

REGULAR MEETING OF THE PLANNING COMMISSION  
6:30 PM, Monday, April 24th, 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:

Jophn Heath  
Anoren Grimson  
Ken Blum  
Beth Gorton  
Julie Levy

Online Attendees:

Grace Knight

1. Meeting was called to order by **Paul Tillman** at 6:31 P.M.
2. Agenda Review – No changes.
3. Comments from the Chair and land Use Administrator – No comments either the Chair or the LUA. Ryan let the board know about the process for signing the minutes and the process of recording them with the Town Clerk. Only the Chair will need to sign the minutes and then Ryan will give them to the Town Clerk to file.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.

5. Approval of meeting minutes – March 27, 2023 & April 10, 2023 –  
March 27,2023 minutes:  
**Mike Todd made a motion to accept the meeting minutes of March 27,2023 with corrections if needed.**  
**Seconded by Joseph Bublat, Motion Passed 5-0**  
April 10,2023 minutes: Fix the spelling of the name “Rika”  
**Mike Todd made a motion to accept the meeting minutes of April 10, 2023 with corrections if needed.**  
**Seconded by Joseph Bublat, Motion Passed 5-0**
6. Public Hearing – Town Plan Amendment – Energy Section: No update – rev 8 – 03.08.2023 – No update.  
**Mike Todd made a motion to continue the public hearing to the next meeting May 8, 2023 at 6:30PM**  
**Seconded by Paul Tillman, Motion Passed 5-0**
7. PUD Sketch Plan Review – Habitat for Humanity: New application for review – Ryan and Joseph Heath presented the project to the Board. The main issues with this subdivision are the setbacks and the definition of density for the project. The board had discussion about the definition of “Density” and how this project would fit in with the other higher density developments in the village such as the mobile home parks, the Ascutney House, and the old motel. Discussion was had about the duplex at the southern side and the lack of a setback needed per the bylaws and if the planning commission can waive any setbacks. The board does not feel they can do this. Please see Appendix A for all relevant and filed information for this sketch plan.  
**Mike Todd made a motion to approve the Sketch Plan Review PUD application #2023.03.08.PUD for Habitat for Humanity located at 5771/5803/5805 US Rt 5, Ascutney parcel ID #5A-02-03. The motion is accepted with the proposed density of 8 dwelling units for this one parcel, and to supports a variance waiver for the setback of the Duplex at the southern boundary line. The board has decided that this is not in their purview so a variance waiver from the ZBA should be sought.**  
**Seconded by Paul Tillman, Motion Passed 5-0**
8. Overlay Districts – Aquifer & Airport: Revies status and process – Ryan and Howard Beach presented the Overlay Districts Map and the Ground Water

Protection bylaw as seen in Appendix B. Discussion was had about updating the Zoning map and the Town Plan with this information.

9. Vermont Planners Association – Legislative Report April 11, 2023 – Ryan presented the Legislative report as seen in Appendix C.
10. Discussion of items for future agendas – C10 will be added to the agenda for future discussion. Howard Beach asked for a discussion to take place about the accessory use for an industrial property.
11. Any other business that can be legally discussed – None
12. Adjourn – Meeting adjourned at 8:36 P.M.

**Mike Todd made a motion to adjourn at 8:36 P.M.**

**Seconded by Joseph Bublat, Motion Passed 5-0**

The next regularly scheduled meeting of the Planning Commission will be Monday, May 8, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,  
Paul Tillman (Chair)

## Appendix A

### ***Town of Weathersfield*** Land Use Permit Application / Notification

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

| <b><u>Applicant</u></b> |  | <b><u>Landowner (if different)</u></b> |  |
|-------------------------|--|--|--|
| Name                    | Upper Valley Habitat for Humanity, Inc.                              | Name                                   | Upper Valley Habitat for Humanity, Inc.                  |
| Name                    | Andrew Grimson, Building Chair                                       | Name                                   | Eva Loomis, Executive Director                           |
| Mailing Address         | PO Box 1038  | Mailing Address                        | PO Box 1038  |
| Town, ST, Zip           | White River Junction, VT, 05001                                      | Town, ST, Zip                          | White River Junction, VT, 05001                          |
| Telephone               | C: (603) 667-3060  | Telephone                              | C: (401) 330-0411 O: (802) 295-1854                      |
| E-mail                  | <a href="mailto:grimsonandrew@gmail.com">grimsonandrew@gmail.com</a> | E-mail                                 | <a href="mailto:eva@uvhabitat.org">eva@uvhabitat.org</a> |

| <b><u>Property Information</u></b> |                                     | <b><u>Project Information</u></b> |                   |
|------------------------------------|-------------------------------------|-----------------------------------|-------------------|
| 911 Address                        | 5771/5803/5805 US Route 5, Ascutney | Proposed Use                      | Residential PUD   |
| Parcel ID                          | 5A-02-03                            | Area of Development (sq. ft.)     | 8,000 +/-         |
| Lot Size                           | 2.245 acres                         | Height of Structure               | Less than 35 feet |
| Road Frontage                      | 312 feet +/-                        | Zoning District                   | Village           |
| Existing Use                       | Multi-use / Abandoned               |                                   |                   |

| <b><u>Permit Application - Development Type</u></b>  | <b><u>Notification - Exempt from Permitting</u></b>  |
|--|--|
| <i>See district use table in Zoning Bylaws</i><br><input checked="" type="checkbox"/> Change of Principal Use<br><input checked="" type="checkbox"/> New Principal Structure<br><input type="checkbox"/> New Accessory Use<br><input type="checkbox"/> New Accessory Structure<br><input checked="" type="checkbox"/> Alterations to Existing Structure<br><input checked="" type="checkbox"/> Planned Unit Development (PUD)<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Boundary Line Adjustment<br><input type="checkbox"/> Highway Access<br><input type="checkbox"/> Zoning Board Use Determination | <i>See Section 6.2.2 Exemptions in Zoning Bylaws</i><br><input type="checkbox"/> Minor Structure<br><input type="checkbox"/> Agricultural Structure<br><input type="checkbox"/> Residential Care or Group Home |

#### **Project Description**

*Please describe as specifically as possible how the property will be used, the dimensions of any proposed lots or buildings, and square footage allocated to each use.*

This former multi-use restaurant and residential rental property is to be converted to a residential PUD with four buildings containing up to eight owner-occupied units. The existing three lots are to be merged into one and owned by a condominium association created for this development.

See attached memo for additional information.

**Required Reviews, Forms, and Fees***To be filled out by Land Use Administrator*

Review by Planning Commission – PC

Review by Zoning Board of Adjustment – ZBA

☐ Administrative Review Form

- ☐ Principal Use : \$100 + \$0.05 x \_\_\_\_\_ sq.ft. new construction
- ☐ Accessory Use: \$30 + \$0.05 x \_\_\_\_\_ sq.ft. new construction
- ☐ After-the-fact: (Standard fees) x 2
- ☐ Permit Amendment: \$100 or \$30 + \$0.05 x \_\_\_\_\_ sq.ft. new construction
- ☐ Permit Renewal: \$30

☐ Highway Access Form: \$30☐ Boundary Line Adjustment Form

- ☐ Administrative Review: \$40
- ☐ Access Approval - PC: \$75

☐ Subdivision Review Form - PC

- ☐ Sketch Plan Review: \$100
- ☐ Final Plat Review: \$100 + \$50 per lot

☒ Planned Unit Development Review Form

- 100 - ☒ Sketch Plan Review - PC: \$100 *Due upon submission*
- ☒ See applicable ZBA Reviews below
- 150 - ☒ Final Plat Review - PC: \$100 + \$50 per lot *Due prior to scheduling hearing*

☒ Zoning Board of Adjustment Review Form

- 480 - ☒ Conditional Use Review: \$200 + \$0.05 x 5,600 sq.ft new construction
- ~~200~~ - ☒ Variance Hearing \$200
- ☐ Flood Hazard Review \$200
- Site Plan Review
- 170     • ☒ New: \$170
- ☐ Amendment: \$100
- ☐ "Other Use" Determination \$200
- ☐ Appeal by Permittee FREE
- ☐ Appeal by Interested Party \$95

