

REGULAR MEETING OF THE PLANNING COMMISSION
6:30 PM, Monday, March 27th, 2023
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT
5459 Rt 5

DRAFT MINUTES

Members in attendance:

Paul Tillman
Howard Beach
Michael Todd
Joseph Bublat
David (Hank) Ainley

Ryan Gumbart – Land Use Administrator

Members Not in attendance:

Attendees:

Scott Rogers
Colby Hodgdon
Jeannie Surrell
Julie L
Ken B

Online Attendees:

None

1. Meeting was called to order by **Paul Tillman** at 6:30 P.M.
2. Agenda Review – No changes.
3. Comments from the Chair and land Use Administrator – No comments either the Chair or the LUA.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – March 13, 2023 – Discussion – Ryan Gumbart noted that under #4 comments from the chair and land use administrator that the name Hank Ainley was spelled wrong.

Howard Beach made a motion to accept the minutes from March 13th, 2023.

Seconded by Joseph Bublat, Motion Passed 4-0

6. Public Hearing – Final Plat Review – Hodgdon: – Application 2023.03.08.FP located at 00 US Rout 5 Parcel: 05-03-40.

Paul Tillman read the Posted Hearing Warning and opened the Public Hearing for Hodgdon Final Plat Review at 6:36.

Paul Tillman asked if anyone had emailed, called or written asking about the hearing or wanting to comment or testify. Ryan Gumbart said that two people had called and asked about the project, but they did not have any comments and did not want interested party status.

Ryan Gumbart read the oath for the Citizens to repeat that were to be sworn in.

Citizens sworn in to testify at the Public Hearing and have Interested Party Status:

Colby Hodgdon

Jeannie Surrell

Colby Hodgdon and Ryan Gumbart presented the Final Plat Review application and map. All the items that were asked for from the sketch plan review were added where applicable. Notably were –

- Wastewater permit on file.
- Show utilities septic proposed location along with building envelope with setbacks.
- Show all Deeds for parcels and deadlines.
- Show water rights. Deeded water rights.
- Right of ways shown on map and added deed reference number.
- Add final Plat recording title block.

Jeannie Surrell did not have any testimony at the time of the hearing.

Please see **Appendix A** for hearing documents and evidence.

Paul Tillman closed the public hearing for the Hodgdon Final Plat Review at 6:47 pm.

Joseph Bublat made a motion to accept the Final Plat Review for the Hodgdon Subdivision 2023.03.08.FP at 00 US Rout 5 parcel: 05-03-40.

Seconded by Howard Beach, Motion Passed 4-0

7. Sketch Plan Review – Ascutney Market – Application 2023.03.08.SD Scott Rogers. 22:07

Please see **Appendix B** for sketch plan review application, map, and letter from the Land Use Administrator explaining his findings.

Recommendation from the planning commission to have the 25 foot setback on the store lot.

Joseph Bublat made a motion to approve the Sketch Plan Review application for Scott Rogers – Ascutney Market.

Seconded by Paul Tillman, Motion Passed 4-0

8. Public Hearing – Town Plan Amendment – Energy Section: No update – rev 8 – 03.08.2023
9. Bylaws – PUD Review Section: No update – Rev 5 – 02.22.2023
10. Bylaws – Table of Districts and Uses: Review clean draft – Rev 5 – 03.23.2023 –

Ryan Gumbart presented the clean copy and minor discussion was had about the purpose of these edits being house keeping changes.

Joseph Bublat made a motion to approve the table of Districts and Uses Rev 5 03.23.2023 as presented at this meeting.

Seconded by Paul Tillman, Motion Passed 3-1

Howard Beach voted “apposed”.

11. Bylaws – Definitions (Related to Tables) review clean draft – Rev 4 – 03.23.2023 –

Ryan Gumbart presented the clean copy of the Definitions.

The Definition “Dock” was in a front that was not legible. Any motion will have the definition “Dock” as read from the previous draft.

Ryan Gumbart made a motion to approve the Definitions Rev 4 03.23.2023 as presented at this meeting with the definition of “Dock” changed to have a legible font and as read.

Seconded by Joseph Bublat, Motion Passed 3-1

Howard Beach voted “apposed”.

12. Vermont Planning Association – Legislative Report 03.2032023 – Ryan Gumbart presented the legislative updates.
13. Discussion of items for future agendas – No other item for future agendas.

14. Any other business that can be legally discussed – No other business was discussed.
15. Adjourn – Meeting adjourned at 8:12 P.M.

Howard Beach made a motion to adjourn at 8:12 P.M.

Seconded by Joseph Bublat, Motion Passed 4-0

The next regularly scheduled meeting of the Planning Commission will be Monday, April 10, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,
Chauncie Tillman

Appendix A



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Planning Commission

NOTICE OF PUBLIC HEARING

Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030

Remote option – Zoom details below

Monday, March 27, 2023 – 6:30 PM

A public hearing before the Weathersfield Planning Commission will be held at the Town Office in Ascutney on Monday, March 27, 2023, at 6:30 PM to consider the following application:

Application 2023.03.08.FP by Colby Hodgdon for the Final Plat Review at 00 US Route 5 (Parcel: 05-03-40). The parcel is located in the Industrial & Rural Residential zoning district.

The above application is available for inspection at the Town Office in Ascutney. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Participation in this proceeding is required in order to ensure your ability to appeal the Zoning Board's decision. Communications about the above application may be filed in writing with the Zoning Board of Adjustment or at the hearing.

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.

Certification of Posting and Distribution

Notice of Public Hearing

Hearing Date March 27, 2023 Site Visit NA

I hereby certify that I have posted the attached "Notice of Public Hearing" in the following public places and mailed, faxed or emailed as noted said "Notice of Public Hearing" to the following parties on March 27, 2023 as required by the Vermont Statutes Annotated, Chapter 117, §4464


Ryan Gumbart, Land Use Administrator

Application # 2023.03.08.FP
Applicant's Name: Colby Hodgdon

For ZBA: Send copy of Rules of Procedure re public hearings with the hearing notice

<input type="checkbox"/>	Vault	
<input checked="" type="checkbox"/>	Applicant's File	
<input checked="" type="checkbox"/>	Applicant (paper copy/mailed)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Applicant (cardboard copy for posting)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Landowner (mailed)	<u>3/8/2023</u>
<input type="checkbox"/>	Agent (mailed)	
<input checked="" type="checkbox"/>	Newspaper (notice emailed to paper)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Publication in newspaper	<u>3/11/2023</u>
<input checked="" type="checkbox"/>	Abutters* (mailed)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Board Members (mailed)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Board Secretary (mailed)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	Town Website (posted)	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	3 Public Places	
	<input checked="" type="checkbox"/> Town Hall	<u>3/8/2023</u>
	<input checked="" type="checkbox"/> Ascutney Post Office	<u>3/8/2023</u>
	<input checked="" type="checkbox"/> Perkinsville Post Office	<u>3/8/2023</u>
<input checked="" type="checkbox"/>	WWFD (placed in mailbox)	
<input checked="" type="checkbox"/>	AVFD (placed in mailbox)	<u>Signed CFSS</u>
<input type="checkbox"/>	Other	
<input type="checkbox"/>	VT Secretary of Transportation**	

