



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Planning Commission Agenda

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

Remote option – Zoom details below

Monday, April 25, 2022 – 6:30 PM

-
1. Call to Order
 2. Agenda Review
 3. Comments from the Chair and Land Use Administrator
 4. Comment from Citizens regarding items not on the agenda
 5. Approval of Meeting Minutes – April 11, 2022 & April 14, 2022
 6. Town Plan – Energy section update
 7. Town Plan – Scenic Resources section update
 8. Zoning Bylaws – Administrative questions
 9. Highway Access Policy
 10. Zoning Permit Application – Amendment/Extension
 11. Discussion of Items for Future Agendas
 12. Any other business that can be legally discussed
 13. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, May 9, 2022 - 6:30 PM**, Martin Memorial Hall.

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

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

5.

1 Planning Commission
2 Martin Memorial Hall
3 5459 Rte 5 Ascutney, VT
4 Planning Commission Meeting
5 DRAFT Monday, April, 11, 2022 6:00 PM
6

7 Planning Commission Members Present:
8

9 Paul Tillman
10 Joseph Bublat, Online
11 Howard Beach
12 Mike Todd
13 Tyler Harwell, Online
14

15 Tyler Harwell and Joseph Bublat were having internet connection issues. Joseph Bublat drove into the Town
16 Hall for the remainder of the meeting and Tyler Harwell was disconnected at
17

18 Attendees: Ryan Gumbart, Land Use Administrator, Jason Rasmussen, Dusty Hodgdon, Colby Hodgdon
19

20 1.) Call to Order made by Paul Tillman, Chair at 6:39 pm.
21

22 2.) Agenda Review
23

24 The following items were removed from the agenda:
25

26 #8 Subdivision open space discussion
27 #9 Setback Requirements
28

29 3.) Comments from the Chair and Land Use Administrator
30

31 Paul Tillman recognized and thanked Howard Beach for his term as Chair.
32

33 4.) Comments from Citizens regarding items on agenda.
34

35 None
36

37 5.) Approval of Meeting Minutes – March 28, 2022
38

39 Michael Todd made a motion to approve the minutes from 3-28-22.
40 Howard Beach – 2nd
41 Discussion – no further discussion
42 Vote – Unanimous
43

44 6.) Hodgdon – Sketch Plan Review

45 Colby Hodgdon presented the sketch plan for a subdivision of Tax Map/Parcel Number 05-03-40. He
46 would like to subdivide out a single 5–7-acre lot for a house as a primary residence. Would like
47 construction to start in August/September 2022. He provide a map to the Planning Commission,
48 however, the property has not been surveyed for the subdivision at time of sketch plan review.

After the property is surveyed, Colby Hodgdon will complete the subdivision checklist, provide the necessary information to the Land Use Administrator and will request a subdivision hearing. A copy of the following was provided to Colby Hodgdon from the Town of Weathersfield Subdivision Regulations for completion:

- Table 2.1 – Application Requirements
- Table 2.2 – Subdivision Review Process Summary

7.) Energy plan discussion

Jason Rasmussen presented the draft of the Energy Plan to the Planning Commission:

WEATHERSFIELD TOWN PLAN

7.7 Energy Goals

- 7.7.1 To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

7.8 Energy Policies

- 7.8.1 Weathersfield has limited potential for utility-scale wind energy development, as areas with sufficient access to consistent wind are generally small in size and more than a mile away from three-phase power lines. The prime wind sites (e.g. Weathersfield Center, Butterfield Hill, Pikes Peak) are relatively close to established residences and/or specifically identified scenic, historic or natural resources in the Town Plan and/or Biologic Natural Areas of Weathersfield. The secondary wind sites (e.g. Skyline Drive, Hawks Mountain, Little Ascutney, Pierson Peak, Mount Ascutney) are largely in scenic or natural resources areas also specifically identified in the Town Plan and/or Biologic Natural Areas of Weathersfield. Development in these areas would have a profoundly negative impact on critical viewsheds throughout the community, as the natural profile of the mountain forms an iconic backdrop from both in-town and rural valley locations. Because no other locations in Weathersfield have suitable wind resource, infrastructure availability, or are free from significant environmental constraints (Figure 6), no utility-scale (100 KW capacity or greater) wind energy facilities should be located in the town. Smaller scale wind projects, including residential-scale turbines (generally less than 10 KW) and turbines that may be installed at farms, residences or small businesses, up to 100 KW, may be appropriate as long as noise from the turbines does not adversely affect neighboring residential properties and as long as they are not prominently visible from any town-identified historic district.
- 7.8.2 The town particularly encourages solar energy development, of any scale, on building rooftops.
- 7.8.3 The town strongly supports the development of small-scale (150 KW capacity or less) electricity generation from solar energy at homes, businesses, schools, and other institutions.
- 7.8.4 The town strongly encourages community solar projects (between 15 KW and 150KW in size) provided they are located on sites identified as having high potential for electricity generation based on solar resource availability and avoid "prohibited areas" as identified below. Moreover, any community solar project located on a site that is not a prohibited/exclusion area shall be considered as being located on a "preferred site" and eligible for all of the regulatory and financial incentives associated with larger scale solar energy installations pursuant to Public Utility Commission Rule 5.100 and 30 V.S.A. Section 248.
- 7.8.5 Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following Solar Energy Facility Siting Policy and Map, and the Solar Electric Facility Siting Guidelines.
- 7.8.6 **Solar Energy Facility Siting Policy and Map**

Commented [JR1]: Should update the way information is presented on the map

1

WEATHERSFIELD TOWN PLAN

The Solar Energy Resource Map shall serve as a guide for developers wishing to identify land suitable for larger-scale solar energy generation facilities (greater than 150 kW capacity) within the Town of Weathersfield. This map identifies sites which have been determined by the Town of Weathersfield, through official action of the Select Board, to be suitable for solar facilities and sites which are not suitable due to the presence of constraints. Only sites identified as "preferred sites" (on this map or through the Town of Weathersfield's Preferred Site Policy) or located in a "preferred area" as defined in the Solar Facility Siting Criteria, below, may be developed with solar generating facilities in excess 150 KW of rated capacity.

The Solar Energy Resource Map shall be used in concert with the Town's Screening of Solar Facilities Ordinance and the Solar Facility Siting Guidelines (incorporating the Community Standards and Siting Criteria) included in this section of the Town Plan to direct the development and design of solar facilities. Although solar energy development at these preferred sites and locations is an appropriate land use, all such development shall be carefully planned to limit adverse impacts to neighboring properties and to public viewsheds, giving consideration to The Town's Screening of Solar Facilities Ordinance and Solar Facility Siting Guidelines.

The sites indicated on this map as suitable for solar energy development were selected after a thorough analysis of available geographic data, including an assessment of access to solar energy as well as environmental, aesthetic, cultural, and related regulatory constraints. State-identified environmental constraints are discussed in more detail in the Mount Ascutney Regional Energy Plan, and include the following resource areas:

- a) Class 1 and 2 wetlands, vernal pools, and hydric soils;
- b) Mapped river corridors and FEMA-defined floodways;
- c) Natural communities and rare, threatened, and endangered species;
- d) Federal wilderness areas;
- e) "Primary" and "Statewide" significant agricultural soils;
- f) FEMA-defined special flood hazard areas;
- g) Lands protected for conservation purposes;
- h) Deer wintering areas; and
- i) State-identified high priority "Conservation Design Forest Blocks."

7.8.7 Solar Electricity Facility Siting Guidelines

The term "solar facility" shall have the following meaning: a solar electricity generation and transmission facility with a 150kW (AC) or greater capacity, including all on-site and offsite improvements necessary for the development and operation, and on-going maintenance of the facility.