*Due prior to scheduling of hearing*45 ☒ Town Clerk Recording Fee

30

\$15 per recording (2) = \$30

Permit Fee Total:

\$1,130.00*No Variance hearing*

**Town of Weathersfield**  
**Planned Unit Development Review Form**

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

**Staff Use Only**

Permit #: 2023.03.08.PUD

Fee Collected: ☒

Completion Date: March 22, 2023

Planning Commission Sketch Plan Review Date: April 28, 2023 (By request)

Decision: Approved ☐ | Denied ☐ | 30-day Default ☐

**Zoning Board of Adjustment Reviews:**

☒ Site Plan Review (Required for all PUD projects) | Review Date: \_\_\_\_\_ | Decision: Approved ☐ Denied ☐

☐ Conditional Use Review | Review Date: \_\_\_\_\_ | Decision: Approved ☐ Denied ☐

☐ Variance Review | Review Date: \_\_\_\_\_ | Decision: Approved ☐ Denied ☐

☐ Flood Hazard Review | Review Date: \_\_\_\_\_ | Decision: Approved ☐ Denied ☐

☐ "Other Use" Determination | Review Date: \_\_\_\_\_ | Decision: Conditional ☐ Admin. ☐ Not Allowed ☐

Planning Commission Final Plat Review Date: \_\_\_\_\_ | Decision: Approved ☐ Denied ☐

**Zoning Bylaw - 6.2.5 Effective Date**

No zoning permit shall take effect until the time for appeal under Section 6.8 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

Appeal by/ Effective Date: \_\_\_\_\_

**Zoning Bylaw - 6.2.7 Permit Expiration**

Permits expire one year from the effective date if the permitted project has not been started and five years from the effective date if the project has been started but not completed, unless other longer times have been approved in the permit. Permits may be renewed, but such renewal shall take into account any subsequent adopted amendments to these Bylaws. Reactivation of a previously permitted use which has been discontinued for more than one year shall require the issuance of a new permit.

Permit Expiration Date: \_\_\_\_\_ if project has not been started.

Permit Expiration Date: \_\_\_\_\_ if project has been started.

Permit Expiration Date: \_\_\_\_\_ if otherwise granted.

Is your project subject to the **Residential / Commercial Building Energy Standards**? ☒ Yes ☐ No

If yes, you must record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Certificate of Compliance/Occupancy. Contact Energy Code Assistance Center at (855) 887-0673 to determine if you need to follow these standards.

Does your project involve any **demolition and/or renovation**? ☒ Yes ☐ No

If yes, you must contact the Lead and Asbestos Regulatory Program at (800) 439-8550 prior to demo/renovation.

Does your project involve the installation or removal of a **new manufactured/mobile home**? ☐ Yes ☒ No

If yes, you must provide a copy of **HUD Form 309**. Installation must comply with the HUD Permanent Foundations Guide for Manufactured Housing. A bill of sale must be obtained from the Weathersfield Town Clerk.

Does your project involve work within a **Town or State right of way**? ☒ Yes ☐ No  
*If yes, you must obtain Highway Access permit approval from the Town of Weathersfield and/or Vermont Agency of Transportation at (802) 279-1152.*

Will your project involve connecting to **municipal water**? ☒ Yes ☐ No  
*If yes, you must contact the Town Manager at (802) 674-2626.*

Does your project involve construction of / change of use to or from being a **public building**? ☒ Yes ☐ No  
*If yes, you must contact the Vermont Department of Public Safety, Division of Fire Safety. A public building is any building that the public has the occasion to enter EXCEPT for owner-occupied, single-family dwellings, registered home day cares, and working farms, but INCLUDING single family homes becoming rentals.*

Does your project involve a **new home / business, change in # of bedrooms / change in use**? ☒ Yes ☐ No  
*If yes, contact the local Water/Wastewater Permit Specialist at (802) 279-4747, or the State Water/Wastewater Division, Springfield Office at (802) 289-0603.*

**Requested Modifications to the Zoning Bylaws**

☒ **Setbacks** - District requirement: 20 ft. Side Setback | Modification: Equal to existing non-conformance  
Purpose: Extend existing duplex building within setback but not to further encroach on current setback distance.

☐ **Building Height** - District requirement: \_\_\_\_\_ | Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

☒ **Building Density** - District requirement: One structure per lot | Modification: Four structures on 2.2 acre lot  
Purpose: Provide a community setting for our Habitat homeowners that best utilizes the buildable space while maintaining conservation areas and providing common green space for the residents. The design intent is to maintain the feel of a rural residential neighborhood within the goals outlined in the Village section of Weathersfield zoning bylaws.

☐ **Building Use** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

☐ **Building Location** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

☐ **Lot Size** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

### **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, 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: GREGORY BROWN, for UVHFH

Date: 3/1/23

Applicant Signature: [Signature]

Date: MARCH 1, 2023



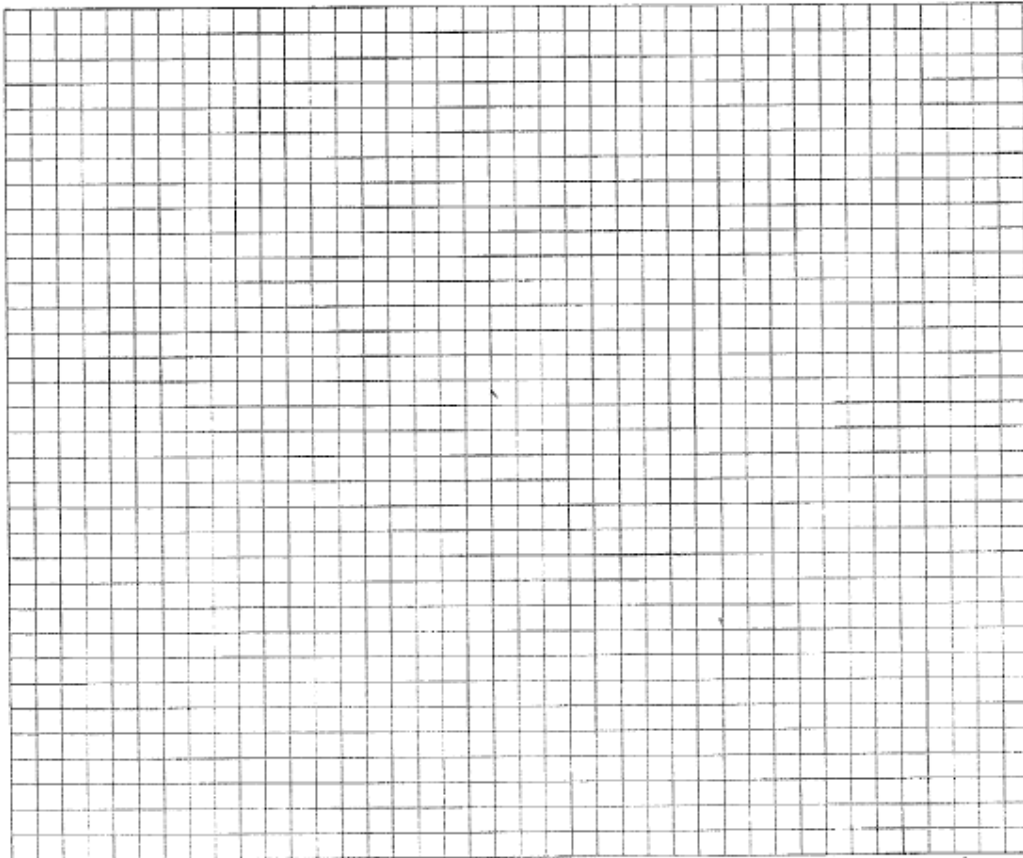
**Site Plan Sketch**

Draw an aerial view of the property described in this application showing:

- ☐ north arrow;
- ☐ all property lines;
- ☐ shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the closest property boundary lines;
- ☐ identify the structure uses;
- ☐ location of septic/sewer, water, and power utilities;
- ☐ identify access from Town or State Highway and road frontage distance;
- ☐ identify any deeded easements or rights-of-way;
- ☐ include any proposed signs;
- ☐ include any streams, water bodies, or wetlands.