* Abutters - see attached list

** when application for variance of setback from state highway (§4464(a)(1)(C))



Hodgdon Abutters Map

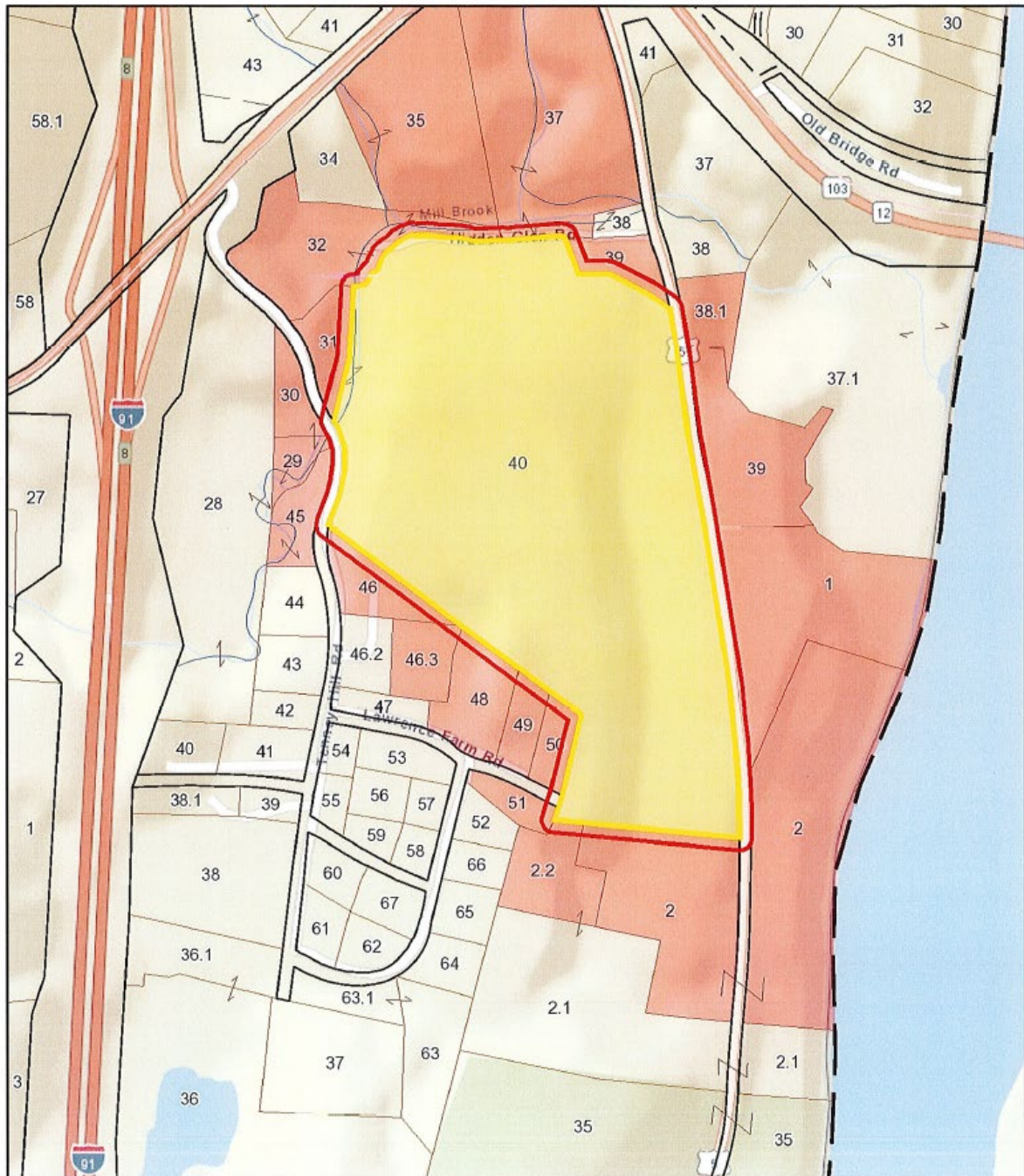
Weathersfield, VT

1 inch = 547 Feet



March 8, 2023

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



50 foot Abutters List Report

Weathersfield, VT
March 08, 2023

Subject Properties:

Parcel Number: 05-03-40.000
CAMA Number: 05-03-40.000-000
Property Address: LAND & BUILDINGS

Mailing Address: HODGDON BROTHERS INC
PO BOX 136
ASCUTNEY, VT 05030-0136

Parcel Number: 05-03-40.000
CAMA Number: 05-03-40.00A-000
Property Address: LAND & BUILDINGS

Mailing Address: HODGDON DARCY JR & DIANE
PO BOX 79
ASCUTNEY, VT 05030-0079

Abutters:

Parcel Number: 05-03-29.000
CAMA Number: 05-03-29.000-000
Property Address: LAND & BUILDINGS

Mailing Address: WILLIAMS EUGENA M
PO BOX 5
ASCUTNEY, VT 05030

Parcel Number: 05-03-30.000
CAMA Number: 05-03-30.000-000
Property Address: LAND & BUILDINGS

Mailing Address: WILLIAMS EUGENA M
PO BOX 5
ASCUTNEY, VT 05030

Parcel Number: 05-03-31.000
CAMA Number: 05-03-31.000-000
Property Address: LAND & BUILDINGS

Mailing Address: HODGDON DANIELLE A GUIOU
BRANDON
156 TENNEY HILL ROAD
ASCUTNEY, VT 05030

Parcel Number: 05-03-32.000
CAMA Number: 05-03-32.000-000
Property Address: LAND & BUILDINGS

Mailing Address: PARTRIDGE HOLLY L
PO BOX 543
ASCUTNEY, VT 05030

Parcel Number: 05-03-35.000
CAMA Number: 05-03-35.000-000
Property Address: LAND & BUILDINGS - STORE,
REST. ETC

Mailing Address: SIDDIQY PROPERTIES LLC
10 ROYCE STREET
CLAREMONT, NH 03743

Parcel Number: 05-03-37.000
CAMA Number: 05-03-37.000-000
Property Address: LAND & BUILDINGS-GAS
STATION

Mailing Address: STROBEL CHARLES H III
207 MAIN ST
CLAREMONT, NH 03743

Parcel Number: 05-03-37.000
CAMA Number: 05-03-37.00A-000
Property Address: WIRELESS TOWER &
EQUIPMENT SHELTER

Mailing Address: SBA TOWERS V LLC ATTN: TAX
DEPT/VT15084
8051 CONGRESS AVE
BOCA RATON, FL 33487

Parcel Number: 05-03-39.000
CAMA Number: 05-03-39.000-000
Property Address: LAND & BUILDINGS

Mailing Address: GRAY IRENE E
PO BOX 75
ASCUTNEY, VT 05030-0075

Parcel Number: 06-00-38.001
CAMA Number: 06-00-38.001-000
Property Address: LAND & BUILDINGS

Mailing Address: WILLIAMS WILBUR II & FRANCES
PO BOX 312
ASCUTNEY, VT 05030-0312



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3/8/2023

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Abutters List Report - Weathersfield, VT



50 foot Abutters List Report

Weathersfield, VT
March 08, 2023

Parcel Number:	06-00-39.000	Mailing Address:	PETERMANN JUDY M
CAMA Number:	06-00-39.000-000		PO BOX 271
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0271
Parcel Number:	09-02-45.000	Mailing Address:	DEROBERTIS CHANTELLE
CAMA Number:	09-02-45.000-000		PO BOX 32
Property Address:	LAND & MOBILE HOME		ASCUTNEY, VT 05030-0032
Parcel Number:	09-02-46.000	Mailing Address:	HAYWARD VICTOR R & MERRILY E
CAMA Number:	09-02-46.000-000		27 GREENLEAF AVE
Property Address:	LAND & MOBILE HOME		WINDSOR, VT 05089
Parcel Number:	09-02-46.003	Mailing Address:	GALBREATH STEPHEN W JR
CAMA Number:	09-02-46.003-000		GALBREATH KIMBERLY
Property Address:	LAND & BUILDINGS		PO BOX 269
			ASCUTNEY, VT 05030-0269
Parcel Number:	09-02-48.000	Mailing Address:	KIDDER NANCY J
CAMA Number:	09-02-48.000-000		PO BOX 504
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0504
Parcel Number:	09-02-49.000	Mailing Address:	SMITH GRIFFIN H & KAREN RICH-SMITH
CAMA Number:	09-02-49.000-000		PO BOX 302
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0302
Parcel Number:	09-02-50.000	Mailing Address:	FITZHERBERT AARON J
CAMA Number:	09-02-50.000-000		PO BOX 68
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0068
Parcel Number:	09-02-51.000	Mailing Address:	SURRELL JEANNIE M
CAMA Number:	09-02-51.000-000		PO BOX 7
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030
Parcel Number:	10-00-01.000	Mailing Address:	MCNABB ALAN
CAMA Number:	10-00-01.000-000		PO BOX 248
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0248
Parcel Number:	10-00-02.000	Mailing Address:	DANIFI S NFII H INC
CAMA Number:	10-00-02.000-000		PO BOX 246
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0246
Parcel Number:	10-00-02.002	Mailing Address:	VERMONT TRANSCO LLC
CAMA Number:	10-00-02.002-000		366 PINNACLE RIDGE RD
Property Address:	LAND		RUTLAND, VT 05701



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3/8/2023

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Abutters List Report - Weathersfield, VT

Town of Weathersfield, ATTN: Land Use Administrator, P.O. Box 550, Ascutney, VT 05030
(802) 674-2626 | landuse@weathersfield.org

Road Access Information – by ParcelPermit Details – by Agency (if multiple, list all)

Wastewater Permit # : WN-2-6163
(ALWAYS applicable, call Regional Permit Specialist, (802) 279-4747 or john.fay@vermont.gov)

Act 250 Permit # : N-A
(If applicable, call Act 250 District Coordinator, (802) 289-0597 or stephanie.gile@vermont.gov)

Is the subdivision for **ten lots or more, or cumulatively ten lots or more in a five year period?** ☐ Yes ☒ No

If yes, you must obtain an Act 250 permit for the subdivision. Contact Stephanie Gile, Natural Resources Board, Act 250 District Coordinator, District 2 at stephanie.gile@vermont.gov or (802) 289-0597

Description

In the space provided below, please provide a description of how the proposed subdivision will likely reflect the district settlement pattern where it is located (see Section 330 of the Subdivision Regulations for district settlement pattern descriptions), and how the proposed subdivision will reflect the goals and objectives set forth in the Town Plan, with particular emphasis on the Land Use section. If additional space is required, attach additional sheets to this page.