The Town of Weathersfield has developed community standards and siting standards for the development of solar facilities for reference and use by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248). These standards are set forth below. In addition, the Weathersfield Planning Commission, in consultation with the Mount Ascutney Regional Commission, has

WEATHERSFIELD TOWN PLAN

identified and mapped (Figure 7) those areas of Weathersfield that are most suitable for solar facility development based on facility siting requirements and municipal energy, conservation, and development policies and objectives set forth in the Weathersfield Town Plan.

7.8.7.2 Community Standards

The following community standards are to be considered in undertaking municipal solar electricity projects and programs, in updating Weathersfield's Zoning Bylaws to address solar facilities subject to local regulation, and in the review of any new or upgraded solar facilities in excess of 15 kW capacity, by the Town of Weathersfield and the Public Utility Commission (Section 248 review).

- a) **Plan Conformance:** New solar facilities and proposed system upgrades should be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities Integrated Resource Planning (IRP).
- b) **Benefits:** A demonstrated statewide public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar facilities located within or which may otherwise affect Weathersfield. Facility development must benefit Town of Weathersfield and State residents, businesses, and property owners in direct proportion to the impacts of the proposed development.
- c) **Impacts:** New solar facilities must be evaluated for consistency with community and regional development objectives and shall avoid undue adverse impacts to significant cultural, natural, and scenic resources and aesthetic values identified by the community in the Weathersfield Town Plan and the Scenic Resources Inventory. When evaluating impacts of a proposed solar facility under the criteria set forth in this Town Plan, the cumulative impact of existing solar facilities, approved pending solar facilities and the proposed solar facility shall be considered. It is explicitly understood that a proposed solar facility which by itself may not have an adverse impact may be deemed to have an adverse impact when considered in light of the cumulative impacts of the proposed solar facility and existing solar facilities and pending already approved solar facilities.
- d) **Decommissioning:** All facility certificates shall specify conditions for system decommissioning, including required sureties (bonds) for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads and accessory structures, must be removed from the site and safely disposed of in accordance with regulations and best practices current at the time of decommissioning.

7.8.7.3 Solar Facility Siting Criteria

Weathersfield supports development of solar energy generation facilities consistent with the policies and guidelines set forth in this plan. It recognizes that financial considerations require projects to be located in close proximity to

WEATHERSFIELD TOWN PLAN

electric power lines capable of distributing the load proposed to be generated and to have convenient access from major transportation networks for construction. However, the town desires to maintain the open landscape and scenic views important to Weathersfield's sense of place, tourism economy, and rural cultural aesthetic. Not all solar facilities proposed can meet this standard. Projects must meet the following criteria in order to be supported by this Town Plan:

- a) **Siting Requirements:** New solar facilities shall be sited in locations that do not adversely impact the community's traditional and planned patterns of growth, of compact village centers surrounded by a rural countryside, including working farms and forest land. Solar facilities shall, therefore, not be sited in locations that adversely impact scenic views, roads, or other areas identified in the Scenic Resources Inventory, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Scenic Resource Inventory: views across open fields, especially when those fields form an important foreground; prominent ridgelines or hillsides that can be seen from many public vantage points and thus form a natural backdrop for many landscapes; historic buildings and districts and gateways to historic districts; and, scenes that include important contrasting elements such as water. The impact on prime and statewide agricultural soils currently in production shall be minimized during project design.
- b) **Preferred Areas:** The following areas are specifically identified as preferred areas for solar facilities, as they are most likely to meet the siting requirements:
 - Roof-mounted systems;
 - Systems located in proximity to existing large scale, commercial or industrial buildings;
 - Proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
 - Reuse of former brownfields;
 - Facilities that are sited in disturbed areas, such as gravel pits, closed landfills, or former quarries;
 - Areas specifically identified as suitable for solar facilities on the Solar Energy Resource Map.
- c) **Prohibited (Exclusion) Areas:** In addition to those areas that do not meet the siting requirements set forth above, development of solar generating facilities shall be excluded from (prohibited within), and shall not be supported by the Town, in the following locations:
 - Floodways shown on Flood Insurance Rate Maps (FIRMs);
 - River corridors as shown in the Town of Weathersfield Zoning Bylaws;
 - Class I or II wetlands;
 - A location that would significantly diminish the economic viability or potential economic viability of the town's working landscape, including

productive forest land and primary agricultural soils (as defined in Act 250 and as mapped by the U.S. Natural Resource Conservation Service);

- Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
- Ridgelines: _____
- Steep slopes (>25%)
- Surface waters and riparian buffer areas (except for stream crossings);
- Topography that causes a facility to be prominently visible against the skyline from public and private vantage points such as roads, homes, and neighborhoods;
- A site in proximity to and interfering with a significant viewshed identified in the **Scenic Resource Inventory**;
- A site on which a solar facility project cannot comply with **Weathersfield's prescribed siting and screening standards, including the screening requirements set forth in _____ Screening of Solar Facilities Ordinance**;
- A site that causes adverse impacts to historical or cultural resources, including state or federal designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts to historical and cultural resources include:
 - removal or demolition;
 - physical or structural damage, significant visual intrusion, or threat to the use;
 - significant intrusion in a rural historic district or historic landscape with a high degree of integrity;
 - significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - creating a focal point that would disrupt or distract from elements of a historic landscape;
 - a significant intrusion in a rural historic district or historic landscape that has a high degree of integrity;
 - impairing a vista or viewshed from a historic resource that is a significant component of its historic character and history of use;
 - visually overwhelming a historic setting, such as by being dramatically out of scale;
 - isolating a historic resource from its historic setting, or introducing incongruous or incompatible uses, or new visual, audible or atmospheric elements.

d) **Mass and Scale:** Except for projects located on preferred sites, solar facilities larger than 10 acres, individually or cumulatively, cannot be adequately

screened or mitigated to blend into the municipality's landscape and are, therefore, explicitly prohibited.

7.9 Energy Recommendations

7.9.1 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).

7.9.2 The Town of Weathersfield may participate in the Public Utility Commission's review of new and expanded generation facilities to ensure that local energy, resource conservation, and development objectives are identified and considered in proposed utility development. This may include joint participation and collaboration with other affected municipalities and the Mount Ascutney Regional Commission for projects that may have significant regional impact. It is acknowledged that the PUC's primary focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.

7.9.3 The Planning Commission, in consultation with the Select Board, should develop guidelines to direct local participation in Section 248 proceedings related to solar facilities located in Weathersfield or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.

66
67 There are 7 items that the Planning Commission would like Jason to focus on:
68

- 69
1. GPS locations of scenic views in Town.
 2. Map that provides scenic vista locations.
 3. Better definition of small scale and large-scale solar power.
 4. Jason Rasmussen and Ryan Gumbart are going to look at the State language for solar power.
 5. Clarification on river corridor language.
 6. Add a screening ordinance.
 7. Look at combining 3 sections of the proposed document:
 - 76 a. 7.8.7
 - 77 b. 7.8.7.2
 - 78 c. 7.8.7.3

79 Jason Rasmussen will return to the Planning Commission in one month to review the marked-up
80 changes.

81
82 **8.) Bylaw Project Update**
83

84 Ryan Gumbart, Land Use Administrator presented the following changes to bylaws that will be
85 presented Thursday, April 14, 2022 at the Bylaw hearing.