Please see supplemental pages.

*If the scale is too small to show the required details after drawing all property lines, please use supplemental pages to map required details at a larger scale.*



Land Use Administrator Signature: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Land Use Permit – Information Memo  
Upper Valley Habitat for Humanity

Upper Valley Habitat for Humanity (UVHFH) is an affiliate of Habitat for Humanity International, serving the Upper Valley region of Vermont and New Hampshire since 1986. Over the past 37 years, we completed 36 homes and performed numerous home repair projects, many of these as part of the Tropical Storm Irene recovery.

The mission of Habitat is to build and sell homes to families (or individuals) with incomes up to 80% of county median family income, based on US Housing and Urban Development (HUD) data. Other criteria factor into their application process including demonstrating a need for a Habitat home and inability to obtain a conventional mortgage.

Habitat homes are owner occupied and our families take on all responsibilities of ownership. Each approved family contributes 300 hours of sweat equity to the construction, working alongside volunteers from the community. UVHFH sells the completed home to the partner family, who assume an affordable mortgage funded by Habitat. Ownership will be under a condominium structure and common areas will be maintained by a Homeowner Association.

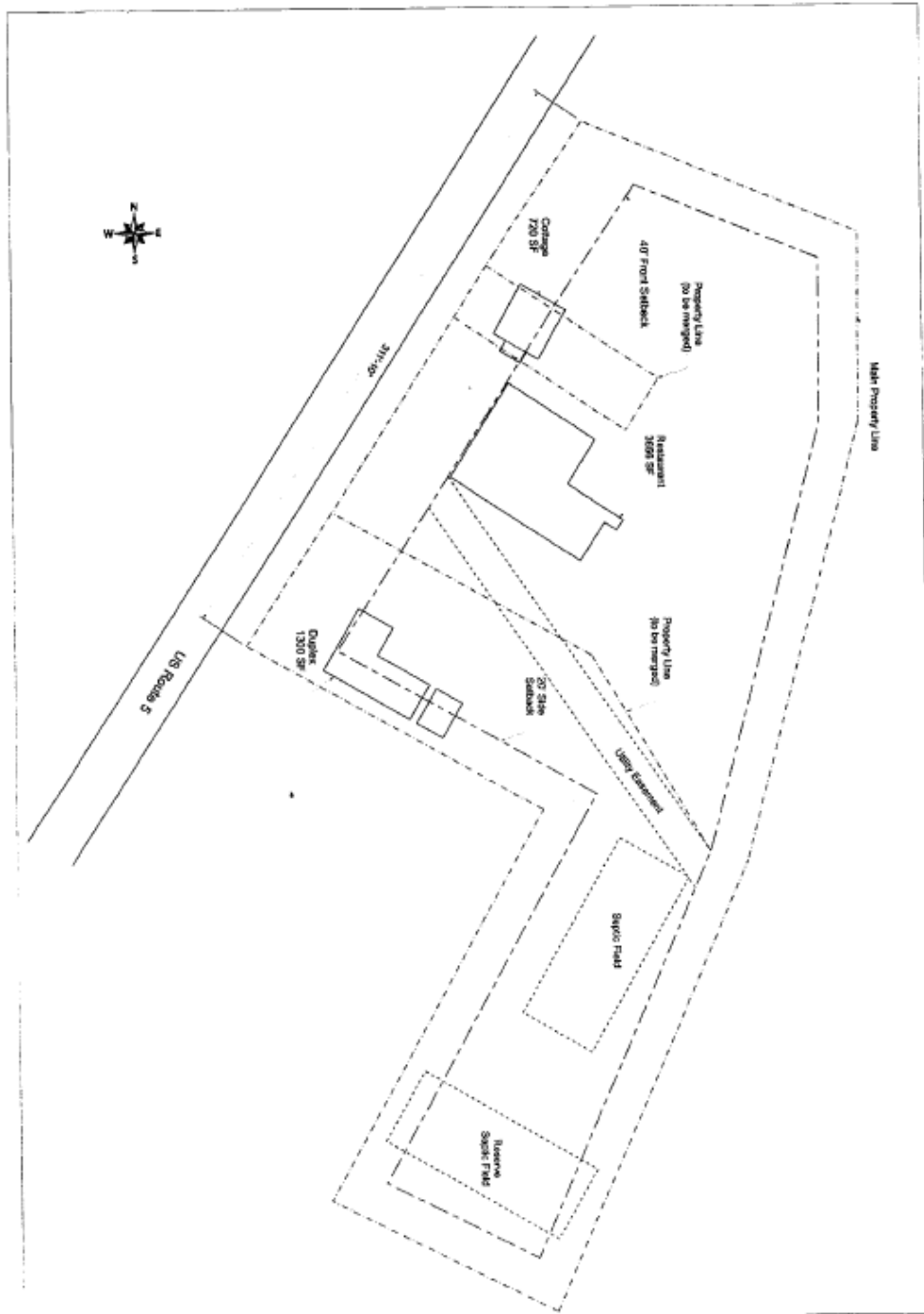
In October 2022, UVHFH purchased 5711/5803/5805 US Route 5, formerly a restaurant / night club with ancillary residential units. The site is approximately 2.2 acres and has three structures, ranging from very poor to fair condition. The property is in the Ascutney village district, with easy access to the I-91 Exit 8 bus stop and a short drive to Windsor, Claremont, and Springfield.

Our objective is to build up to 8 housing units with a condominium ownership structure. There will be four buildings, as a blend of single family, duplex, and triplex designs. The units will range from 1 to 4 bedrooms. Wherever possible, we will renovate existing structures and supplement these with new construction.

As good neighbors, we are striving to design our project to fit in with the mostly residential nature of the immediate neighborhood. Buildings near the road will be kept as single story and two-story buildings will be placed further back to keep the profile unobtrusive.

The north and northeasterly parts of the property are currently natural vegetation, and we plan to maintain this area as conserved space. Attention will be given to any invasive species, and we will address any dead trees that could pose a risk. The road frontage will be planted with turf, shrubs, and trees to provide a vegetation buffer and the existing long access frontage will be reduced to a two-way drive access in accordance with state requirements.

The rear area to the south of the property holds the septic field and reserve septic area, to be maintained as open field and kept mowed for a play area. Additionally, we plan to add playground equipment, park benches and a community garden in outside of the septic fields. This will become a green space for the enjoyment of our homeowners.



**A.01**

**Existing Site**

**ISSUE**  
02 March 2005  
**DRAWN BY**  
A. Givner

**PROJECT**  
0711 / 0003 / 0000 US Route 5  
Hatchery, VT  
**PROJECT NO.**  
<730>

**SCALE**  
1" = 20'

Upper Valley Habitat for Humanity  
PO Box 1008  
White River Junction, VT 05551  
Cell: 855-487-3000





Town of Weathersfield

Date: 03/16/2023 Time: 13:06:11

Clerk: Osavage

Account: 5A0204

Name: ROBERTS SEAN E

Comments:

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

TOTAL 100.00

Check 9136

Thank you



**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 September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s):** Sean Roberts  
PO Box 1136  
Grantham NH 03753

**Permit Number:** WW-2-1352-1  
PIN

This permit affects the following properties in Weathersfield, Vermont:

| <b>Lot</b>      | <b>Parcel</b> | <b>SPAN</b>   | <b>Acres</b> | <b>Book(s)/Page(s)#</b> |
|-----------------|---------------|---------------|--------------|-------------------------|
| 5A 02 03        | 5A 02 03      | 705-224-11155 | 0.50         | Book:184 Page(s):497    |
| 5A 02 03.A      | 5A 02 03.A    | 705-224-11156 | 0.50         | Book:184 Page(s):497    |
| 5A 02 03.B      | 5A 02 03.B    | 705-224-11157 | 0.50         | Book:184 Page(s):497    |
| 5A 02 04        | 5A 02 04      | 705-224-10335 | 1.00         | Book:184 Page(s):358    |
| <b>Proposed</b> |               |               | 2.5 +/-      |                         |