The proposed subdivision is for a single family dwelling on a 5 acre lot. We do not feel this will have any adverse effect on the district settlement pattern or goals of the Town plan, as abutting property is for same use. The dwelling will be within zoning's setback regulations & will not pose any interference with existing use or change the character of the surrounding area.

Landowner & Applicant Acknowledgements

By signing this form, the landowner(s) and applicant(s) described in this application (and their agents, assigns, and successors in interest) hereby apply for a permit to develop the project described in this application and accept the following:

- ◆ Applications will not be considered properly filed and vested for rights to review under any applicable laws until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- ◆ Vermont law allows the Land Use Administrator 30 days to act on this application;
- ◆ All submissions are public record available for inspection and copy;
- ◆ All representations made in this application and the materials accompanying it are true and accurate to the best of my knowledge. Omission or misstatement of any material fact on this application (which would warrant refusing the permit or approval) shall be grounds for revoking the permit or approval;
- ◆ Private agreements (such as covenants, deed restrictions and easements) may apply, be more or less restrictive than Weathersfield's bylaws and may affect this project. By signing, I acknowledge that it is my responsibility to disclose and comply with these agreements;
- ◆ State and Federal regulations may apply, be more or less restrictive than Weathersfield's bylaws, and may affect this project. By signing, I acknowledge that it is my responsibility to obtain all required State and Federal permits;
- ◆ No development or work may commence until receipt of all applicable permits and approvals;
- ◆ If this application is approved, I must post the Zoning Permit within view of the public right-of-way most nearly adjacent to the subject property until the period in which an appeal may be filed has expired; and
- ◆ Reasonable access to the subject property is to be granted to the Land Use Administrator, Planning Commission, designees, and the Listers Office for the purpose of establishing compliance with this permit and for the purpose of determining what, if any consequence the development will have on the property's assessment.

Landowner Signature

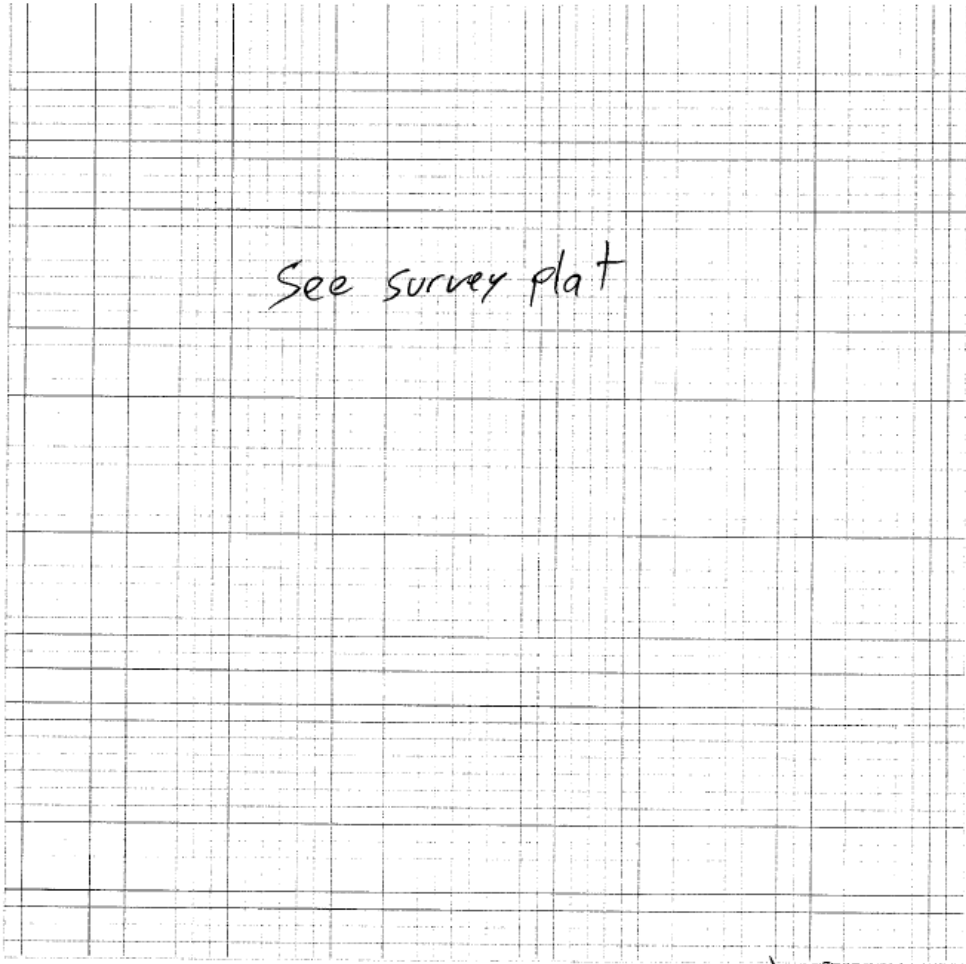
Date 3/9/23

Applicant Signature

Date

✓ Sketch Plan Drawing

*Draw an aerial view of the property described in this application showing the actual shape, property lines, and dimensions of land. Include the shape, size and location of all **existing and proposed structures** (principal and accessory) on the property with measurements to the front, side and rear property boundary lines (setbacks) and distances between each structure. Identify the existing and intended uses and areas of the use of and all buildings, and the existing and intended location of **septic/sewer, electric, telephone, cable and water utilities**. It is strongly recommended that you review all of Article III: Subdivision Standards from the Subdivision Regulations prior to completing this sketch.*



Land Use Administrator Signature

Handwritten signature of the Land Use Administrator.

Applicant Signature

Handwritten signature of the Applicant.

Town of Weathersfield

Date: 03/20/2023 Time: 13:01:26

Clerk: payroll

Account: 050340-A

Name: HODGDON DARCY JR &

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	185.00

TOTAL 200.00

Check 1384

Thank you

Application # 22.03.30.1

Applicant Name Colby Hodgdon

**Community Facility
Project Review and Sign-Off Sheet**

Please present this sheet to each of the department heads listed below. Explain your project fully to each department and request their signature on the appropriate line(s). Return it to the Zoning Administrator as part of your application. Contact information is on the last page.

Highway Department

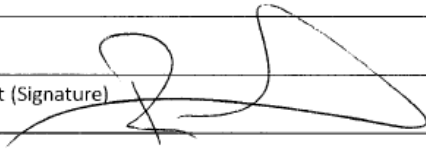
- ☒ I certify that the proposed project will not have an undue adverse impact on the:
- ☒ town's roads or
 - ☒ the transfer station.

- ☒ The proposed project will have an undue adverse impact on the:
- ☐ town's roads
 - ☐ the transfer station.

The impact will be _____

I recommend the following condition(s) to mitigate the impact: _____

Highway Superintendent (Signature)



Date

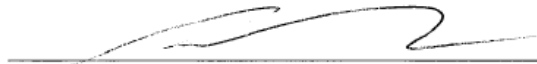
10/4/22

Police Department

- ☒ I certify that the proposed project will not have an undue adverse impact on the Weathersfield Police Department.
- ☐ I find that the proposed project will have an undue adverse impact on the Weathersfield Police Department. The impact will be _____

I recommend the following condition(s) to mitigate the impact: _____

Police Chief (Signature)



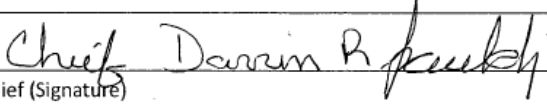
10/5/22
Date

Ascutney/West Weathersfield Volunteer Fire Department

- ☒ I certify that the proposed project will not have an undue adverse impact on the Ascutney/West Weathersfield Volunteer Fire Department.