86
87 Please refer to Zoning Bylaw Proposal Draft 2022 for full presentation.
88

89 After review, the Planning Commission requested that Ryan add some more definition about the review
90 of Aquifer Overlay. Ryan will also work with Otis at Regional Planning to get the GPOD Zone on a
91 finalized map.
92

93 Michael Todd made motion to authorize the Land Use Administrator to complete the Planning
94 Commission Report Form for Municipal Bylaw Amendments according to statute.
95 Howard Beach – 2nd
96 No further discussion
97 Vote - unanimous
98

99 9.) Bylaw administration – tabled for future meeting.
100

101 10.) Discussion of Items for Future Agenda
102

- 103 • Continued Energy Plan
- 104 • Town Driveway Standards
105

106 11.) Any other business that can be legally discussed
107

107 None

108 12.) Adjourn
109

110 Howard Beach made a motion to adjourn at 8:57pm

111 Michael Todd – 2nd

112 No discussion

113 Vote - unanimous
114

115 Bylaw hearing is scheduled for Thursday, April 14, 2022 at 6:30 pm at Martin Memorial Hall.
116

117 Next Planning Commission Meeting is scheduled for Monday, April 25, 2022 at 6:30 pm at Martin
118 Memorial Hall.
119

120
121 Respectfully,
122 Chauncie Tillman
123 Recording Secretary
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Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

1 Planning Commission
2 Martin Memorial Hall
3 5459 Rte 5 Ascutney, VT
4 Planning Commission Hearing
5 DRAFT Thursday, April, 14, 2022 6:00 PM
6

7 Planning Commission Members Present:
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9 Paul Tillman
10 Joseph Bublat, Online
11 Howard Beach
12 Mike Todd
13 Tyler Harwell, Online
14

15 Attendees: Ryan Gumbart, Land Use Administrator, Greg and Mandy Martell, Kevin Rumrill, Dwight
16 Phelps (via Zoom), David Fuller (via Zoom)
17

18 1.) Call to Order made by Paul Tillman, Chair at 6:32 pm.
19

20 2.) Agenda Review – no changes
21

22 3.) Comments from the Chair and Land Use Administrator
23

24 None
25

26 4.) Comments from Citizens regarding items on agenda.
27

28 None
29

30 5.) Public Hearing: adoption of bylaw amendments and zoning map
31

32 Paul Tillman opened the hearing by reading the warrant.
33

34 In accordance with the provisions of 24 V.S.A. §§ 4441(d) and 4444, the Planning Commission for the
35 Town of Weathersfield, Vermont, will hold a public hearing on Thursday, April 14, 2022, at 6:30 P.M.,
36 at Martin Memorial Hall, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on the
37 adoption of the following bylaws:
38

- 39 (1) Proposed Zoning District Map of Weathersfield, VT
40 (2) Table of Districts and Uses, Sec. 2.5
41 (3) Aquifer Overlay District Regulations
42 (4) Definitions, Sec. 7
43

44 **Statement of Purpose**
45

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

49 **Geographic Areas Affected**

50
51 The entire Town of Weathersfield is affected by this amendment.

52 **Sections Headings**

53
54
55 Amendment and adoption of the foregoing Bylaws. See Sections listed above. Persons wishing to be
56 heard may do so in person, be represented by an agent, or may file written comments with the Planning
57 Commission prior to the hearing.

58
59 Information concerning this matter is available at the Town of Weathersfield office from 7:30 AM to
60 5:30 PM Monday through Thursday or by calling 802.674.2626. Participation in the local proceeding is
61 a prerequisite to the right to take any subsequent appeal.

62
63 Due to public demand and COVID-19; the Town has changed its public meeting platform from
64 GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions
65 and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

66
67 To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-
68 4364. You will not have a participant ID. Please press # when prompted to skip this section. The
69 passcode for all meetings is 8021.

70
71 Ryan Gumbart, Land Use Administrator then presented the Planning Commission Reporting Form for
72 Municipal Bylaw Amendments.

73 Town of Weathersfield, VT

74 Proposed amendments to the Town of Weathersfield Zoning Bylaws

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

77 The above referenced proposed bylaws are summarized as follows:

78 **1. Brief explanation of the proposed bylaw, amendment or repeal; and a statement of purpose as** 79 **required for notice under §4444 of this title:**

80
81 There are 4 categories of changes being proposed by the Planning Commission to bring zoning in
82 Weathersfield closer to achieving the goals outlined in the Town Plan.

83
84 1) Adopt the updated zoning map, “Proposed Zoning District Map of Weathersfield, VT”. This map
85 was adopted in the Town Plan as titled “Future Land Use Map”. The zoning districts as they
86 currently exist were adopted in 1994 in response to a fear of excess development and environmental
87 degradation. There had been spikes in development, due to commercial enterprises such as ski areas
88 and breweries, which strained municipal services, harmed natural, historic and scenic resources, and
89 irreversibly converted rural farm and forest land to residential neighborhoods. The Town of

90 Weathersfield responded by putting nearly 80% of the town in a “Conservation District”. The
91 thought being that if only one residence (or primary use) was allowed on every ten acres it would
92 result in a more dispersed development pattern, thus protecting Weathersfield’s rural character. It is
93 now understood that 10-acre zoning not only is inadequate for the protection of rural character and
94 environmental resources, it also excludes people with low and middle income from living in these
95 areas because of the high cost of owning 10+ acres. The “Proposed Zoning District Map of
96 Weathersfield, VT” brings the zoning districts closer to what they were prior to 1994 and more in
97 line with the goals of the Town Plan. This provides more equitable access to housing and greater
98 flexibility for landowners to develop their land.
99

100 2) Update Section 2.5 Table of Districts and Uses. Several uses have been added to the use tables to
101 provide clarity for applicants interested in common land uses. In the past a determination would have
102 been needed from the Zoning Board of Adjustment simply because they were not listed in the table.
103 Other items are housekeeping additions to keep the terminology consistent between the use tables
104 and the rest of the bylaws. Some language has been stricken and some uses have changed categories
105 to clarify or simplify the permitting process. An overlay district section was added to incorporate the
106 Groundwater Protection Overlay District regulations.
107

108 3) Incorporate the Groundwater Protection Overlay District (GPOD) Ordinance into the zoning
109 bylaws. The GPOD Ordinance was adopted by the Selectboard on November 16, 2020. The
110 ordinance is states that it is designed to be incorporated into an existing zoning bylaw. A new section
111 in the District Use Tables has been added and language from the ordinance was added to Section 3.2
112 Conservation of Natural Resources. The new subsection 3.2.10 Groundwater Protection Overlay
113 District Bylaw contains the performance standards, the procedure for handling district boundary
114 disputes, and the procedure for enforcement and penalties. The definitions contained in the
115 ordinance have been added to the definitions section of the Weathersfield Zoning Bylaws, Article 7.
116

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

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

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

129 **3. Is the proposal compatible with the proposed future land uses and densities of the municipal**
130 **plan:**
131

132 The first 2 changes constitute the incorporation of the proposed future land uses and densities of the
133 municipal plan. These changes to the Town Plan were adopted in 2017 and the changes to the

134 bylaws have been a work in progress since then to make the bylaws more compatible with the Town
135 Plan.

136
137 **4. How does the proposal carry out, as applicable, any specific proposals for any planned**
138 **community facilities:**

139
140 This proposal does not directly apply to any specific proposals for planned community facilities.

141
142 Paul Tillman asked Ryan Gumbart, Land Use Administrator if he had received any communication
143 regarding the bylaws via email or phone. Ryan said he had not received any communication from the
144 Towns people regarding the bylaw amendments.

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

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

149
150 Michael Todd made a motion for the Planning Commission to approve the bylaws as presented here
151 at the hearing, the Zoning District Map and the Planning Commission Reporting Form for Municipal
152 Bylaw Amendments and send these to the Selectboard for final approval.