This project consisting of the merging of 4 existing lots (individual boundaries unknown) and converting the existing grange building to a theater, with connections to the existing permitted waste water disposal system (WW-2-1352) and the municipal water supply, located on Route 5 in Weathersfield, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Christopher C. Leister, with the stamped plans listed as follows:

| <b>Title</b>                     | <b>Sheet Number</b> | <b>Plan Date</b> | <b>Revision Date</b> |
|----------------------------------|---------------------|------------------|----------------------|
| <b>OVERVIEW &amp; PROTECTIVE</b> | 1 OF 2              | 04/26/2018       |                      |
| <b>DETAILS</b>                   | 2 OF 2              | 04/26/2018       |                      |

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits **PRIOR** to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Weathersfield Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Weathersfield Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 All conditions set forth in **WW-2-1352** shall remain in effect except as amended or modified herein.



- 1.6 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) 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 the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",***

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.7 This project is approved for: theater with 80 seat capacity -serving 1 meal to attendees/day (no restaurant seat turnover type service), the existing duplex with maximum occupancy of 4-people/unit, the existing restaurant with 110 seats serving maximum 2-meal times/day and the existing office with a maximum 2-employees. **No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater system shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division.** Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.9 By acceptance of this permit, the landowner 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.
- 1.10 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.

## **2. WATER SUPPLY**

- 2.1 This project, in part, is approved for a new theater connection to the water supply system owned by the **Ascutney Fire District #2** as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for **1040** gallons of water per day.
- 2.2 This project, in part, is approved with the existing connection to the water supply system owned by the **Ascutney Fire District #2** for the duplex, office and restaurant.
- 2.3 The new components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.

## **3. WASTEWATER DISPOSAL**

- 3.1 This project is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for 4,950 gallons of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.2 The new components of the sanitary wastewater system, for the theater, duplex and office herein approved, shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.



- 3.3 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.4 This project is approved for an exterior grease interceptor tank. All exterior portions of the tank shall be installed as shown on the approved plans. The contents of the tank shall be pumped according to the plans and manufacturers specifications and transported by a certified waste hauler to an approved wastewater treatment facility.
- 3.5 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater system.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

By 

Dated July 2, 2018

Terry Shearer  
Regional Engineer  
Springfield Regional Office  
Drinking Water and Groundwater Protection Division

cc: Christopher C. Leister  
Weathersfield Planning Commission  
Act 250 II District Environmental Commission  
Department of Public Safety, Division of Fire Safety  
Department of Health – Food & Lodging Licenses

**Ascutney Fire District #2**  
**P.O. Box 550, Ascutney, Vermont 05030**

802.674.2626 (phone)

townmanager@weathersfield.org

**Water Capacity Allocation**

5/14/2018

Sean Roberts  
1076 Olde Farm Road  
Grantham, NH 03753

Subject Water Capacity Allocation for 5755 Route 5, Ascutney VT

On November 13<sup>th</sup>, 2017, The Ascutney Fire District #2 received an application for a water allocation for a theater at 5755 Route 5 in Ascutney, VT. After some discussion with Chris Leister for Hogg Hill Designs, the district has decided to reallocate ERU's from the restaurant property (5803 Route 5) also owned by Sean Roberts. According to the previous waste water permit, the septic system on these properties is designed for 4,950 gallons a day. By using the fire district and Hogg Hills calculations the Ascutney Fire District # 2 will allocate:

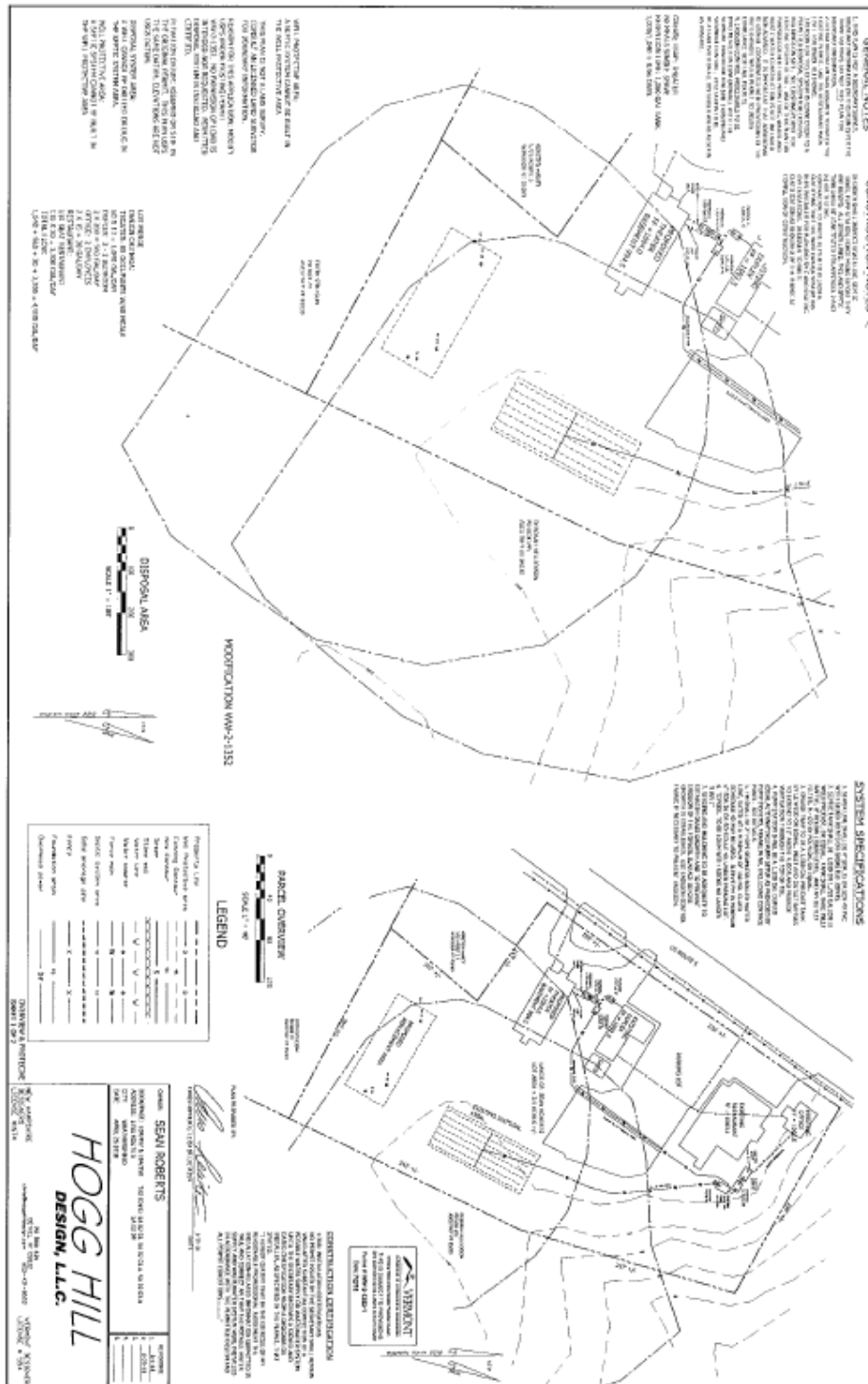
- 2.5 ERU's (700 GPD) to 5575 Route 5 (theater)
- 2 ERU's (560 GPD) to 5771 Route 5 (duplex)
- 1 ERU's (280 GPD) to 5805 Route 5 (office)
- 12 ERU's (3360 GPD) to 5803 Route 5 (restaurant building)

As part of this agreement when 5571 (Parcel 5A0203.B) and/or 5805 (5A0203.A) are sold, they will need to have their own connection to the water system, and construction costs will be the owner's responsibility.