- ☐ I find that the proposed project will have and undue adverse impact. The impact will be _____

I recommend the following condition(s) to mitigate the impact(s): _____


Chief (Signature)

10/5/22
Date

School Services

- ☐ I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.
☐ I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

Weathersfield School Official (Signature)

Date

Ascutney Water District (Community Water System)

- ☐ I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.
☐ I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____


Ascutney Water District (Signature)

10/5/22
Date

☐ I find that the proposed project will have an undue adverse impact. The impact will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

Chief Darvin R. [Signature]
Chief (Signature)

10/5/22
Date

School Services

☒ I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.

☐ I find that the proposed project will have an undue adverse impact on the Weathersfield School. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

[Signature]
Weathersfield School Official (Signature)

10/6/2022
Date

Ascutney Water District (Community Water System)

☐ I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.

☐ I find that the proposed project will have an undue adverse impact on the Ascutney Water District. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

[Signature]
Ascutney Water District (Signature)

10/5/22
Date

Contact names and numbers for Department Heads

Department	Contact Person	Contact Information
Highway Department	Ray Stapleton	263-5272 (Highway Garage) highway@weathersfield.org
Police Department	William Daniels (Chief)	674-2185 (State Police Dispatch) William.daniels@state.vt.us
Ascutney Volunteer Fire Association	Darrin Spaulding (Chief)	802-296-1888 (cell) M_d_electric@yahoo.com
West Weathersfield Volunteer Fire Department	Josh Dauphin (Chief)	802-356-0623 (cell) jashdauphin@comcast.net
Weathersfield School	BJ Esty	674-5400 (School) bjesty@wsesu.net
Ascutney Water District	Brandon Gulnick (Manager)	674-2626 (Town office) 802-230-6262 (cell) townmanager@weathersfield.org

T:\Departments\Land Use and Zoning\CHECKLISTS\Conditional Use Worksheets\Community Facility Sign_Off.docx

Estate of Darcy G. Hodgdon
Diane C. Hodgdon, Co-Executor
Darcy G. Hodgdon, Jr., Co-Executor

TO Darcy G. Hodgdon, Jr.

STATE OF VERMONT

SUPERIOR COURT
WINDSOR UNIT

PROBATE DIVISION
DOCKET NO. 14329

IN RE ESTATE OF DARCY G. HODGDON

FINAL DECREE OF DISTRIBUTION - REAL PROPERTY

Diane C. Hodgdon and Darcy G. Hodgdon, Jr., Co-Executors, have submitted a final account and Motion for Decree of Final Distribution. The Court finds that:

1. Due notice has been given to the interested persons pursuant to statutes and the rules of probate procedures.
2. Debts and funeral charges of the decedent, taxes, and expenses of administration have been paid.

Therefore, the Court **DECREE**s that the remaining property be distributed as follows:

TO: DARCY G. HODGDON, JR.

Meaning and intending to convey any and all right, title and interest that Darcy Hodgdon, Sr. may have in and to all property located in the Town of Weathersfield.

Being Darcy Hodgdon Sr.'s one-third interest in and to all and the same lands as were conveyed to Darcy Hodgdon, Porter Hodgdon and Albert Hodgdon, d/b/a Hodgdon Brothers by Warranty Deed of Norman G. Fair and Sigrid E. Fair, dated August 1, 1973 and recorded in the Weathersfield Land Records at Book 50 Page 120-22 and in said deed described as follows:

"Being a portion of the premises conveyed to Leon M. and Anne K. Cleveland by warranty deed from William J. Wilgus, dated June 7, 1946 and recorded in Book 31, Pages 135-7 of the Weathersfield Land Records and more particularly described as follows:

"Beginning at an iron pin on the westerly edge of U.S. Route #5, which point is approximately 100' southerly of a stone monument at the base of a 12" maple tree also on the westerly edge; thence N 50 degrees 26' W approximately 87' more or less to an iron pin; thence N 79 degrees 40' W approximately 292' more or less, to an iron pin; thence S 60 degrees 57' W approximately 842.8' more or less, to an iron pin; thence S 81 degrees E approximately 392', more or less, to an iron pin, which line is approximately 5' parallel to a cluster of pines; thence northerly along the westerly edge of Route #5 to the place of beginning.

"This conveyance is made subject to the following restrictions and limitation, which shall run with the land, that there shall be no commercial development of the above described premises, no trailers, no mobile homes nor tarpaper shacks permitted on the above described premises. However, this shall not prohibit the operation of an antique shop or similar "home businesses".

"The within grantors agree, as further consideration for this transfer, not to cut the northerly row of pines on the boundary of premises now or formerly of Hodgdon.

"In the event of the within grantees, their heirs or assigns shall receive a bona fide offer to purchase said premises and such offer of purchase shall be satisfactory to the grantees, their heirs and assigns, then the grantees, their heirs and assigns agree to give the within grantor, his heirs and assigns the privilege of purchasing the premises and on the terms of the offer so made. Said privilege is to be given by a notice sent to the within grantor at his Ascutney address, requiring him to accept it in writing and to sign a suitable form of contract of purchase within a period of 15 days after the mailing of such notice.

"In the event of the failure of the within grantor to accept such offer or sign such contract of purchase within said period of time, then and in that event, the privilege of the within grantor shall be thereupon null and void, and the grantees, their heirs and assigns shall be at liberty to sell the premises to another.

"As further consideration, the within Grantors agree to give the within grantees the right of first refusal over the following described parcel, subject to the terms and conditions recited above.

"Being all and the same land and premises conveyed to Leon M. and Anne K. Cleveland by Allen C. Young, administrator of the Naomi H. Ingalls Estate dated April 4, 1969 and recorded in Book 45, Page 33 of the Weathersfield Land Records.

"As further consideration, the within Grantors agree to give the within grantees the right of first refusal over the remainder of the premises conveyed to Leon M. and Anne K. Cleveland by William J. Wilgus subject to the terms and conditions recited above.

"The within grantors also mean to convey their rights to take water from the reservoir on premises now or formerly of Donner Carr subject to the terms and conditions of the agreement between the within grantors and Carr.

"The above described conveyance is subject to highway rights in the State of Vermont.

"Being the same land and premises received from Leon M. C. Cleveland and Anne K. Cleveland by warranty deed dated September 21, 1971, recorded in Book 47, pages 353-55 in the Weathersfield Land Records.

Being Darcy Hodgdon Sr's. one-third interest in and to all and the same lands as were conveyed to Darcy Hodgdon, Porter Hodgdon and Albert Hodgdon by Warranty Deed of Clarence B. Croft and Nellie Croft, dated October 2, 1967 and recorded in the Weathersfield Land Records at Book 42, Page 292, and in said deed described as follows:

"Beginning at a stone post set on the westerly side of the River Road in Ascutney and running thence North Eighty-seven and one-fourth ($87 \frac{1}{4}$) degrees West eight (8) rods to a stone bound; thence South Thirty-Eight and one-half ($38 \frac{1}{2}$) degrees West turning an angle on the left of One Hundred Twenty-Five (125) degrees Forty (40') feet with the last mentioned line Ten (10) rods to a stone

bound; thence North Eighty-one and one-half (81 1/2) degrees West turning an angle on the right of One Hundred Twenty-Nine (129) degrees Thirty-One (31') feet Thirteen (13) rods Twenty (20) links to a stone bound; thence South Thirty (30) degrees West Twelve and one-half (12 1/2) rods to a yellow birch tree in a fence corner; thence South Fifty-two and three eighths (52 3/8) degrees East along an old stump fence ten (10) rods to a stone bound; thence Northerly Eight (8) rods to a stone bound; thence South Eighty-two and three-fourths (82 3/4) degrees East Twenty and one-half (20 1/2) rods to a stone bound on the Westerly side of the above-mentioned River Road; thence Northerly along said road Eighteen (18) rods to the point of beginning. Being part of the William Lewis Farm, so-called.

"Being all of the same land and premises as conveyed to Frank W. Plumb by Clarence H. Martin by his Warranty Deed dated October 2, 1918, recorded in Volume 25, Page 354 of the Town of Weathersfield Land Records, to which deed and the deeds and records therein mentioned reference is hereby made."

"Parcel #2

"Bounded on the North by other land of Frank Plumb Estate; on the East by the highway known as the "River Road"; on the South by land of Orville Ingalls, land on the West by land of Leon M. Cleveland."