153 Howard Beach – 2nd

154 No further discussion

155 Roll Call Vote:

156 Tyler – aye

157 Joseph – aye

158 Mike – aye

159 Howard - aye

160 Paul - aye

161 Vote - Unanimous

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

166 6.) Discussion of Item for Future Agendas

167
168 7.) Any other business that can legally discussed

169 None

170 8.) Adjourn

171
172 Michael Todd made a motion to adjourn at 6:57 pm

173 Howard Beach – 2nd

174 No discussion

175 Vote – unanimous

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Next Planning Commission Meeting is scheduled for Monday, April 25, 2022 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary



Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

6.

7.7 Energy Goals

- 7.7.1 To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

7.8 Energy Policies

7.8.1 Weathersfield has limited potential for utility-scale wind energy development, as areas with sufficient access to consistent wind are generally small in size and more than a mile away from three-phase power lines. The prime wind sites (e.g. Weathersfield Center, Butterfield Hill, Pikes Peak) are relatively close to established residences and/or specifically identified scenic, historic or natural resources in the Town Plan and/or Biologic Natural Areas of Weathersfield. The secondary wind sites (e.g. Skyline Drive, Hawks Mountain, Little Ascutney, Pierson Peak, Mount Ascutney) are largely in scenic or natural resources areas also specifically identified in the Town Plan and/or Biologic Natural Areas of Weathersfield. Development in these areas would have a profoundly negative impact on critical viewsheds throughout the community, as the natural profile of the mountain forms an iconic backdrop from both in-town and rural valley locations. Because no other locations in Weathersfield have suitable wind resource, infrastructure availability, or are free from significant environmental constraints (Figure 6), no utility-scale (100 KW capacity or greater) wind energy facilities should be located in the town. Smaller scale wind projects, including residential-scale turbines (generally less than 10 KW) and turbines that may be installed at farms, residences or small businesses, up to 100 KW, may be appropriate as long as noise from the turbines does not adversely affect neighboring residential properties and as long as they are not prominently visible from any town-identified historic district.

7.8.2 The town particularly encourages solar energy development, of any scale, on building rooftops.

7.8.3 The town strongly supports the development of small-scale (150 KW capacity or less) electricity generation from solar energy at homes, businesses, schools, and other institutions.

7.8.4 The town strongly encourages community solar projects (between 15 KW and 150KW in size) provided they are located on sites identified as having high potential for electricity generation based on solar resource availability and avoid “prohibited areas” as identified below. Moreover, any community solar project located on a site that is not a prohibited/exclusion area shall be considered as being located on a “preferred site” and eligible for all of the regulatory and financial incentives associated with larger scale solar energy installations pursuant to Public Utility Commission Rule 5.100 and 30 V.S.A. Section 248.

7.8.5 Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following Solar Energy Facility Siting Policy and Map, and the Solar Electric Facility Siting Guidelines.

7.8.6  **Solar Energy Facility Siting Policy and Map**

The Solar Energy Resource Map shall serve as a guide for developers wishing to identify land suitable for larger-scale solar energy generation facilities (greater than 150 kW capacity) within the Town of Weathersfield. This map identifies sites which have been determined by the Town of Weathersfield, through official action of the Select Board, to be suitable for solar facilities and sites which are not suitable due to the presence of constraints. Only sites identified as “preferred sites” (on this map or through the Town of Weathersfield’s Preferred Site Policy) or located in a “preferred area” as defined in the Solar Facility Siting Criteria, below, may be developed with solar generating facilities in excess 150 KW of rated capacity.

The Solar Energy Resource Map shall be used in concert with the Town’s Screening of Solar Facilities Ordinance and the Solar Facility Siting Guidelines (incorporating the Community Standards and Siting Criteria) included in this section of the Town Plan to direct the development and design of solar facilities. Although solar energy development at these preferred sites and locations is an appropriate land use, all such development shall be carefully planned to limit adverse impacts to neighboring properties and to public viewsheds, giving consideration to The Town’s Screening of Solar Facilities Ordinance and Solar Facility Siting Guidelines.

The sites indicated on this map as suitable for solar energy development were selected after a thorough analysis of available geographic data, including an assessment of access to solar energy as well as environmental, aesthetic, cultural, and related regulatory constraints. State-identified environmental constraints are discussed in more detail in the Mount Ascutney Regional Energy Plan, and include the following resource areas:

- a) Class 1 and 2 wetlands, vernal pools, and hydric soils;
- b) Mapped river corridors and FEMA-defined floodways;
- c) Natural communities and rare, threatened, and endangered species;
- d) Federal wilderness areas;
- e) “Primary” and “Statewide” significant agricultural soils;
- f) FEMA-defined special flood hazard areas;
- g) Lands protected for conservation purposes;
- h) Deer wintering areas; and
- i) State-identified high priority “Conservation Design Forest Blocks.”

7.8.7 Solar Electricity Facility Siting Guidelines

The term “solar facility” shall have the following meaning: a solar electricity generation and transmission facility with a 150kW (AC) or greater capacity, including all on-site and offsite improvements necessary for the development and operation, and on-going maintenance of the facility.

The Town of Weathersfield has developed community standards and siting standards for the development of solar facilities for reference and use by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248). These standards are set forth below. In addition, the Weathersfield Planning Commission, in consultation with the Mount Ascutney Regional Commission, has

identified and mapped (Figure 7) those areas of Weathersfield that are most suitable for solar facility development based on facility siting requirements and municipal energy, conservation, and development policies and objectives set forth in the Weathersfield Town Plan.

7.8.7.2 Community Standards

The following community standards are to be considered in undertaking municipal solar electricity projects and programs, in updating Weathersfield's Zoning Bylaws to address solar facilities subject to local regulation, and in the review of any new or upgraded solar facilities in excess of 15 kW capacity, by the Town of Weathersfield and the Public Utility Commission (Section 248 review).

- a) **Plan Conformance:** New solar facilities and proposed system upgrades should be consistent with the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities Integrated Resource Planning (IRP).
- b) **Benefits:** A demonstrated statewide public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar facilities located within or which may otherwise affect Weathersfield. Facility development must benefit Town of Weathersfield and State residents, businesses, and property owners in direct proportion to the impacts of the proposed development.
- c) **Impacts:** New solar facilities must be evaluated for consistency with community and regional development objectives and shall avoid undue adverse impacts to significant cultural, natural, and scenic resources and aesthetic values identified by the community in the Weathersfield Town Plan and the Scenic Resources Inventory. When evaluating impacts of a proposed solar facility under the criteria set forth in this Town Plan, the cumulative impact of existing solar facilities, approved pending solar facilities and the proposed solar facility shall be considered. It is explicitly understood that a proposed solar facility which by itself may not have an adverse impact may be deemed to have an adverse impact when considered in light of the cumulative impacts of the proposed solar facility and existing solar facilities and pending already approved solar facilities.
- d) **Decommissioning:** All facility certificates shall specify conditions for system decommissioning, including required sureties (bonds) for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and structures, including foundations, pads and accessory structures, must be removed from the site and safely disposed of in accordance with regulations and best practices current at the time of decommissioning.