Ed Morris



Ascutney Fire District # 2  
Manager





## Zoning Permit Application Review Checklist

Date received: 3/16/2023

1. Is the proposed project "development"? Y

Land Development or Development:

*The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any mining, excavation or landfill; and any change in the use of any building or other structure, land or extension of use of land.*

Structural Development:

*The addition of a new structure to a parcel of land.*

Structure:

*An assembly of materials for occupancy or use for more than six (6) months. Fences, gates, stone walls, landscape timbers, sculptures, memorial monuments, TV antennae, and satellite dishes are not structures.*

Building:

*A structure having a roof supported by columns and/or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences, and including a gas or liquid storage tank that is principally above ground.*

2. Is the proposed project exempt from zoning? (6.2.2) N  
*This applies to all development proposed by all persons, including the Town government of Weathersfield, except when specifically exempted by state law. (sect. 1, pg. 1)*

3. Is the project a Public Facility? (6.2.3) N

4. Locate the zoning district in which the property is located. V

5. Pull parcel file.

6. Check Use Tables:

- ☐ Does the project neatly fit into any of the uses listed in the district table? PRD
  - ☐ If yes, is a zoning permit necessary? Y
  - ☐ If no, does the proposal need to go to the ZBA for a determination? \_\_\_\_\_
  - ☐ If no, is the use prohibited?
- ☐ What approvals are needed? Sketch Plan, Conditional Use, Site Plan, PUD, Final Plat
  - ☐ Flood plain \_\_\_\_\_
  - ☐ Highway access Amend (State)
- ☐ Lot size – Minimum 1, Existing 2.245
- ☐ Frontage – Required 80, Existing 312 +/-
- ☐ Setbacks – Required: Front 40, Rear 20, Side 20
- ☐ Setbacks – Existing: Front 40, Rear >20, Side <20
- ☐ Height – Required <35', Proposed <35'
- ☐ Check specific use standards
- ☐ Check Development Review (Article 5)

☐ Other requirements to consider?

7. Is anything non-conforming? (Article 3.4) Setbacks, density

8. Is the project in conformance with the zoning bylaws? (sect. 1.2, pg.2) Y

***Such permit may be issued only in conformance with these regulations and other Town ordinances, as provided in 24 V.S.A., §4449. Any use not permitted by these regulations shall be deemed prohibited. (sect.1.2, pg. 2)***

***... all uses must comply with any applicable General Provisions and Special Provisions as listed in Sections 6 and 7 of (the bylaws). (sect. 4.1, pg.2)***

#### Application Completeness

- ☒ Copy of WW permit or letter, Access permit for new access
- ☒ 911 Location
- ☒ Parcel ID
- ☒ Lot size (tax bill if unknown)
  - ☒ Compliant
- ☒ Road frontage (3.1) (deed if unknown or measure on ground)
  - ☒ Compliant
- ☒ Existing principal use
- ☒ Applicant name/address/phone number/email
- ☒ Landowner name/address/phone number/email
- ☒ Correct permit type
- ☒ Project information section
- ☒ Description with dimensions, clear enough to determine use
- ☒ Check boxes
- ☒ Correct fees
  - ☒ Collected
- ☒ Signatures & date
- ☒ Site plan drawing
  - ☒ North arrow
  - ☒ Full property boundaries with dimensions
  - ☒ All existing and proposed structures with measurements
  - ☒ Uses identified
  - ☒ Location of septic and water utilities
  - ☒ Location of access and frontage distance (3.1.1)
  - ☒ Proposed sign location
  - ☒ Streams, water bodies and wetlands
  - ☒ Locations of easements or rights-of-way

#### General provisions

- ☒ Ag soils (3.2.1) *< 3 ac.*
- ☒ Biological areas (3.2.2)
- ☒ Connecticut river (3.2.3)
- ☒ Habitat areas (3.2.4)
  - ☒ Deer wintering areas
  - ☒ Significant natural communities
  - ☒ Natural/fragile areas
  - ☒ Rare, threatened or endangered species
  - ☒ Vernal pools
- ☒ Ponds (3.2.5)
- ☒ RTE species (3.2.6)
- ☒ Steep slopes & elevation >25% (3.2.7)
- ☒ Streambank conservation (3.2.8)
- ☒ Wetlands (3.2.9)
- ☒ Parking (3.5)
- ☐ Outdoor lighting (3.6)
- ☒ Signs (3.8)

#### Specific Use Standards

- ☒ Flood plains (5.7)
- ☒ State/Nat'l Register of Historic Places
- ☐ Send to Fire Chiefs Darren Spaulding & Josh Dauphin - *CFSS following sketch plan*
  - ☐ Approved
- ☒ Application is complete
  - ☐ If not, 30 day issuance period has not started
  - ☐ Date of completion: 3/16/2023
- ☐ Check issuance (6.2.3) and notice (6.2.5) procedure
  - ☐ Within 3 days
    1. Copy of app. and notice to Listers
    2. Copy of app. and notice to Clerk
    3. Digital copy of app. and notice to digital parcel file
    4. Update 2022 Permits spreadsheet
    5. Copy of notice posted at Town Hall
    6. Ledger size notice to applicant
- ☐ Call applicant to pick up permit notice

#### Notes

- ~~• Visitor parking in setback~~
- ✓ Wastewater permit, state highway access permit
- ✓ No boundary line adjustment
- Outdoor lighting?

### 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: 2.245

Proposed lot acreages:

*Lot 1: 2.245*

District: Village

Minimum acreage: 1 acre Frontage: 80'

Setbacks: Front 40', Rear 20', Side 20'

Existing non-conformities:

*Existing duplex and shed do not meet current side setback requirements. The lot containing the existing cottage building does not conform to the district minimum lot size.*

Notes:

*The property contains multiple lots under common ownership. The proposal considers the property as a single land unit to be developed through the Planned Unit Development Review process.*



### 5.5 Planned Unit Development Review

An applicant for PUD approval applies to the Administrative Officer, who in turn notifies the Planning Commission. The Commission has up to sixty days to hold a public hearing, and sixty after that to approve, approve with conditions, or disapprove the application based on Standards of Review in these Bylaws. Failure to act within sixty (60) days of the hearing shall be deemed approval. Prior to filing a formal application, the applicant is encouraged to meet with the Commission to discuss the project. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1).

The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.

As applicable, the combined review process shall be conducted in the following order:

- a) Site Plan Review
- b) Access by right-of-way
- c) Requests for Waivers
- d) Requests for Variances
- e) PUD Review
- f) Subdivision Review (preliminary and final)
- g) Conditional Use Review

All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.

#### 5.5.4 General Standards

In addition to the standards set forth in Weathersfield's Subdivision Regulations, the following general standards must be met in order for the Planning Commission to approve a PUD application:

- a) PUD is consistent with Town Plan.
- b) The density requirements do not exceed the number of units permitted if the land were

subdivided in accordance with district regulations.

- c) All Site Plan Review requirements in Section 5.2 have been met.
- d) The PUD is an appropriate and unified treatment for the proposed development.
- e) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- f) The development will not place an undue burden on municipal services.
- g) State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- h) Adequate water supply and sewage disposal facilities are provided.

#### *5.5.6 Modification of Zoning Regulations*

After a duly-warned public hearing (per Section 6.3), simultaneously with subdivision approval, and subject to the standards and conditions set forth in this section, the Planning Commission may modify the zoning district regulations for the proposed PUD as to the following requirements only:

- a) Setbacks, including provision for zero lot lines;
- b) Height, Bulk and Spacing of Buildings;
- c) Type of Building, including a mix of residential and commercial uses in one building, a variety of residential structures (one, two, and multi-family structures);
- d) Location of buildings; and
- e) Size of lots.

Any modification of the Bylaws for the proposed PUD granted by the Planning Commission shall be noted on the subdivision plat.