"Being all of the same land and premises as was conveyed to Frank W. Plumb by Clarence H. Martin, by his Warranty Deed, dated December 6, 1920, recorded in Volume 26, Page 237, of the Town of Weathersfield Land Records, to which Deed and the Deeds and Records therein, reference is hereby made."

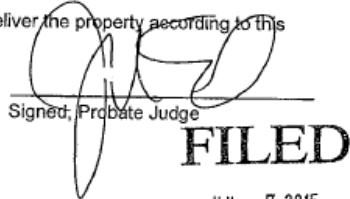
TO HAVE AND TO HOLD the same to him, his heirs, successors and assigns forever.

The Fiduciary is ordered to pay over and deliver the property according to this decree.

Dated

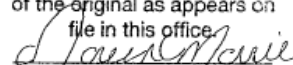
7/6/15

Signed, Probate Judge


FILED

JUL 7 2015

VERMONT SUPERIOR COURT
WINDSOR UNIT

Date July 7, 2015
Certified to be a true copy
of the original as appears on
file in this office.

Vermont Superior Court
Windsor Unit

Weathersfield, Vermont Town Clerk's Office, July 21, A.D. 2015 at 1:00 PM
received Decree of Distribution of which the foregoing is a true record.

Attest:  Assistant Town Clerk

Porter Hodgdon TO Darcy Hodgdon, Jr. & Diane Hodgdon

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that I, Porter Hodgdon of Swanton, in the County of Franklin and State of Vermont, Grantor, in the consideration of One Dollar and other valuable considerations paid to my full satisfaction by Darcy Hodgdon, Jr. and Diane Hodgdon, husband and wife, of Weathersfield in the County of Windsor and State of Vermont, Grantee, have REMISED, RELEASED, AND FOREVER QUITCLAIMED unto the said Darcy Hodgdon, Jr. and Diane Hodgdon, husband and wife, and their successors and assigns, all right and title which I, Porter Hodgdon, or my heirs have in, and to a certain piece of land in Weathersfield, in the county of Windsor and State of Vermont, described as follows, viz:

All and the same lands and premises as were conveyed to Porter Hodgdon by Quitclaim Deed of John Arrison dated June 28, 2000, and recorded in the Weathersfield Land Records at Book 108, Pages 495-97.

Excepting and subject to any rights or easements that the records may show.

By their acceptance of this deed, the Grantees expressly agree to hold the Grantor harmless from any liability associated with any pollutants which may be present on the quitclaimed premises; and the Grantees further covenant with the Grantor that they will not bring suit against him for any matter related to the presence of such pollutants.

To have and to hold all my right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Darcy Hodgdon, Jr. and Diane Hodgdon, their successors and assigns forever, AND FURTHERMORE I, the said Porter Hodgdon, do for my heirs, executors and administrators, covenant with the said Darcy Hodgdon, Jr. and Diane Hodgdon, their successors and assigns, that from and after the enrolling of these presents I, the said Porter Hodgdon, will have and claim no right in, or to the said quit-claimed premises.

IN WITNESS WHEREOF I hereunto set my hand and seal this 13 day of Oct, 2001.

In presence of:

Elmer Hodgdon
Robert Hodgdon

Porter P. Hodgdon

STATE OF VERMONT
WINDSOR COUNTY, SS.

At Weathersfield, Vermont, this 13 day of Oct, 2001, Porter Hodgdon personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed.

Before me

Cindy Merid exp 2-10-03
Notary Public

Weathersfield, Vermont Town Clerk's Office, August 14, A.D. 2003 at 2:35 P.M. received Quit Claim Deed of which the foregoing is a true record.

Attest: Cina J. Blumatt, Assistant Town Clerk



State of Vermont
Department of Environmental Conservation

Documents for

Current

Age
Drinking Water and Ground

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

LAWS/REGULATIONS INVOLVED

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective April 12, 2019

Permittee(s): Darcy & Dianne Hodgdon
PO Box 79
Ascutney, VT 05030

Permit Number: WW-2-6163-1

This permit affects the following properties in Weathersfield, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
1 (existing)	05-03-40.0A	705-224-10721	57.02 [±]	Book:177 Page(s):584-586
1 (proposed)			52.02 [±]	
3 (proposed)			5.00 [±]	

This application consisting of a 2-lot "re-subdivision" of the previously subdivided parcel located at 4792 US Route 5 in Weathersfield, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

1. GENERAL

- 1.1 The permittee is responsible to record this permit in the Weathersfield Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Weathersfield Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.5 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.
- 1.6 The Drinking Water and Groundwater Protection Division relied in part, upon the Vermont Licensed Designer's certification that the design-related information submitted is true and correct and complies with the Wastewater System and Potable Water Supply Rules. This permit may be revoked if it is determined the design of the wastewater system or potable water supply does not comply with these rules.
- 1.7 All conditions set forth in **WW-2-6263** shall remain in effect except as amended or modified herein.

2. SUBDIVISION AND CONSTRUCTION

- 2.1 Subdivision and construction shall be completed as shown on the plans and/or documents prepared by Jason E Waysville, with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision
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Regional Offices – Montpelier/Essex Jct./Rutland/Springfield/St. Johnsbury

Hodgdon Subdivision	L3	11/20/2020	
---------------------	----	------------	--

2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.

2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) on a Secretary-approved form that states:

"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests"

or which satisfies the requirements of §1-311 of the referenced rules.

3.2 Prior to the use of the potable water supply, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website). Results of the water tests shall be submitted to the Vermont Department of Health prior to use.

4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following:

Lot	Building	Building Use / Design Flow Basis	Wastewater	Water
3	Residence	4-bedroom single family residence/7-person maximum occupancy	490	490

5. WASTEWATER SYSTEM

5.1 Prior to construction or site work, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.

5.2 Should the wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

5.3 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

6. POTABLE WATER SUPPLY

6.1 Prior to construction or site work, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.


6.2 Should the potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Wastewater System and Potable Water Supply Permit
WW-2-6163-1

Documents for Recording

Page 3 of 3

Peter Walke, Commissioner
Department of Environmental Conservation

By 
Terry Shearer
Environmental Analyst VI
Springfield Regional Office
Drinking Water and Groundwater Protection Division

Dated May 27, 2021

cc: Jason E Waysville
Weathersfield Planning Commission

Your Permit Navigator Results

PNR-0000003415

On the following page, you will find the following results based on the information that you provided. If the information you provided changes, for example if you change the location or size of your project, you should start over as the results below are no longer valid

Disclaimer: The Permit Navigator Results Summary is based on the information provided, and is not intended as an official or binding permitting determination by the ANR or the NRB. The Agency and the NRB reserve the right to require additional permits and/or approvals depending on the specific details of the project.

☒ By checking this box I confirm that I have read and understood the disclaimer.

☐ Check here if you would like a jurisdictional opinion on whether your project requires an Act 250 permit? If you check this box you will need to provide your contact information (first name, last name, email address, and phone). Otherwise, entering your contact information here is not required, but doing so will make it easier for ANR or Act 250 staff to better assist you in the future.

Disclaimer: Although requesting an Act 250 jurisdictional opinion is not required, it is highly recommended. Commencement of construction on a project (including clearing land or demolishing structures in preparation) that requires an Act 250 permit without securing a jurisdictional opinion could result in penalties and other enforcement actions.

PROJECT INFORMATION REVIEW

Project Address

4840 US ROUTE 5. WEATHERSFIELD, 05151

Category

Business/Municipality/Government
Entity

Industry / Activity

Municipalities

New Construction or Renovation?

No

YOUR LOCATION SELECTION DATA

Latitude

43.3987

Longitude

-72.4078

SPAN

705-224-10719

Property Owner

HODGDON DARCY JR & DIANE
4840 US ROUTE 5.
WEATHERSFIELD, 05151

Location

[View map of your selection](#)
This link may contain valuable
information about this parcel. We
suggest clicking on this link and
viewing it in the ANR Atlas to see
the environmental considerations
(such as wells, existing permits,
and required setbacks) present.

PERMIT RESULTS

BASED ON YOUR RESPONSES, WE HAVE DETERMINED THE FOLLOWING PERMITS ARE LIKELY NEEDED FOR YOUR PROJECT:



Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the program contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Fish, Wildlife, and Plants - Threatened and Endangered Species

PERMIT EXPLANATION

State law protects endangered and threatened species. No person may take or possess such species without a Threatened & Endangered Species Takings permit. Endangered species are those whose continued existence as components of the State's wild flora or fauna is determined to be in jeopardy. Threatened species are those likely within the foreseeable future to become endangered. The Vermont Fish & Wildlife Department administers the permit program for the Secretary of the Agency of Natural Resources. The Department's mission is to protect and conserve fish, wildlife, plants and their habitats for the people of Vermont. Threatened & Endangered Species Takings Permits may be granted only for the following purposes: incidental take, scientific purposes, enhancement of the propagation of a species, zoological exhibition, educational purposes, and special purposes consistent with the purposes of the Federal Endangered Species Act (ESA).