7.8.7.3 Solar Facility Siting Criteria

Weathersfield supports development of solar energy generation facilities consistent with the policies and guidelines set forth in this plan. It recognizes that financial considerations require projects to be located in close proximity to

electric power lines capable of distributing the load proposed to be generated and to have convenient access from major transportation networks for construction. However, the town desires to maintain the open landscape and scenic views important to Weathersfield's sense of place, tourism economy, and rural cultural aesthetic. Not all solar facilities proposed can meet this standard. Projects must meet the following criteria in order to be supported by this Town Plan:

- a) **Siting Requirements:** New solar facilities shall be sited in locations that do not adversely impact the community's traditional and planned patterns of growth, of compact village centers surrounded by a rural countryside, including working farms and forest land. Solar facilities shall, therefore, not be sited in locations that adversely impact scenic views, roads, or other areas identified in the Scenic Resources Inventory, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Scenic Resource Inventory: views across open fields, especially when those fields form an important foreground; prominent ridgelines or hillsides that can be seen from many public vantage points and thus form a natural backdrop for many landscapes; historic buildings and districts and gateways to historic districts; and, scenes that include important contrasting elements such as water. The impact on prime and statewide agricultural soils currently in production shall be minimized during project design.
- b) **Preferred Areas:** The following areas are specifically identified as preferred areas for solar facilities, as they are most likely to meet the siting requirements:
 - Roof-mounted systems;
 - Systems located in proximity to existing large scale, commercial or industrial buildings;
 - Proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
 - Reuse of former brownfields;
 - Facilities that are sited in disturbed areas, such as gravel pits, closed landfills, or former quarries;
 - Areas specifically identified as suitable for solar facilities on the Solar Energy Resource Map.
- c) **Prohibited (Exclusion) Areas:** In addition to those areas that do not meet the siting requirements set forth above, development of solar generating facilities shall be excluded from (prohibited within), and shall not be supported by the Town, in the following locations:
 - Floodways shown on Flood Insurance Rate Maps (FIRMs);
 - River corridors as shown in the Town of Weathersfield Zoning Bylaws;
 - Class I or II wetlands;
 - A location that would significantly diminish the economic viability or potential economic viability of the town's working landscape, including

productive forest land and primary agricultural soils (as defined in Act 250 and as mapped by the U.S. Natural Resource Conservation Service);

- Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
 - Ridgelines: ____
 - Steep slopes (>25%)
 - Surface waters and riparian buffer areas (except for stream crossings);
 - Topography that causes a facility to be prominently visible against the skyline from public and private vantage points such as roads, homes, and neighborhoods;
 - A site in proximity to and interfering with a significant viewshed identified in the **Scenic Resource Inventory**;
 - A site on which a solar facility project cannot comply with **Weathersfield’s prescribed siting and screening standards, including the screening requirements set forth in _____ Screening of Solar Facilities Ordinance**;
 - A site that causes adverse impacts to historical or cultural resources, including state or federal designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts to historical and cultural resources include:
 - removal or demolition;
 - physical or structural damage, significant visual intrusion, or threat to the use;
 - significant intrusion in a rural historic district or historic landscape with a high degree of integrity;
 - significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - creating a focal point that would disrupt or distract from elements of a historic landscape;
 - a significant intrusion in a rural historic district or historic landscape that has a high degree of integrity;
 - impairing a vista or viewshed from a historic resource that is a significant component of its historic character and history of use;
 - visually overwhelming a historic setting, such as by being dramatically out of scale;
 - isolating a historic resource from its historic setting, or introducing incongruous or incompatible uses, or new visual, audible or atmospheric elements.
- d) **Mass and Scale:** Except for projects located on preferred sites, solar facilities larger than 10 acres, individually or cumulatively, cannot be adequately

screened or mitigated to blend into the municipality's landscape and are, therefore, explicitly prohibited.

7.9 Energy Recommendations

- 7.9.1 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).
- 7.9.2 The Town of Weathersfield may participate in the Public Utility Commission's review of new and expanded generation facilities to ensure that local energy, resource conservation, and development objectives are identified and considered in proposed utility development. This may include joint participation and collaboration with other affected municipalities and the Mount Ascutney Regional Commission for projects that may have significant regional impact. It is acknowledged that the PUC's primary focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.
- 7.9.3 The Planning Commission, in consultation with the Select Board, should develop guidelines to direct local participation in Section 248 proceedings related to solar facilities located in Weathersfield or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.

7.

5.2.5.6 *Kendricks Corner wetland*: This wetland is important because of its size and because it provides habitat for birds and other wildlife.

5.2.5.7 *Southeast of Beaver Pond*: A quality example of a mixed shrub and forested wetland. South of Beaver Pond: An alder swamp.

5.2.5.8 *New Road Swamp*: A privately-owned swamp adjacent to the Hartness Airport.

5.2.5.9 *Old Bow Road - Skyline Drive Pond*: This beaver pond is a large open water/wetland that stretches across the Weathersfield/Springfield Town line.

5.2.5.10 *Haskell Brook Wetland*: south of the Bow, it parallels RT. 5 to the west.

5.2.5.11 *Stoughton Pond Wetland*: sedimentation from the North Branch into the north end of Stoughton Pond is building this delta wetland.

5.3 Significant Scenic Resources

Weathersfield's scenic resources are irreplaceable.

5.3.1 Roads

US Route 5 is a part of the Connecticut River National Byway, Vermont's only byway to receive national recognition. The Byway is a two-state byway spanning the east and west shores of the Connecticut River in both Vermont and New Hampshire. The Byway highlights history, a deeply rooted farming heritage culture, scenic beauty, and recreational opportunities. Preservation of these features is critical to maintaining the Byway's attraction (ctriverbyways.org).

VT Route 131 along the Black River in Cavendish is designated as a Scenic Highway. This designation continues into Weathersfield. The focus along this stretch of highway is the Black River. The focus continues to be the Black River from the Cavendish Town line to Downers, after which the focus becomes Mt. Ascutney. The designation should be continued to Goulden Ridge Road.

5.3.2 Waterways

The Connecticut River is part of the Connecticut River National Byway.

5.3.3 Views

Favorite scenic views currently identified are:

5.3.3.1 Views of Mount Ascutney from:

- Route 131 near the Joe Stoughton house¹
- the Weathersfield Center Road north of the Town line¹
- Gravelin Road²
- Route 5 in the Bow¹
- Thrasher Road
-

¹ This view could be degraded by poor development in the foreground.

² This view could be lost to natural causes such as tree growth

5.3.3.2 *View from the Weathersfield Center Road, looking west, near the Hunter residence*^{1,2}

5.3.3.3 *View from Skyline Drive at the height of the land, looking east*³

5.3.3.4 *View of the Center Church and grove*⁴

5.3.3.5 *Views of the Black River and Black River Valley from:*

- *Reservoir Road, including view of Hawks Mountain*
- *Upper Falls Road Covered Bridge, upstream and downstream*
- *Tropical Storm Irene pulloff on Route 106, south of Downers*
- *Stoughton Pond Dam, including view of Stoughton Pond*

5.3.3.6 *Views of Little Ascutney Mountain from:*

- *Route 106*
- *Ascutney Basin Road*
- *the height of land on Route 131 looking west*

5.3.3.7 *View of and from Cascade Falls, Weathersfield Trail, Mt. Ascutney State Park*