# 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: April 12, 2023  
Re: Upper Valley Habitat for Humanity PUD Application

On March 8, 2023, I received an Application for Planned Unit Development Review from the Upper Valley Habitat for Humanity. The proposed project is located on parcel 5A-02-03 at 5771/5803/5805 US Route 5. The parcel is entirely within the Village district which allows for one principal use per parcel. The property for the proposed PUD includes 3 existing subdivided lots to which the aforementioned 911 addresses refer to. It has only one parcel ID as it has remained under common ownership.

Per my interpretation of the bylaws, I see potentially conflicting language that must be addressed. 5.5.4 (b) within the PUD General Standards requires that "The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations." Therefore, if the land were to be subdivided, they could create two parcels and the density would remain limited to 1 principal use per lot. Section 5.5.6 Modification of Zoning Regulations allows the Planning Commission to modify the zoning district regulations for a proposed PUD. The section goes on to list the types of regulations that may be modified. Line (b) states "Height, Bulk and Spacing of Buildings." While neither density nor bulk are defined in our bylaws, I interpret them as synonymous given the context.

So, while 5.5.4(b) regulates density, 5.5.6(b) allows the Planning Commission to modify the density requirements. Therefore, it is my opinion that as the Land Use Administrator I have no choice but to notify the Planning Commission that I have received a complete application and the board must hold a hearing and act within 60 days of the scheduled sketch plan review.

The questions that I am left with are, what does "units" mean in 5.5.4(b)? Does it mean parcels in a subdivision? Does it mean principal structures or the units within the structures like a multi-family home? Does it apply to accessory dwelling units? Can a PUD be done on a single lot?

I would also question whether Section 1.7 of the bylaws becomes relevant here. This section states "To the extent that these Bylaws are incompatible or inconsistent with State or Federal law, they shall be interpreted or disregarded to the extent necessary to comply with State or Federal law." Our PUD Review bylaw is outdated and inconsistent with 24 VSA 4417 Planned Unit Development. The following is the language where our bylaws do not meet the requirements of the Statutes.



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*(c) Planned unit development bylaws adopted pursuant to this section at a minimum shall include the following provisions:*

*(1) A statement of purpose in conformance with the purposes of the municipal plan and bylaws.*

*(4) Standards*

*for the review of proposed planned unit developments, which may vary the density or intensity of land use otherwise applicable under the provisions of the bylaws in consideration of and with respect to any of the following:*

*(A) The location and physical characteristics of the proposed planned unit development.*

*(B) The location, design, type, and use of the lots and structures proposed.*

*(C) The amount, location, and proposed use of open space.*

*(5) Standards requiring related public improvements or nonpublic improvements, or both; and*

*the payment of impact fees, incorporating by reference any development impact fee ordinance adopted pursuant to chapter 131 of this title.*

*(6) Provisions for the proposed planned unit development to be completed in reasonable phases, in accordance with the municipal plan and any capital budget and program.*

The applicant has been informed that their application is not explicitly permissible per the existing bylaws but has requested to have their application reviewed by the Planning Commission.

Respectfully,

A handwritten signature in black ink, appearing to read "Ryan Gumbart".

Ryan Gumbart

## **Appendix B**

### **Town of Weathersfield, Vermont Model Groundwater Protection Ordinance**

The following model ordinance is designed to be incorporated, as an overlay zone, into an existing zoning bylaw. An overlay zone functions within a zoning ordinance as a separate district that is placed over an existing district. The standards of the overlay zone do not exempt an applicant from meeting the standards of the underlying zone.

As the characteristics of all Source Protection Areas and all towns vary, it is recommended that municipalities consult with the Water Supply Division in tailoring this model ordinance to fit their specific needs.

#### **GROUNDWATER PROTECTION OVERLAY DISTRICT**

##### **A. TITLE**

This bylaw shall be known as the Groundwater Protection Overlay District Bylaw of the Town of Weathersfield ("GPOD Bylaw"). This bylaw is in addition to other districts already established through the Town of Weathersfield Zoning Ordinance.

##### **B. PURPOSE AND INTENT**

The Town of Weathersfield recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can contaminate groundwater, particularly in shallow/surficial aquifers, or where contaminants can get into a bedrock aquifer. To ensure the protection of these drinking water supplies, this bylaw establishes a zoning overlay district to be known as the Groundwater Protection Overlay District (GPOD).

The purpose of the GPOD is to protect public health and safety by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent of the Town of Weathersfield to accomplish this through the adoption of this GPOD. The GPOD allows for appropriate land use regulations, in addition to those currently imposed by existing zoning districts or other state and federal regulations. It is intended that public education and cooperation will complement this effort.

The GPOD is superimposed on all current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zoning districts that fall within the GPOD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the GPOD.

##### **C. AUTHORITY**

1. This bylaw has been prepared and adopted pursuant to the provisions of 24 V.S.A. Chapter 117 (§ 4414(2)), known as the Vermont Municipal and Regional Planning and Development Act.

2. Pursuant to 24 V.S.A. Chapter 117, the [Zoning Board of Adjustment] of the Town of Weathersfield is authorized to review, approve, conditionally approve, and deny applications for land development, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4440(d) the [Board] is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

#### **D. DEFINITIONS**

For the purposes of this section, the following terms are defined below:

1. **Aquifer.** A geological formation, group of formations or part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity, or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.
2. **Contamination.** An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
3. **Land Development.** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.
4. **Facility.** Something that is built, installed, or established for a particular purpose.
5. **Gray Water.** All domestic wastewater except toilet discharge water.
6. **Groundwater.** Water below the land surface in a zone of saturation.
7. **Groundwater Protection Overlay District.** A zoning district that is superimposed on all underlying zoning districts in the Town of Weathersfield. It includes all lands that are included in the definitions of Zones A and B of the GPOD, and is included in the Official Map of the Town of Weathersfield. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.
8. **Hazardous Material** means all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following:
  - (A) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;
  - (B) petroleum, including crude oil or any fraction thereof; or
  - (C) hazardous wastes, as determined under subdivision (9) of this section;

**15. Stormwater Treatment Practice (STP).** A stormwater treatment practice that is a specific device or technique designed to provide stormwater qualify treatment and or quality control.

**16. Stormwater Runoff.** Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

**17. Time-Of-Travel Distance.** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

## **E. ZONES WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT**

### **1. Zone A: Drinking Water Critical Impact Zone.**

Zone A is defined as the area within the combined two-year time-of-travel distance and zones 1 and 2 as identified in an existing water system's Source Protection Plan where these zones have been mapped around a public water supply well(s) or around the location designated for a potential future water supply.

#### ***Permitted Uses:***

*Public water distribution systems and facilities, accessory structures (to other permitted uses), parks, greenways, publicly-owned recreation areas such as foot, bicycle, and/or horse paths, playgrounds, ballfields and tennis courts, conservation areas, forestry, agriculture, camp, recreation facilities, single- and/or two-family dwellings, group home, home child care, home occupation*

#### ***Conditional Uses:***

*Accessory dwelling units, accessory uses, single- and/or two-family dwellings, schools (private and public), church, day care center, child care facility, kennel, garden center, health clinic, recreation, garden center, outdoor market, funeral home, cultural facility, agribusiness, agritourism, contractor's yard, restaurants, transit facility, telecommunications facility, office, inn, home industry, extraction and quarrying, community center, home business, home occupation, essential services, managed grazing of livestock, mobile home parks, recreation, forestry, telecommunications, wind energy conversion.*

#### ***Prohibited Uses:***

*Fuel or hazardous material storage, hazardous waste management, underground fuel storage tanks, fueling station, repair garage, body shop, car wash, laundromat, dry cleaner, machine shops, contractor's yard, bus garage, highway maintenance facility, slaughterhouse, junkyard, landfill, recycling center, commercial compost facility, industrial/commercial earth resource/groundwater extraction, on-site wastewater disposal systems, wastewater treatment facilities, open storage of road salt or other deicing chemicals, disposal of snow which has been brought in from outside the district, commercial metal plating/finishing/polishing, chemical/medical/bacteriological laboratories or manufacturing facilities, manufacturing facilities for electrical equipment/pharmaceuticals/plastic/fiberglass/rubber goods/textiles, commercial food processing, commercial photographic processing, commercial wood processing, printing establishments, concrete plants, furniture stripping establishments, commercial feeding of livestock,*



(D) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions.