APPLICATION FEE AMOUNT

Scientific purposes, Educational purposes,
Enhance the propagation or survival of the species,
or Special purposes consistent with the federal
Endangered Species Act: \$50.00
Zoological/Botanical Exhibition or Incidental Take:
\$250.00 for each listed species taken (\$25,000
max)

PROGRAM CONTACT

Everett Marshall

802-371-7333

everett.marshall@vermont.gov

PROGRAM WEBSITE

<https://vtfishandwildlife.com/conservation/conservation-planning/endangered-and-threatened-species/threatened-endangered-species-takings-permit>

PROGRAM RESOURCES

Everett Marshall (everett.marshall@vermont.gov 802-371-7333)



Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Industrial (Multi-Sector) Stormwater Discharge Permit

PERMIT EXPLANATION

An industrial stormwater discharge permit is required for certain sectors of industrial activity which includes but is not limited to many sectors of manufacturing, mining/extraction, and transportation industries. Sectors subject to this requirement are specifically identified in Appendix D of Multi-Sector General Permit (MSGP) 3-9003. The MSGP requires facilities develop and implement a stormwater pollution prevention plan (SWPPP) to minimize and prevent industrial pollutants from entering stormwater runoff through implementation of best management practices and "good-housekeeping." Facilities with activities that are entirely located indoors and not exposed to rain or snow, including transportation fleet storage/fueling, may qualify for a "No exposure" conditional exclusion from permit coverage.

TIME TO ISSUE PERMIT

Approximately 60 days. (Timeframe is dependent on the completeness and accuracy of the application.)

APPLICATION FEE AMOUNT

\$240 Administrative Processing Fee + \$440 Application Review Fee + \$160 Annual Operating Fee. No fees for "No Exposure" Conditional Exclusion

[View fee table](#)

PROGRAM CONTACT

Ashley Carver

📞 802-490-6906

✉️ ashley.carver@vermont.gov

PROGRAM WEBSITE

🖥️ <https://dec.vermont.gov/watershed/stormwater>

PROGRAM RESOURCES

[Stormwater Program, District Environmental Analysts:](#)

are responsible for the technical review of construction stormwater discharge permits, and may be contacted for consultation regarding permit applicability, including determinations.

Operational Stormwater Discharge Permit

PERMIT EXPLANATION

An operational stormwater permit is required for new development of 1/2 or more acres of impervious surface; for the expansion of impervious surface by 5,000 square feet when the total resulting surface (new + existing) will be 1 or more acres; for the redevelopment of 1/2 or more acres of impervious surface; and sites with impervious surfaces totaling 3 or more acres, including projects that share a previously issued stormwater permit for 3 or more acres (e.g. residential/commercial subdivisions, and other types of larger campus-type development), unless the entire site was permitted under the 2002 Vermont Stormwater Management Manual. Most projects obtain permit coverage under Stormwater General Permit 3-9050. Some projects may require an Individual Permit.

TIME TO ISSUE PERMIT

Approximately 40-60 days for general permit applications, 90 days for Individual Permit applications.


APPLICATION FEE AMOUNT


\$240 Administrative Processing Fee + \$860-1400 Application Review Fee + \$160-310 Annual Operating Fee depending on Class

[View fee table](#)

PROGRAM CONTACT

Ashley Preston

 802-490-6170

 ashley.preston@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/watershed/stormwater>

PROGRAM RESOURCES

[Stormwater Program, District Environmental Analysts:](#)

are responsible for the technical review of construction stormwater discharge permits, and may be contacted for consultation regarding permit applicability, including determinations.

Wastewater System & Potable Water Supply

PERMIT EXPLANATION

Regulates the construction or modification of potable water supplies and wastewater treatment and disposal systems in order to protect human health and the environment. Wastewater permit applications are filed by engineers and licensed designers.

TIME TO ISSUE PERMIT

Approximately 30-45 days. (Timeframe is dependent on the completeness and accuracy of the application.)


APPLICATION FEE AMOUNT


New single family residence up to four bedrooms: \$306.25. Five or more bedrooms \$870. Larger buildings range from \$3000 - \$13,500.

[View fee table](#)

PROGRAM CONTACT

Jeff Svec

 802-591-0231

 jeff.svec@vermont.gov


PROGRAM WEBSITE

 <https://dec.vermont.gov/water>

PROGRAM RESOURCES

[Wastewater Systems & Potable Water Supply Permit](#)

The Regional Office Program issues water/wastewater permits (WW Permits) for soil based wastewater systems with flows of less than 6,500 gallons per day, for potable water supplies (water supplies that are not public water supplies), and for municipal water and sewer connections. Permitting staff are located in five Regional Offices. Staff also administers the licensed designer program and reviews innovative and alternative systems for potential use in the state.

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Wetlands

PERMIT EXPLANATION

Permits are required for most activities within a wetland or its buffer zone (50-feet for Class II wetlands, 100+feet for Class I wetlands). Activities in wetlands and buffers likely needing a permit include filling, draining, cutting or removing vegetation, removing soil, or grading. The easiest way to research whether a property has jurisdictional wetlands associated with it is to use the Wetland Screening Tool. The results for a given property are listed for you to see, with explanations of each layer and recommended next steps. The link for the tool may be found in the Guidance Link below.

TIME TO ISSUE PERMIT

On average approximately 6 weeks for a General Permit; 5 months for an Individual Permit. (Timeframe is dependent on the completeness and accuracy of the application.)


APPLICATION FEE AMOUNT


Wetland fees are variable and we recommend you contact the district wetland ecologist. Here are some guidelines to the fees. Administrative Processing fee: \$240 + \$0.75/sf wetland impact & \$.25/sf buffer impact

[View fee table](#)

PROGRAM CONTACT

Rebecca Chalmers

 802-490-6192

 rebecca.chalmers@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/watershed/wetlands>


PROGRAM RESOURCES

[Wetlands Ecologists](#)

[Wetlands Contact and Inquiry Portal](#)

ENVIRONMENTAL CONSIDERATIONS BASED ON MAPPED RESULTS

ID	MAP RESULT
----	------------

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the program contact for this permit to receive a definitive answer.

Fish, Wildlife, and Plants - Threatened and Endangered Species

Does your project involve cutting down trees larger than 8 inches in diameter in any of the following towns?

Answer:

 NO

- (Addison, Arlington, Benson, Brandon, Bridport, Bristol, Charlotte, Cornwall, Danby, Dorset, Fair Haven, Ferrisburgh, Hinesburg, Manchester, Middlebury, Monkton, New Haven, Orwell, Panton, Pawlet, Pittsford, Rupert, Salisbury, Sandgate, Shoreham, Starksboro, St. George, Sudbury, Sunderland, Vergennes, Waltham, West Haven, Weybridge, Whiting)

Underground Injection Control

Will you have one or more floor drains or catch basins?

Answer:

 NO

Lake Encroachment Permit

Is your project located at or beyond the shoreline as established by the mean water level of: 1) a public lake or pond, 2) a boatable tributary of Lake Champlain or Lake Memphremagog upstream to the first barrier to navigation, or 3) Connecticut River impoundments and boatable tributaries of such impoundments upstream to the first barrier to navigation?

Answer:

 NO

Shoreland Protection

Does your project involve the creation of new cleared area or impervious surface (e.g. dirt road, paved road, roof, driveway, etc.) near a lake or pond?

Answer:

X NO

Residuals Management

Does your project involve a facility that produces biosolids?

Answer:

X NO

Does your project involve land applying biosolids or stabilized, domestic septage?

Answer:

X NO

Does your project involve a municipal wastewater treatment facility but your project does not produce biosolids?

Answer:

X NO

Does your project involve the distribution of short paper fiber or wood ash in Vermont?

Answer:

X NO

Stream Alteration and Stream Crossing Structures

Does your project involve any of the following:

Answer:

- movement, excavation or fill of 10 or more cubic yards of material within a perennial stream?

X NO

- construction or maintenance of a berm or additional material for landscaping adjacent to a river, stream, or floodplain?

- any crossing of a stream with utility lines?