View #	Old Town Plan description	View Location		Contents of View		
		Coordinates	Description	*Left bearing	*Right bearing	View
View of Mount Ascutney from:						
1	Route 131 near the Joe Stoughton house					
2	Weathersfield Center Road, north of the Town line	43.350115, 72.467910	Corner of West Camp Hill Road & Weathersfield Center Road.	N 26° E	N 6° W	Northerly. Butterfield Hill on left and Mount Ascutney on right.
3	Gravelin Road					
4	Route 5 in the Bow					
5	Thrasher Road					
View of the Black River and Black River Valley from:						
6	Reservoir Road, including view of Hawks Mountain	43° 21.242', 72° 29.729'	Along Reservoir Road, about 900' north of intersection with Butterfield Hill Road.	S 60° W	N 8° W	Westerly. Hawks Mountain in distance, Black River Valley below.
7	Upper Falls Road Covered Bridge, upstream and downstream					
8	Tropical Storm Irene pulloff on Route 106, south of Downers					
9	Stoughton Pond Dam, including view of Stoughton Pond	43° 22.546', -72° 29.957'	West side of dam along Reservoir Road, south of Stoughton Pond.	N 54° E	N 2° W	Northerly. Little Ascutney Mountain on left, Mount Ascutney on right, Stoughton Pond below.
View of Little Ascutney Mountain from:						
10	Route 106					
11	Ascutney Basin Road					
12	The height of land on Route 131 looking west					
Other scenic views:						
13	View from the Weathersfield Center Road, looking west, near the Hunter residence					
14	View from Skyline Drive at the height of the land, looking east					
15	View of the Center Church and grove					
16	View of and from Cascade Falls, Weathersfield Trail, Mt. Ascutney State Park					

*Bearing with magnetic north

- 17 View from intersection of Bowen Hill Road, Gird Lot Road, and Downer Hill Road.
- 18 View of Connecticut River from the end of Ferry Road.
- 19 View along Hidden Glen Road.
- 20 View along Rte. 106 over Jensen wetland toward Hawks Mountain
- 21 View from Rte. 106 bridge in Perkinsville upstream, and downstream of the Black River
- 22 View of the Black River of falls from the end of Mill Road.

8.

Zoning Bylaw Administrative Questions

1. Does a change in use of space within building require a zoning permit?
 - a. Attic, basement, garage change to living space.
 - b. Require application but no permit?
 - c. Require letter of notification?
 - d. Should PC define “Change of Use”?
2. What is required for projects exempt from permitting (minor structures, agricultural buildings)?
 - a. Require application but no permit?
 - b. Require letter of notification?
 - c. Minor structures language “*Applicant must notify the Zoning Administrator in writing of the intent to build such structure(s) by providing such information as is required by the Zoning Administrator*”
 - d. Agricultural buildings language “*notify the municipality of the intent to build a farm structure ... must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way.*”
3. Do I need proof of State permits?
4. How is the estimated value of construction calculated?
 - a. Cost of labor and materials?
5. If there is a discrepancy in listed acreage what takes precedence?
 - a. Deed, tax record, survey
6. How is selling cars on roadside regulated?
 - a. 1 car, 5 cars, 50 cars
 - b. Connected to maintenance garage business?
7. Old permit review checklist contained check boxes for
 - a. Copies of State permits
 - b. Are all parties on deed represented on application?
 - i. Check deed for development restrictions?

9.

TOWN OF WEATHERSFIELD, VERMONT

HIGHWAY ACCESS ORDINANCE

I. Authority

Pursuant to Title 19, Section 1111 (b), of the Vermont Statutes Annotated, the Select Board has the authority to regulate the construction standards of accesses onto public roads within Town rights-of-way, and drainage into the Town rights-of-way.

II. Highway Access Permit Procedures

A. *Town Objectives*

The purpose of this Ordinance is to ensure safe and efficient entrances and exits from public highways, provide adequate emergency vehicle access to properties, reduce damage from flood events, mitigate erosion and stormwater runoff impacts, and ensure quality construction of driveway and road accesses.

B. *Applicability*

1. The Town Manager, or his/her designee, administers Town highway access permits.
2. Any new access or any change in an existing access onto a Town highway must obtain an access permit.
3. For the purposes of this Ordinance, “change” shall mean a project which changes the use of the land served by the access, significantly increases the volume of traffic, and/or changes the type of vehicle using the access; examples include, but are not limited to, converting a residence to any commercial use, or changing the use to any commercial or industrial use.
4. Access permits regulate the location, design, and construction of the access as it affects the Town right-of-way.
5. A State permit is required for any new access onto a State highway or any work within State rights-of-way.
6. The appropriate Town panel has the authority to regulate the location and design of those portions of accesses outside of the Town rights-of-way pursuant to the Town’s Subdivision Regulations. The appropriate Town panel also has the authority to regulate access to properties that do not have frontage on a public road or public waters pursuant to the Town’s Zoning Bylaws.
7. Compensation for damages to Town highways caused by acts of noncompliance with this Ordinance may be assessed against violators by the Select Board, as provided in Title 19, Section 1111, of the Vermont Statutes Annotated.

8. Any access which serves more than two (2) lots which are in separate ownership shall be considered a private roadway. The owner shall be responsible for providing a unique road name that is acceptable to the Select Board.

C. *Initiating Proceedings*

An application for a highway access permit shall be submitted to the Town Manager, or his/her designee, at least seven (7) days prior to the anticipated construction. No construction or site preparation shall take place until the Town has issued a highway access permit.

D. *Review Standards*

All accesses shall meet standards established in the Vermont Agency of Transportation's B-71 Standard [see Appendix 1], as most recently amended, and as modified in Article III of this Ordinance.

E. *Decisions*

The Town Manager, or his/her designee, shall review all applications and issue access permits only in instances where the application meets all applicable standards. The Town Manager, or his/her designee, may seek input from Town department heads before issuing an access permit. When an application is denied, the applicant may appeal the decision to the Select Board, requesting the standard be waived or varied [See Article V].

F. *Recording Requirements*

All access permits shall be recorded in the Town's land records.

III. Highway Access Standards

These highway access standards establish minimum standards for location, design, construction, and maintenance of driveway accesses.

A. *Reasonable Access*

1. The Town Manager, or his/her designee, may not deny reasonable access to public highways. However, the Town Manager, or his/her designee, shall balance the individual's right for access with the safety of the traveling public when difficulties arise. In difficult cases, the Town Manager, or his/her designee, may direct applicants to consider alternate driveway locations, sharing a right-of-way with others, limiting the use of the property, or pursuing additional engineering and construction.
2. Certain conditions may make reasonable access impossible [e.g., a landlocked parcel or where all road frontage is a Class 2 wetland]. It is not the responsibility of the Town Manager, or his/her designee, to obtain or remedy a lack of frontage or access for a property owner.

B. Design Standards

1. Lots shall be limited to a single access unless a second access would result in greater safety or is required based upon the traffic volume produced by the development of the lot.
2. Where a site occupies a corner of two (2) intersecting roads, the roadway access shall be on the less traveled road as determined by the Town Manager or his/her designee.
3. No access shall be within one hundred feet (100') of a road intersection or another driveway unless the driveways or roads directly oppose each other. Pursuant to the Zoning Bylaws, one (1) and two (2) family residences within the Village District shall have a minimum distance of fifty feet (50') between driveways or road intersections.
4. Private roadways serving two (2) or more lots shall be constructed to the Town's Highway and Bridge specifications.

C. Width

1. The travel portion of residential driveways shall be between twelve feet (12') and fifteen feet (15') wide. A minimum turning radius of five feet (5') is required.
2. Widths for non-residential drives shall meet the Vermont Agency of Transportation B-71 Standard.

D. Grade.

(1) Entrance Grade

All accesses shall be at grade or shall not exceed a minus five per cent (-5%) grade, from the edge of travel way to a distance of at least twenty feet (20'), in order to allow for proper drainage and provide a safe stopping area for motor vehicle egress onto the Town highway.

(2) Alignment

Driveways and roadways should intersect the highway at a preferred angle of ninety degrees (90°), but at no instance shall it be less than sixty degrees (60°).

E. Access Construction Standards

(1) Upper Base

Gravel accesses shall have a minimum aggregate surface course of four inches (4"). Paved accesses shall have a minimum of three and one-half inches (3½") of bituminous concrete pavement [two-inch (2") base, and one and one-half inch (1½") wearing surface].

