

NOTICE OF PUBLIC HEARING

In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, the Selectboard for the Town of Weathersfield, Vermont, will hold a public hearing on Monday, July 15, 2019, at 7:15P.M., in the Weathersfield Town Office, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the adoption of the following bylaw:

(1) Addition of Processing of Agricultural/Forestry Products as a Permitted Principal Use in the Conservation (C-10) Zoning District

Statement of Purpose

The above referenced bylaw has been proposed by petition pursuant to 24 V.S.A. §4442.

Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

The full text of the above bylaw and written report is available for inspection at the Weathersfield Town Office.

Planning Commission Reporting Form for Municipal Bylaw Amendments

Town of Weathersfield, VT

Proposed amendment to the *Town of Weathersfield Zoning Bylaws*

Addition of "Processing of Agricultural/Forestry Products" to become a Permitted Principal Use in the Conservation (C-10) Zoning District

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

The above referenced proposed bylaw is summarized as follows:

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

The purpose of this proposed bylaw is to expand the Permitted Uses in the Conservation (C-10) zoning district to include "Processing of Agricultural/Forestry Products".

This bylaw was proposed by means of petition, the text of which is reproduced in full as follows:

"We, the undersigned registered voters of the Town of Weathersfield, Vermont pursuant to 24 V.S.A. 4441(b) and Section 2 of the Weathersfield Zoning Bylaws, initially adopted March 5, 1974, as amended hereby petition the Town Planning Commission to submit the following proposed amendments of the Town Zoning Bylaws to the Selectboard for its consideration and adoption pursuant to 24 V.S.A 4442(c)(1).

- I. The following shall be added to Section 4.32(e) as a Permitted Principal Use in a Conservation (C-10) District:

Processing of Agricultural/Forestry Products (see definitions)

- II. The following shall be added to Section 8 Definitions:

Processing of Agricultural/Forestry Products: The primary processing of agricultural and forestry products of commercial value whether the processing occurs at the site where the product was harvested or at a site that is not the harvest site."

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

It is the opinion of the Planning Commission that the proposal does **not** conform with nor does it further the goals and policies contained in the municipal plan. In Section 2.2 of the Town Plan, "larger-scale commercial and industrial uses" are distinguished from "home occupations and/or home businesses", the latter of which are permitted in all districts. Larger-scale commercial and

industrial uses are not permitted in any of the residential districts nor in the Conservation district. In Section 2.2 of the Town Plan, it is contemplated that a business which “begin[s] as a home occupation or home business” would “relocate to another area of Town if they continue to grow and prosper.” As the most restricted district, it is clear that the Town Plan contemplates that it may be the case that even a larger home business could be incompatible within the Conservation district, and home businesses are a use with far less impact than manufacturing or industrial uses.

Under the “Conservation” district in the Town Plan, “Desired uses” are “very-low density residential and home business uses that are especially mindful of possible negative impacts to the land”.

Under “Light Industrial”, the Town Plan states that in terms of “Land Use Values”, “these are areas centered around existing clusters of industrial uses (e.g. Hodgdon Brothers Salvage yard, Sheehan Lumber, Vermont Soapstone)”. Under the proposed bylaw, as long as the product being processed is agricultural or forestry related, “light industrial” processing of those products would not be centered around existing clusters of industrial uses, but rather scattered around the most protected, valuable and sensitive lands in town.

Even in the “Industrial” zoning district under the current bylaws, the only “Permitted Principal Uses” are (1) Public water, sewage treatment; (2) Self-Storage Facility; (3) Small Office space; and (4) Two family dwelling. The proposed bylaw would result in an unprecedented change to the Zoning Bylaws, enabling the primary processing of agricultural or forestry products to be conducted in a facility of unlimited size and scope as of right, at least with respect to the Weathersfield Zoning Bylaws, and without any hearing – far more permissive than what currently exists in the most permissive Industrial zoning district.

As written and setting any practical development constraints outside of the scope of zoning aside, such as access to municipal water or sewer, a 100,000 square foot paper mill, ethanol refinery, or other similar operation could be placed anywhere in the Conservation district without being considered a conditional use. The only other district in which an operation of that magnitude would be permitted, the Industrial district, requires that a proposed use of this nature be subject to a conditional use hearing. The proposed bylaw would preclude the Town from setting conditions regarding traffic, hours of operation, screening, or facility size so long as the structure meets other basic requirements such as setbacks. This bylaw is completely inconsistent with not only the Conservation district, but the Town Plan and Zoning Bylaws as a whole.

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

The near complete lack of restriction on any undertaking or business which could come within the scope of this bylaw, other than that the materials being processed be connected to agriculture or forestry in nature, would enable industrialization of what the Town Plan intends to be the most protected zoning district, where “very low density residential and home business uses” are listed as desired.

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

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