Floodplain and River Corridor

Is your project proposing activities in or near a floodplain, river, and/or stream.

Answer:

 NO

Salvage Yards

Does your project involve storing four or more junk vehicles or scrap metal outside?

Answer:

 NO

Demolition Waste

Does your project have demolition waste that needs disposal?

Answer:

 NO

Disposal of Inert Waste, Untreated Wood & Stumps

Does your project have inert waste that needs disposal?

Answer:


 NO

Used Septic System Components/Stone

Does your project involve used septic system components or stone from a septic system that needs disposal?

Answer:

 NO

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Industrial (Multi-Sector) Stormwater Discharge Permit

Does your project involve an industrial activity associated with the Multi-Sector General Permit? (To view multi-sector general permit industrial activities, click this [link](#).)

Answer:

☒ NO

Operational Stormwater Discharge Permit

Will your project undertake any of the following with respect to impervious surfaces:

Answer:

• None of the above

Underground Storage Tanks

Does your project have an existing underground storage tank on the property?

Answer:

☒ NO

Does your project involve you installing an underground storage tank?

Answer:

☒ NO

Wastewater System & Potable Water Supply

Are you subdividing land?

Answer:

☒ YES

Is the lot improved?

Answer:

☒ YES

Are you adding land to a lot? (The addition of land to a lot does not require a permit, but subdivision of the donor lot may require a permit.)

Answer:

☒ NO

Is it the subdivision of a lot where the subdivision results from a transfer of property for a highway or other transportation project that is authorized under the State's enacted Transportation Program or is an emergency project within the meaning of

Answer:


☒ NO

19 V.S.A. § 10g(h) regardless of whether the State or the municipality has commenced any condemnation proceedings in connection with the project?

Is the subdivision for a boundary line adjustment? if so it may be exempt if each lot being adjusted meets one or more of the following:

Answer:

None of the above

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Wetlands

Does your project involve land that is in or near an area that has any of the following characteristics:

Answer:

 NO

o Water is present – ponds, streams, springs, seeps, water filled depressions, soggy ground under foot, trees with shallow roots or water marks?

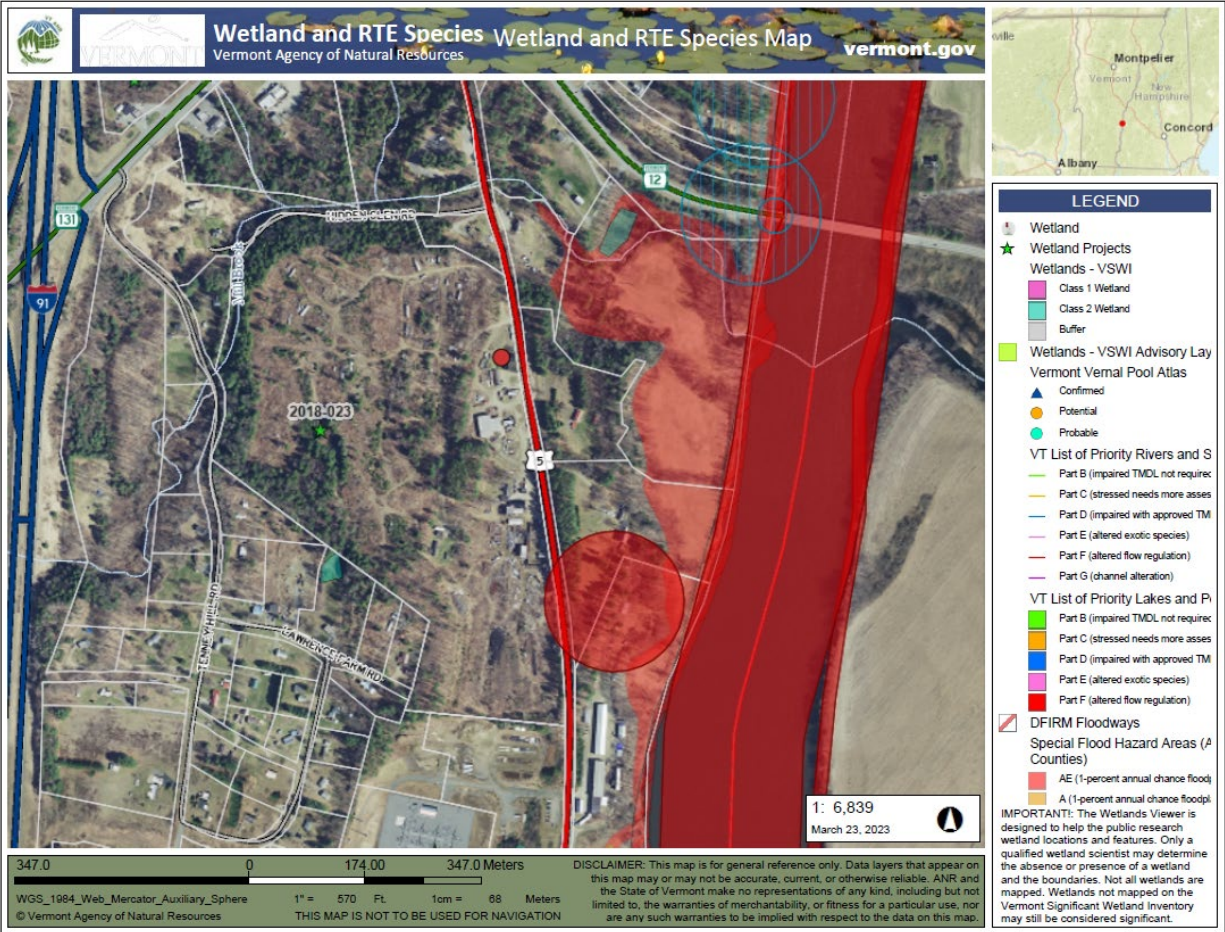
o Wetland plants, such as cattails, ferns, sphagnum moss, willows, red maple, trees with roots growing along the ground surface, swollen trunk bases, or flat root bases when tipped over?

o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging?

Other State and Local Permit Information

In addition to environmental permitting, there are other requirements that may apply. Below are some helpful resources:

- Office of the State Fire Marshal: <https://firesafety.vermont.gov/>
- Vermont Building Energy Standards: <https://publicservice.vermont.gov/content/building-energy-standards>
- Secretary of State business registration: <https://sos.vermont.gov/corporations/registration/>
- Secretary of State professional Boards: <https://sos.vermont.gov/opr/>
- Department of Taxes: <https://tax.vermont.gov/>
- For local permits - please see your Town Clerk, Zoning Administrator, Planning Commission or Public Works



Appendix B

CHARTERED BY
NEW HAMPSHIRE
AUGUST 20, 1761

Town of Weathersfield

POST OFFICE BOX 550
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY
NEW YORK
APRIL 8, 1772

Telephone: [802] 674-2626
Facsimile: [802] 674-2117

E-mail: zoning@weathersfield.org
Website: <http://www.weathersfield.org>

Planning and Zoning

APPLICATION FOR SKETCH PLAN REVIEW

Application # 2023. 03. 08. SD

Applicant Name SCOTT ROGERS
Address (Mailing) P.O. BOX 705 ASCUTNEY VT 05030
Telephone # 802-674-9595 Email Address ASCUTNEYMARKET@GMAIL.COM

Landowner Name SAME AS ABOVE
Address (Mailing) _____
Telephone # _____ Email Address _____

Subdivider Name _____
Address (Mailing) _____
Telephone # _____ Email Address _____

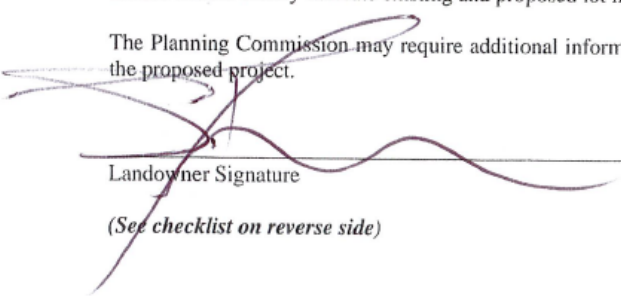
Name of Project Ascutey Market Subdivision
Tax Map/Parcel Number 06-00-14
Location of Subdivision _____

Written description of proposed development plans, including number and size of lots, and the general timing of development.

TO ZONE EXISTING LOTS. 1 LOT FOR STORE AND
1 LOT FOR SINGLE FAMILY RESIDENCE

Sketch should clearly indicate existing and proposed lot lines, dimensions and lot numbers.