(2) Roadway Crown and Side Slope

- a. Paved accesses shall have a cross slope from centerline to edge of travel lane, of one quarter inch (¼") inch per foot.

- b. Gravel accesses shall have a cross slope from centerline to edge of shoulder of one-half inch (½”) per foot.
- c. The cross slope of the shoulder, if present, shall be three-quarters inch (¾”) per foot.

(3) Paved Apron

Where a gravel drive or access road is accessing a paved highway, a paved apron at least ten feet (10') in length from the edge of the paved travel way is required.

(4) Culverts and Headers.

- a. Driveway culverts shall be a minimum of eighteen inches (18”) in diameter or be of sufficient diameter/flow capacity to handle twenty-five (25) year storm events.
- b. Culverts and headers shall be installed in accordance with specifications and under the supervision of the Town Highway Superintendent.
- c. Refer to the American Association of State Highway and Transportation Officials (A.A.S.H.T.O) “Green Book” for additional construction details.
- d. Culverts under driveways and access roads shall be placed away from the road as far as practical while maintaining good drainage.

(5) Drainage Ditches

Drainage ditches shall be provided where necessary and shall be constructed to prevent infiltration of water into the gravel sub-base and to conduct storm drainage to water retention or absorption areas.

See *Article III: Highway Standards, Section C (6): Ditches* for additional construction details.

IV. Maintenance

- A. All driveways and driveway aprons shall be maintained in a safe and passable condition. Except as provided below, any drainage ditches, culverts, or bridges involved shall be maintained in a functional and structurally sound condition. Such maintenance is the sole responsibility of the applicant(s), or other individual(s), or entity(ies) as legally established pursuant to the access permit.
- B. A homeowner’s association, or similar entity, shall be created, which shall provide for the full cost and responsibility of maintaining a private roadway.
- C. Regular maintenance of drainage ditches and culverts within the Town’s right-of-way shall be the responsibility of the Town’s Highway Department. However, repair of damage to the Town drainage ditches or structures resulting from poorly constructed or maintained accesses, shall be the responsibility of the owner of the access.

- D. Pursuant to Title 19, Section 1111, of the Vermont Statutes Annotated, after installation of any required drainage culvert for any driveway or access, the Town shall assume responsibility for those constructed in compliance with Town standards and which lie within the public right-of-way.

V. Waivers

Requests for waiver of any portion of these standards shall be made in writing to the Select Board. A waiver may be granted by the Select Board, with appropriate conditions, if all of the following are found in favor of the applicant:

- A. There are unique physical circumstances or conditions that are peculiar to the particular property. Such circumstances may include the size or shape of the lot or the presence of exceptional topography;
- B. Because of these unique circumstances or conditions, it is impossible to conform to the standards of this Ordinance, and the waiver is necessary to enable the reasonable use of the property;
- C. The waiver, if granted, will not substantially impair the appropriate use or development of adjacent property;
- D. The waiver, if granted, will not be detrimental, or jeopardize, the public safety and welfare;
- E. The waiver, if granted, represents the minimum waiver that will afford relief and will represent the least deviation possible from the Ordinance.

VI. Special Flood Hazard Areas (SFHA)

To effect the purposes of Title 10, Chapter 32, of the Vermont Statutes Annotated, all new accesses that must pass through any special flood hazard areas as shown on the most current flood insurance studies and maps published by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), National Flood Insurance Program (NFIP) shall conform to the standards of Section 6.20 of the Weathersfield Zoning Bylaws.

VII. Inconsistent Ordinances

A. Repealed

Any provisions of any Ordinance of the Town of Weathersfield in effect at the time of enactment of this Ordinance governing any activity included in this Ordinance is hereby revoked.

B. Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof.

C. Effect

No section of this Ordinance shall be construed to supersede or replace any

Vermont statute.

VIII. Procedure

No section of this Ordinance shall be construed to supersede or replace any Vermont statute.

This Ordinance shall be entered in the minutes of the Select Board's meeting, and posted in at least five (5) conspicuous places with the Town of Weathersfield and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the Ordinance is adopted.

This Ordinance will become effective on the 19th of June, 2019, sixty (60) days after the date of its adoption by the Select Board, unless a petition is filed with the Town Clerk by the 3rd day of April, 2019, forty-four (44) days after the date of its adoption.

The petition should be addressed to the Select Board, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the Ordinance. Questions about the Ordinance may be directed to the Municipal Offices, Post Office Box 550, Ascutney, Vermont, 05030-0550 or by calling [802] 674-2626.

The foregoing Ordinance was adopted by the Select Board of the Town of Weathersfield, Vermont, on the 18th day of February, 2019.



Kelly Murphy, Chairperson



C. Peter Cole, Jr., Vice-Chairperson



Tom Leach, Board Clerk



Daniel E. Boyer, Selectperson



Norman John Arrison, Selectperson

TOWN OF WEATHERSFIELD HIGHWAY ACCESS POLICY

Section 1 -- Authority.

This Highway Access Policy (hereafter "Policy") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111.

Section 2 -- Purpose.

This Policy regulates access to the Town highway system. It is the purpose of this Policy to protect and preserve the safety and convenience of the inhabitants of the Town and the traveling public and to protect the public investment in the Town highway system through the regulation of highway access.

Section 3 -- Definitions.

For the purpose of this Policy the terms defined in this Policy shall have the following meanings:

"Access Permit" means the permit issued by the Highway Superintendent to access the town highway system after following the procedural requirements of this Policy.

"Highway" means the highway system for the Town of Weathersfield, which includes the public rights-of-way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures.

"Notice" means the written Notice of Permission to Proceed, described in Section 5c of this Policy, issued by the Selectboard after an application for an access permit is approved.

"Person" means an individual corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or other legal entity.

"Selectboard" means the Selectboard of the Town of Weathersfield.

"Town" means the Town of Weathersfield.

"Vermont Agency of Transportation Standards B-71 and A-76" shall mean the most recent versions of the Vermont Agency of Transportation standard sheets B-71, Standards for Residential and Commercial Drives and A-76, Standards for Town and Development Roads.

Section 4 -- Permit required.

No person shall install, develop, construct, regrade, or resurface any driveway, entrance, or approach, or build a fence or building, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, within the Town unless an Access Permit has been obtained from

the Highway Superintendent in accordance with this Policy.

Section 5 -- Process.

a. Application.

A person may apply for an Access Permit from the Town using the Access Permit Application form provided by the Town Highway Department. The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A fee of \$150.00 shall be paid at the time the application is submitted. A completed application must be submitted to the Highway Superintendent at least 45 days before work is scheduled to begin. The Highway Superintendent may modify the time requirements of this Policy for good cause shown provided the public health and safety will not be jeopardized by such action.

b. Consideration.

[If applicable, insert language such as "Prior to any action by the Selectboard, the (Town Manager, Town Administrator, etc.) shall cause the application to be reviewed by Town departments including, but not limited to, highway/DPW, police, fire, and rescue."]

The Highway Superintendent will consider a completed in the regular course of business. The Highway Superintendent may approve, approve with conditions/modifications, or deny an application upon consideration of the approval standards set forth in this Policy.

c. Notice of Permission to Proceed. If an application is approved, the Highway Superintendent will issue a written decision in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.

d. Notification of completion. The applicant shall notify the Highway Superintendent within 7 days after construction is completed.

e. Final inspection. The Highway Department shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

f. Issuance of Permit. If, after inspection, it is determined that the Access will be constructed / developed in compliance with the Notice, a written Permit shall be issued by the Highway Superintendent within 14 days after final inspection.

g. Recording of Permit. A Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

Section 6 -- Contents of Application.

