

MINUTES OF SPECIAL TOWN MEETING
WEATHERSFIELD TOWN
WEATHERSFIELD SCHOOL
ASCUTNEY, VERMONT
SEPTEMBER 19, 2020

Moderator John Broker-Campbell opened the meeting at 1:02 PM.

Select Board Chair, Dave Fuller, introduced the members of the Select Board – John Arrison, Paul Tillman, Joseph Jarvis and Michael Todd, Town Manager Brandon Gulnick, and Zoning Administrator, Chris Whidden.

Mr. Broker-Campbell read the warning as follows:

The legal voters of the Town of Weathersfield, Vermont, are hereby notified and warned to meet at the Weathersfield School, 135 Schoolhouse Road in Ascutney, in the Town of Weathersfield, Vermont, on Saturday, the 19th day of September, 2020, at 1:00 P.M.

Due to COVID-19, the Special Town Meeting will be held outside rain or shine. The Town has secured a Large Tent, PA System, and portable restrooms. Residents may access the meeting remotely by using a telephone and dialing 872-240-3412. When prompted enter access code 259-420-629. Residents may also download GoToMeeting to access the meeting on your computer and view livestream (the access code is the same.)

Voting will be held by Australian Ballot at the General Election held in the Town of Weathersfield at 5259 U.S. Route 5 in Ascutney, on Tuesday, the 3rd day of November 2020. The polls will open at 8:00 A.M. and close at 7:00 P.M. on that date, to act on the following articles:

Article 1: Shall the voters of the Town of Weathersfield amend Weathersfield Zoning Bylaws to include Section 4.2.6 – “Processing of Firewood: No provision of these bylaws shall have the effect of regulating the processing of firewood (as defined in Section 8) in any district, provided that the processing takes place on parcels of 25 acres or more”, and add the definition of “Processing of Firewood: The storage, cutting, splitting, processing, packaging, distribution and sales of firewood 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” to Section 8 Definitions.

Article 2: To transact any other business deemed proper when met.

Dated at Weathersfield, Windsor County, Vermont this 20th day of September 2020.

Mr. Fuller explained to those present that this zoning amendment had been received by petition of 5% of the Town’s registered voters. Because the proposed amendment was by petition, the Town could not make any changes to it other than obvious spelling or grammatical errors. The amendment was sent to the Town Planning Commission who contracted with the Regional Planning Commission to draft the report that is required for all zoning bylaw changes. The report stated that the proposed change did not conform to the Town Plan or the Zoning Bylaws. The Planning Commission accepted that report and sent the amendment to the Select Board as is required by the prescribed process. The petition called for a Town Meeting, which is the reason for this meeting, and voting via Australian Ballot, which will take

place at the General Election on November 3rd.

Mr. Fuller said he had been asked numerous questions by Town residents about the amendment that he was unable to answer due to the lack of specificity in the language of the amendment. He said the amendment is about wood processing, but there are no details to describe what that entails. Because the amendment was presented via petition, the Town had no opportunity to work out details.

Mr. Broker-Campbell called for comments and questions from the audience.

Ethan McNaughton, Perkinsville, stated that under current zoning, logging and processing on the same lot is allowed without a permit. Homeowners can process their own wood without a permit. The proposed change would allow someone to bring truckloads of wood from off-site, process it and truck it away. The amendment would allow this activity to occur on any lot in Town that is 25 acres or more. Because there would be no regulatory oversight, there would be no control over noise, truck traffic, etc. He urged everyone to vote no on the article.

Doug Reed, Baltimore, VT, (was given permission to speak), stated that he had been trying for three years to work with the Town and “got nowhere”. He said no one was willing to answer his questions or provide input. Mr. Reed said he chose 25 acres as the minimum lot size as it coincides with state standards. He said this amendment would not interfere with any State programs and that State setbacks and laws must still be followed.

Dylan Reed, Baltimore, VT (was given permission to speak), said his grandmother has a daycare closer to their operation than Mr. McNaughton and it does not disturb them with noise or vibrations.

Mr. Fuller said this conversation is about processing firewood in any district in Town and not about personal differences between individual parties.