(E) "Hazardous material" does not include livestock wastes.

**9. Hazardous Waste.** Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes and by-products are specifically excluded from this definition.

**10. Primary Containment Facility.** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products.

**11. Public Water Supply.** Any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

**12. Release.** Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

**13. Secondary Containment Structure.** A double walled tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

**14. Spill Response Plans.** Detailed plans for control, re-containment, recovery and clean up of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.



*pesticide/herbicide/fungicide storage, pesticide/herbicide/fungicide applications with the exception of those reviewed and approved by the Department of Health, industrial uses.*

c. **Two Year Time of Travel:** Approval of septic disposal systems within the two-year time of travel boundary is prohibited unless it can be demonstrated that the discharge from the septic disposal site is not hydraulically connected to the drinking water aquifer, or that additional information is presented to document that a two-year time of travel is met or exceeded to the existing or potential water supply source.

## **2. Zone B: Drinking Water Potential Impact Zone.**

Zone B is established as the remainder of the GPOD not included in Zone A, but deemed necessary to ensure adequate protection of public drinking water supplies. (*Note: Zone B is generally equivalent to a public water supply's Zone 3 as identified in their water system's Source Protection Plan.*)

- a. **Permitted Uses:** All uses allowed in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the GPOD.
- b. **Conditional uses:** All conditional uses permitted in underlying districts may be approved by the Town of Weathersfield Zoning Board of Adjustment provided they can meet performance standards outlined for the GPOD.
- c. **Performance Standards:** The following permitting standards shall apply to uses in Zones A and B of the GPOD:
  - Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
  - Open liquid waste ponds containing hazardous material or hazardous wastes will not be permitted without a secondary containment system.
  - Storage of petroleum products in quantities exceeding (1,000) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system as noted above.
  - All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
  - All conditionally permitted facilities must prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
    - (a) All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe 5-feet above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, 5-feet above the 100-year flood level and capable of containing 110 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
    - (b) All conditionally permitted facilities shall include fire fighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to

be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.

(c) For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.

(d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Town of Weathersfield.

Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

### **3. Liability.**

Nothing in this ordinance shall be construed to imply that the Town of Weathersfield has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

## **F. DISTRICT BOUNDARY DISPUTES**

If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district should be located with respect to their individual parcel(s) of land. If the owner(s) request that the Town of Weathersfield determine more accurately the boundaries of the district with respect to individual parcels of land, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation. If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

## G. ENFORCEMENT AND PENALTIES

1. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 4451, 4452 and 4454 or 24 V.S.A. §§ 1974a and 1977, et seq., in the discretion of the zoning administrator. A civil penalty of not more than \$200.00 per violation may be imposed for violation of this ordinance. The Zoning Administrative Officer shall issue a notice of alleged violation, which shall include the opportunity to cure the violation within seven days. If it is not cured after seven days, a municipal ticket may be issued immediately. The Zoning Administrative Officer may institute, in the name of the municipality, any appropriate action seeking an injunction, or other appropriate relief to prevent, restrain, correct, or abate that construction or use. Such action may be initiated in either the Vermont Environmental Court, or in the Vermont Judicial Bureau, as appropriate. Each day that the violation continues shall constitute a separate violation of this ordinance.

## H. ENFORCEMENT OFFICIALS

1. The town zoning administrator and health officer shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.

## I. ENFORCEMENT

**J. SEVERABILITY.** If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. **K. EFFECTIVE DATE.** This zoning bylaw shall become effective 21 days after its adoption by the legislative body. (Unless the town has determined to adopt, amend, and repeal zoning bylaws by Australian ballot, in which case, the bylaw shall become effective upon adoption by the voters of the Town of Weathersfield.

This zoning bylaw shall become effective 21 days after it has been adopted by a majority of the Selectboard of the Town of Weathersfield.

|            |       |
|------------|-------|
| _____      | _____ |
| _____      | _____ |
| _____      | _____ |
| _____      | _____ |
| Signatures | Date  |

**ADOPTION HISTORY:**

1. Agenda item at Planning Commission public hearing held on \_\_\_\_\_.
2. Agenda item at Selectboard public hearing held on \_\_\_\_\_.
3. Read and approved at regular Selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
4. Approved by legislative body on \_\_\_\_\_ OR, if town is a rural town AND it has determined to use Australian ballot to adopt, amend, or repeal zoning bylaws, such vote occurred on \_\_\_\_\_.
5. Other actions [petitions, etc.]

**ADOPTION HISTORY:**

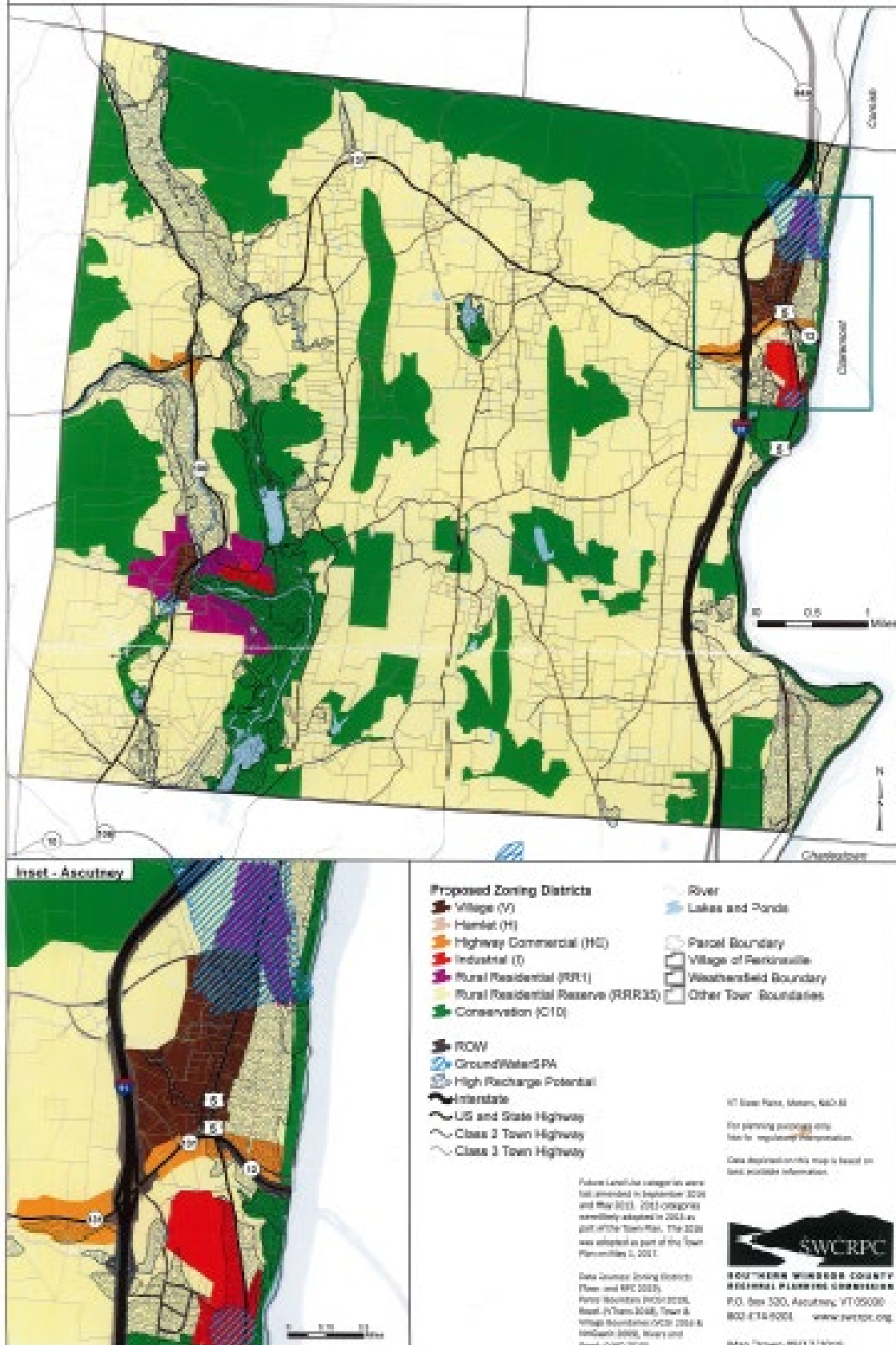
1. Agenda item at Planning Commission public hearing held on 10/12/2021.
2. Agenda item at Selectboard public hearing held on 11/16/2021.
3. Read and approved at regular Selectboard meeting on 11/30/2021 and entered in the minutes of that meeting which were approved on 11/30/2021.
4. Approved by legislative body on 11/16/2021 OR, if town is a rural town AND it has determined to use Australian ballot to adopt, amend, or repeal zoning bylaws, such vote occurred on N/A.
5. Other actions [petitions, etc.]