The Planning Commission may require additional information depending upon the scope and location of the proposed project.


Landowner Signature

3/4/23
Date

(See checklist on reverse side)

- ☐ Submit two (2) copies of this application to the Land Use Administrator at least twenty-one (21) days prior to a regular meeting of the Planning Commission.
- ☐ Submit nine (9) copies of your sketch plan with this application.
- ☐ Pay the fee of _____ at the time of application.
- ☐ The subdivider or duly authorized representative shall attend the Planning Commission meeting to discuss the sketch plan and requirements of the Subdivision Regulations.
- ☐ Completed Impact Statement

WARNING – State permits may be required for this project. Call 802-282-6488 to speak to the State Permit Specialist before beginning construction.

Meeting date at which you should be present: March 13, 2023

FOR OFFICE USE

Date Received March 8, 2023 Fee Paid \$100.00
 Date presented to the Planning Commission _____

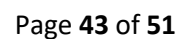
 Application No. 2023.03.08.50 Date of Notice NA

Date received by AO March 8, 2023 Date of Hearing NA

Fee Paid \$ 100.00 Date of Decision _____

Date Paid March 8, 2023 Appeal granted _____ denied _____

T:\Departments\Land Use and Zoning\APPLICATION FORMS\Applications\Application for Sketch Plan Review.docx





Ascutney Market Subdivision

Weathersfield, VT

1 inch = 34 Feet



March 8, 2023



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Town of Weathersfield

Date: 03/08/2023 Time: 10:03:57

Clerk: Osavage

Account: 060014-A

Name: ROGERS SCOTT & NANCY

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	85.00

TOTAL 100.00

Check 14992

Thank you

Sketch Plan Review Checklist

- ☒ Sketch is on existing survey if one exists.
- ☒ Sketch includes all parcel boundaries.
- ☒ Sketch shows existing and proposed lot lines, dimensions, parcel and lot numbers.
- ☒ Sketch shows existing and proposed driveways, roads, paths, parking areas, associated rights-of-way or easements.
- ☐ Sketch shows approximate setback distance relative to proposed development.

Property acreage: 1.9 ac.

Proposed lot acreages:

Lot 1: 1.13 ac.

Lot 2: 0.56 ac.

District: Highway Commercial

Minimum acreage: 1 ac. / 3 ac. for residence Frontage: 200'

Setbacks: Front 40', Rear 25', Side 25'

Existing non-conformities:

2 principal uses on single lot. Lot currently does not meet minimum acreage requirements for residence. Existing residence does not meet current setbacks.

Notes:

Access will either require new highway access to Route 5 or a right-of-way. A waiver may be necessary to accommodate the existing conditions regarding setbacks.



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

To: Weathersfield Planning Commission
From: Ryan Gumbart, Land Use Administrator
Date: March 23, 2023
Re: Ascutney Market Subdivision

On March 8, 2023 I received an Application for Sketch Plan Review from Scott Rogers of the Ascutney Market on Route 5 in Ascutney. The proposed subdivision is to subdivide parcel 06-00-14 located at 6014 US Route 5. The parcel is entirely located in the Highway Commercial district which requires the following for development to occur: 1 acre of lot area (3 acres for residential use), 200 feet of road frontage, a 40-foot front setback, a 25-foot rear setback, and a 25-foot side setback. The Area, Land, & Structural Requirements also state *Only one principal use is allowed per parcel of land.*

There is also an existing single-family residence on the same parcel with an address of 6046 US Route 5. This pre-existing residential use currently does not conform with the Area, Land, & Structural Use Requirements in the current Zoning Bylaws for 2 reasons.

1. There are 2 existing principal uses occurring on this parcel.
2. The lot does not meet the 3-acre minimum.

Per Bylaw 3.4.1.1, this Existing Small Lot *may be developed for the purposes permitted in the district..., even though not conforming to minimum lot size... (Full text at the bottom).* In this application the proposed development is to subdivide, which is considered development per Article 7: Definitions.

Based on this rationale it is my opinion that the proposed development is allowable under the current Zoning Bylaws. So, if a subdivision is theoretically allowable. The next question is, can this development be achieved in strict conformance with the bylaws?

The answer is no. The residential use also has an accessory structure, a detached garage. I measured by surveyor's tape, a distance of 46 feet between the buildings. This distance does not allow for the minimum setback distance of 25 feet to be met by both buildings if a new parcel boundary line were drawn. Thus, in order to use the lot for the proposed purpose (subdivision) a variance would have to be granted by the Zoning Board of Adjustment.

A variance is defined as: *A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A., Section 4464 and 4469.*



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The first condition that must be met in order for a variance to be granted is that *there are unique physical circumstances or conditions... peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations... (Full text at the bottom).*

In this case, my interpretation is that the preexisting building locations constitute *unique physical circumstances*. The inability to develop the property in strict conformance constitutes *unnecessary hardship*. (Other unnecessary hardship may also include inability to sell the residence and reduced value of the store due to the two being inseparable.) This inability to develop the property is due to the pre-existing building locations not due to any other regulations other than that regulation for which a variance is being sought.

If the Zoning Board of Adjustment agrees with this interpretation of the proposal and the Zoning Bylaws, I believe the remaining conditions for obtaining a variance are straightforward.

I see potential for disagreement in the identification of the *unique conditions, unnecessary hardship, and cause of the hardship*. I can see how one might argue that there is no unnecessary hardship as the property is currently being used to some degree. However, I can not imagine any type of hardship other than the denial of an application.

Further, I cannot imagine a hardship that is not ultimately caused by the provisions of the zoning regulations. The regulations inherently are the cause of all nonconformities, violations, and needs for variances.

Ultimately, it is my opinion that the proposed application satisfies the requirements for a Sketch Plan Review and that approval of a Final Plat would be contingent upon the applicants ability to obtain a variance from the ZBA. If there are questions about whether or not this proposal satisfies the conditions for obtaining a variance it is for the ZBA to determine.

Respectfully,

Ryan Gumbart



TOWN OF WEATHERSFIELD

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Full text of referenced bylaws:

3.4 Nonconformities

3.4.1 Nonconforming Lots and Parcels

3.4.1.1 Existing Small Lots

Lots in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Bylaws, may be developed for the purposes permitted in the district in which they are located, even though not conforming to minimum lot size requirements, if such lots are not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet, provided the plans for any proposed water and sewage provisions comply with applicable state and town regulations.

6.10 Variances

6.10.1 Variance Criteria

The Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 6.8. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

- a) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- b) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- c) The unnecessary hardship has not been created by the appellant;
- d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and e) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

Mr. Turner will be using existing signage adding an additional name. Steve W. requested adequate lighting be shown on the Site Plan.

The Planning Commission would like the following items shown on the Site Plan;

- Show that Lot 1 parking is shared.
- Show entrance, exits and label loading dock.
- Note where the water supply is and that it is furnished by Country Estates.
- Note that contours are needed.
- Update the Title Block on the plan.
- Trim bushes for traffic viewing and maintain existing shrubbery.

The board felt that these items need to be added to the Plan before accepting it. Mr. Turner will be back before the board on February 25, 2003.

B. Sketch Plan Review:

1. Application #02.0303SK by Michael Owen;

Property being purchased by Michael Owen is formerly known as the Quik and Go.

Property is located on Route 5 just outside the Village of Ascutney. Property is in a Highway Commercial Zone. Lynn said the commercial lot size is one acre and three acres is needed for residential use in a Commercial Zone. Applicant must change Lot # 14 to Lot # 1 which will be 1.12 acres; Lot # 13 will be Lot # 2 the new residential lot will be .57 acres. Lot 2 will not conform to the lot size in that zone. The applicant is requesting that the board grant him a waiver under section 250 of the Subdivision Regulations. The property was developed prior to Subdivision Regulations, with two primary uses.

Julie motion to grant a waiver under Section 250. Steve W. seconded.

The Sketch Plan was presented on two maps. Applicant must condense to one and show the following:

- Show Right of Way
- Correct Right of Way to show two driveways
- Correct Title Block, show location map

Upon further review the board realized that additional waivers would be necessary.

Julie motioned that the 200 ft. requirement for property line footage on road and the setbacks for structures on Lot 1 and Lot 2 be waived. Steve W. seconded. This project was classified as a Minor Subdivision.

Julie Levy moved to adjourn. Steve W. second. All in favor, none opposed. Meeting adjourned at 9:28 p.m.

Respectfully submitted,



Patrice Dodge, Recording Secretary