proposals for any planned community facilities:**

This proposal does not directly apply to any specific proposals for planned community facilities.

Paul Tillman asked Ryan Gumbart, Land Use Administrator if he had received any communication regarding the bylaws via email or phone. Ryan said he had not received any communication from the Towns people regarding the bylaw amendments.

Michael Todd wanted to let anyone who was looking at the bylaw proposal, they are available on the website, you will see that changes are highlighted. If it is highlighted and stricken through it is being removed and if it is just highlighted, that is a change that is being added.

Paul Tillman brought them out of public hearing at 6:54 pm

Michael Todd made a motion for the Planning Commission to approve the bylaws as presented here at the hearing, the Zoning District Map and the Planning Commission Reporting Form for Municipal Bylaw Amendments and send these to the Selectboard for final approval.

Howard Beach – 2<sup>nd</sup>

No further discussion

Roll Call Vote:

Tyler – aye

Joseph – aye

Mike – aye

Howard - aye

Paul - aye

Vote - Unanimous

After the vote, Michael Todd let everyone in attendance know that that process now is that these get received by the Selectboard, which is on the agenda for Monday night (4/18/22). All that is, is for the Selectboard to receive them and select a hearing date. By law they cannot any less than 15 days and no more than 120 days that the Selectboard has to hold that hearing.

6.) Discussion of Item for Future Agendas

7.) Any other business that can legally discussed

None

8.) Adjourn

Michael Todd made a motion to adjourn at 6:57 pm

Howard Beach – 2<sup>nd</sup>

No discussion

Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, April 25, 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