#### 6.10.1

##### Application

This bylaw shall be applied to the Black River and any stream shown on the Town's Water Resources and Flood resilience Map (A.N.R. 2011). These shall be referred to as protected streams (rivers). See Definition of stream, Section 8.

2.3.1 WATER SOURCE PROTECTION AREAS; There are currently two private wellhead protection areas ( Country Estates and old Elementary School building) mapped in the Town of Weathersfield. In addition, Surficial Geologic Mapping done by the University of Vermont has identified several groundwater aquifers in town with the potential to supply significant amounts of potable drinking water. To protect these potential groundwater resources from contamination, the town has adopted the "GROUNDWATER PROTECTION OVERLAY DISTRICT BYLAW of the TOWN of WEATHERSFIELD." This bylaw establishes what is known as the GROUNDWATER PROTECTION OVERLAY DISTRICT pursuant to 24 V.S.A. Chapter 117, Section 4414 (2). This district currently identifies the primary ( Zone A) aquifers on the town's zoning map. Additional aquifers may be added as test wells confirm their viability.





## Appendix C

Vermont Planners Association (VPA)

### Legislative Report – April 11, 2023

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*Reported by Alex Weinhausen, Kati Gallagher, Kerry Brosnan, and Darren Schibler*

With crossover in the rear view mirror, the Legislature's focus turns to reviewing the bills sent over by the other chamber. New bills may be introduced, but won't be passed this year (though they may be taken up during the second half of the biennium).

No new bills with a planning nexus were introduced in either chamber this week, so your VPA Legislative reporters followed up on existing bills.

#### Updates on planning bills

#### Senate

**S.100 - Omnibus Housing Bill** – The version of this bill that passed the Senate on March 31 is available on the Legislature's [website](#). The bill still has pre-emptions of municipal development review and zoning that are intended to boost housing production (e.g., parking minimums, residential density allowances, etc.). Interestingly, most of these provisions wouldn't take effect until December 1, 2024. The bill includes nothing as consequential on the State development review front to boost housing production. Duplicative State water/wastewater permits and fees will still be required for projects connecting to a municipal water/wastewater system. The very positive reform to eliminate this unnecessary State permit process was stripped from S.100.

Very little substantive or bold Act 250 reform remains in the bill. Act 250 "reform" includes:

- A temporary increase in the jurisdiction trigger (from 10 to 25 units) **ONLY** within designated downtowns, neighborhood development areas, and growth centers, and **ONLY** until July 2026.
- A temporary Act 250 exemption for priority housing projects in any size community **ONLY** within designated downtowns, neighborhood development areas, and growth centers, and **ONLY** until July 2026. More limited (size-constrained) exemptions already exist for priority housing projects in communities with populations under 10,000. The same blanket exemption already exists for priority housing projects in communities 10,000 or over.
- Master Plan permitting – Municipalities can seek an Act 250 master plan permit for an area within a designated downtown or neighborhood development area. Once granted, actual development consistent with the master plan permit would only require an Act 250 permit amendment rather than a separate Act 250 permit. In neighborhood development areas, this would only apply to residential development.
- Enhanced Designation – A municipality can seek "enhanced designation" for any designation area (e.g., downtown, neighborhood development area, growth center, village center). If received, any development within that designation area would be exempt from Act 250 review. In order to receive the enhanced designation, the municipality would have to apply to the Natural Resources Board, and demonstrate that the municipal development review bylaws are identical or at least consistent with model bylaws to be created by the Natural Resources Board.

All of the very positive fiscal provisions were stripped out of the bill, and presumably landed in the big budget bill instead (H.494). Hard to say for sure, as the big budget bill is relatively inscrutable for those outside the Legislature's money committees and the Administration.

S.100 will be discussed in two House Committees – [House General and Housing](#), and [House Environment and Energy](#). House General and Housing got an introduction to the bill last week. House Environment and Energy will get their introduction this week (Tuesday, 4/11), and will begin taking testimony on Wednesday (4/12), including input from VPA. House Environment and Energy is also looking for input on H.68 – most provisions of which were incorporated into S.100, albeit with revisions. Some problematic provisions related to municipal zoning pre-emption (e.g., parking minimums, residential density minimums) are still in the bill, so VPA will largely be reiterating the testimony we provided on the Senate side.

NOW is the time to engage with your Representative and with Representatives on the two committees noted above. If this bill is going to be effective, they need to hear more from municipal officials. VPA can help! Reach out, and we can help you be heard.

S.115 - Misc. Ag & Stormwater Provisions – This bill passed the Senate on Tuesday (4/4). As reported previously, this bill includes a study provision to consider exempting agricultural operations from regulation and fees by municipal stormwater utilities with the intent of better aligning with statutory limits as interpreted by the Agency of Agriculture. Interestingly, it also suspends all municipal stormwater fees and assessments on property's subject to the State's Required Agricultural Practices for one year (July 1, 2023 – July 1, 2024). Strange to study an exemption, but also provide the exemption before the study is even conducted.

S.5 – Affordable Heat Act – The bill passed the Senate on March 3, and is being considered by the House Environment and Energy Committee. Testimony and discussion ongoing.

## House

H.126 – Biodiversity & Conservation – As reported last week, after some amendments, this bill was approved by the full House on 3/24, and is scheduled for testimony before the Senate Natural Resources & Energy Committee on Thursday 4/13.

H.276 – Rental Registry Study – As reported last week, this bill was significantly pared down to a report due this December to assess cost, design, and implementation of a registry and consider the different possible ways to do it. The bill now rests with the Senate Committee on Economic Development, Housing, and General Affairs. VPA submitted a letter in support of the bill and the rental registry.

H.222 – Reducing Overdoses / Recovery Residences – This bill passed the House and will receive testimony this Tuesday 4/11 in the Senate Committee on Health and Welfare. As reported last week, one portion of this bill would require municipalities permit recovery residences as a single-family dwelling, similar to residential care homes and group homes. H.222 includes extensive details on how recovery residences would operate internally, which has evolved over the past few sessions. It was amended to include the definition of "recovery residence" that was part of H.241.

**H.31 – Aquatic Nuisance Control** – (no updates) This bill passed the House on Wednesday 3/29, and is now awaiting consideration by the Senate Committee on Natural Resources and Energy. As previously reported, this bill creates a study committee to look into the use of pesticides for the control of aquatic nuisances (e.g., Eurasian water milfoil).

#### Online Resources

[Bill, Act and Resolution search page](#), past [VPA Legislative Reports](#), upcoming [House / Senate Committee Meetings](#), and the weekly [VLCT legislative report](#).

[/nne.planning.org/policy/vermont/2021/](https://nne.planning.org/policy/vermont/2021/)