Charles Stroble, Claremont, NH (was given permission to speak), said he owns a service station in Ascutney and has been processing firewood there in a commercial zone on 13 acres of land for many years. He asked how this change would affect his operation. Mr. Whidden assured Mr. Strobel that it would not affect him.

Peter Corbet, Perkinsville, asked how the Town could override the statutory exemption for silviculture and forestry. Mr. Tillman said the Town did not write this amendment and felt the question would be best directed to the petitioners. The Board is not supporting the amendment, but simply following the process for petitioned bylaw changes.

Michael Todd said that, based on research conducted by former Zoning Administrator Sven Fedorow, the Town cannot regulate silviculture or forestry, but because this is directed toward processing, it is considered a business which the Town can regulate.

Mr. Whidden said 16% of the parcels in Town are 25 acres or more in size.

Butch Crandall, Weathersfield, challenged the validity of the Town’s processing of the amendment. Mr. Todd said the report by the Regional Planning Commission addresses everything that is required by the State laws governing it.

Mr. Todd said this bylaw was not prepared by the Town – it was submitted by petition. He said the

Planning Commission does not support it for the very reasons being stated by Mr. Corbet. Mr. Todd repeated that the Regional Planning Commission found that the proposed amendment does not conform to the Town Plan or the Town's bylaws. He said it doesn't mean that the Commission doesn't support the intent – just that this language is unacceptable. He said the Commission would have spent months creating it this bylaw, taking into account issues raised by *all* parties. But since it was presented as a petition, they were unable to do that and were required to accept the language as it was presented.

Mary Gubrandsen, Weathersfield, asked if wood processing is currently allowed in the Town's industrial zones? The answer was yes, it is. Mrs. Gulbrandsen asked what the potential benefit would be in allowing wood processing in all zones when the same activity in the industrial zone is regulated? Mr. Tillman repeated that the Town is obligated by law to put this proposed amendment on the ballot (or not take any action on it at all). He said the Town has no way to change it and that the Planning Commission would have done it differently, had the amendment started with them.

Connie Brown, Perkinsville, asked if there was a plan to resolve this issue if the amendment is voted down and if it passes, how would it be enforced? Mr. Whidden said enforcement would not be an issue if it passes as it would be an allowed activity in all zones. Mr. Tillman said the Planning Commission would continue to work on the issue, although there is currently litigation against Town relative to this issue, so the Commission must be cautious.

Robin Tindal, Perkinsville, said the article as written appears to be overly broad; that it's not in conformance with the Town Plan and likely to cause additional friction and chaos if passed

Nancy Reed, Perkinsville, said she lives by a wood processor and it doesn't bother anybody. She said (former Zoning Administrator) Lynn Skalaban said they didn't need anything (in terms of Town permits). She said it's been three years trying to resolve the issue and \$20,000 in lawyer fees. If we didn't need zoning then, why now? To appease people?

Doug Reed said he never needed permits in the past, but now he will need a permit to use the same equipment he used 20 years ago. He said he still must follow state guidelines. He claimed that (former Zoning Administrator) Hal Wilkins had said it was ok (no permit needed) and that there had been no enforcement until a neighbor complained. He claimed he was being singled out; that this was a case of selective enforcement.

Ethan McNaughton said that the State of Vermont protects agriculture, forestry and silviculture, but that the Supreme court has said if logs are trucked in, processed, and trucked back out, then it's industrial processing and it can be regulated locally. The processing in this manner is not forestry or silviculture as defined and protected by State statute. The State does say we can't regulate if you cut and process firewood *on the same lot*, because the operation in that case, won't remain on the same lot forever. The proposal to allow wood to be *trucked in to a site* and processed is different - hundreds of cords of firewood could be trucked to a single, stationary site for the life of the business. This is manufacturing and therefore not protected under the forestry, agricultural or silvicultural statutes.

Colin Tindal, Perkinsville, said this appears to be a case of animosity between neighbors that has been thrust onto the Select Board who must honor our democratic process.

When there were no more questions or comments that had not already been heard or stated, the meeting came to an end.

John Arrison motioned to adjourn the meeting. Michael Todd seconded the motion and all were in favor.

The meeting adjourned at 2:10 PM.

Respectfully submitted,

deForest Bearse

John Broker Campbell, Town Moderator