An application for an Access Permit shall be on the form provided by the Town and shall be

deemed to be complete if it includes the following:

(1) The name, address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the person applying for the Permit;

(2) If the applicant is not the owner of the premises where the access is to be constructed, the name and contact information of the owner or other person that has the authority to consent to the use and development of the premises, and a signed statement from that person stating that consent is given to the applicant;

(3) The location of the access, including street address (if any), and parcel ID # of the property;

(4) The date on which construction is proposed to begin;

(5) A visual depiction of the premises indicating location, layout, adjacent state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area;

(6) Any additional information the applicant wishes to furnish that assists the Selectboard or its designee in determining that the proposed access will comply with the applicable standards; and

(7) The signature of the applicant or an individual authorized to act for the applicant.

Section 7 -- Approval conditions.

When issuing a Notice under this Policy, the Highway Superintendent shall require that the proposed access will be constructed or developed according to the standards in Vermont Agency of Transportation Standards B-71 and A-76."

In addition, the Highway Superintendent shall require conditions to avoid: (1) undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways; (2) unhealthy conditions regarding water supply, sewage disposal or solid waste disposal; and (3) adverse effects on drainage ditches, culverts or other drainage facilities.

In addition, the Town may require the posting of a security bond or the establishment of an escrow account to ensure compliance with the conditions of the Notice or Permit and protection of the town highway system. In addition, the Twon may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above.

Section 8 -- Expiration of Notice of Permit.

The authorization conveyed by a Notice of Permit shall expire 1 year after the issuance of that Notice unless the work authorized by such Notice has commenced.

Section 9 --Damage to Town highways.

In the event that damage to a town highway is caused by improper construction, maintenance, or grading of a driveway or other highway access point, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

Section 10 -- Revocation of Permit; Frontage road.

As per 19 V.S.A § 111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

Section 11 -- Responsibility for culverts and headwalls

Culverts and headwalls installed on private property, even when located within the municipal right of way, are the responsibility of the property owner. Property owner retains exclusive legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Nevertheless, property owner must obtain permission from the Town in the form of a written decision before any repair or replacement may take place.

Section 12 -- Applicability of other laws and ordinances.

The Permit required under this Policy shall not replace or eliminate any requirement to obtain approval under any other applicable State laws or municipal land use ordinances. Applicants and Permittees are solely responsible for ensuring that their access is in compliance with applicable State laws and municipal land use ordinances.

Section 13 -- Enforcement and Penalties.

In the event that a person fails to obtain a Notice/Permit as required by this Policy, fails to abide by the terms and/or conditions of a Notice/Permit, or misrepresents any information contained within or in support of a Notice/Permit application, the Selectboard may resort to any or all of the following enforcement options:

a. Optional Notice of Violation

Prior to instituting any legal action or proceeding to enforce this Policy, the Selectboard or its designee may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

b. Assurance of Discontinuance

The Selectboard or its designee may accept an "assurance of discontinuance" of any violation of this Policy, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are allowed, they must be in writing and must be filed not only with the town, but also with the attorney general, the Superior Court, and the town clerk's land records.

c. Permit Suspension

The Selectboard or its designee may suspend a Permit until compliance with State statute and this Policy is obtained. 19 V.S.A. § 1111(g). The Selectboard or its designee may physically close the driveway or access point, if there is continued use or activity after suspension of a Permit, and in the opinion of the Selectboard, or its designee, the safety of highway users is or may be affected. 19 V.S.A. § 1111(g).

d. Injunction

If the Selectboard believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 *et seq.*, it may bring an action in the name of the town against the person to collect civil penalties as provided in 19 V.S.A. § 1111(j) and to restrain by temporary or permanent injunction the continuation or repetition of the violation. 19 V.S.A. § 1111(h).

e. Civil Penalties

Persons who violate the requirements of this Policy or fail to adhere to Permit conditions, or the terms of an order issued by a court of law may be subject to civil penalties of not less than \$100.00 and not more than \$10,000.00 for each violation. When the violation of an order is of a continuing nature, each day during which the violation continues after the date fixed by the court for correction or termination of the violation constitutes an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending.

Section 14 -- Severability.

If any section of this Policy is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this Policy.

Section 15 -- Effective Date.

This Policy shall become effective upon adoption by the Selectboard.

Adopted this _____ day of _____, 2020.

APPENDIX A
Town of _____
Access Permit Application Form

Application # _____ [to be filled in by the Town]

NOTICE TO APPLICANT: This form is for use in conjunction with the Town's Highway Access Policy. Before submitting an application, applicants are urged to review the Town's Highway Access Policy in full.

If an application is approved, the Highway Superintendent will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed.

Once construction/development is completed, the Highway Department shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by the Highway Superintendent within 14 days after final inspection. An access is not considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Permittee.

Name of Applicant: _____

Address and telephone number of Applicant: _____

If Applicant is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the Permit:

If Applicant is an organization or corporate entity, list the name address, email and telephone number of individual making the application:

Location of the proposed access: _____

If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have the access constructed on those premises:

The date on which construction is proposed to begin: _____

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and convenience of the traveling public during construction including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities:

Applicant may provide any additional information that may assist the Selectboard.

Signature of the applicant
or an individual authorized to act for the applicant

Date

FOR TOWN USE ONLY:

Application received by _____ [town official] on _____ [date]

Application fee of \$150, received by _____ [form of payment]

APPENDIX B
Town of Weathersfield_

Notice of Permission to Proceed with Construction / Development of Access / Right of Way

Notice is hereby given to _____ [name of Applicant / Property Owner] that the Selectboard of the Town of _____ hereby grants permission to proceed with the construction / development of the proposed access/driveway/curb cut at _____ [parcel # and street address or property, if any], which proves access to / connects with [name and/or # of town highway] as per the Access Permit Application # _____, submitted to the Town on _____[date]. Construction / development may begin on or after _____ [date] and must proceed according to the following conditions and restrictions:

[insert conditions or restrictions]

Permission granted in this Notice will expire *[insert time period]* from the date of issuance and is not transferrable.

This Notice does not constitute an Access Permit. A Permit authorizing the use of the access and recognizing completion of the project will be issued and become effective only after it is determined that compliance with all conditions, specifications, and restrictions described in this Notice to Proceed are met. The Selectboard for the Town of Weathersfield, with the assistance of the Highway Superintendent, will have the authority and responsibility to determine when the conditions, restrictions, and specifications above are met.

Upon receipt of this Notice, you are hereby authorized to proceed with the project in accord with the conditions, specifications, and restrictions described herein. Approval covers only the work described in your Access Permit Application, as modified by the conditions, restrictions, and specifications listed above. You will be held financially responsible for any damage caused to the Town highway system resulting from the development or construction of a driveway/access, regardless of whether such development or construction has been authorized by the Town.

This Notice does not relieve you from any requirements imposed by other local, regional, or State agencies.

Issued on: _____[date]

By: _____
Highway Superintendent

APPENDIX C
Town of Weathersfield
Access / Right of Way Permit

It is the determination of the Highway Department of the Town of Weathersfield that all of the conditions, restrictions, and specifications described in Access Permit Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____[date], have been met.

Therefore, Permit # _____ is hereby issued to _____
[Applicant / Property Owner], as Permittee for the access/driveway/curb cut located at _____ [parcel # and street address or property, if any], which proves access to / connects with _____[name and/or # of town highway]. All of the conditions, restrictions, and specifications described in Access Permit Application # _____, as modified by the relevant Notice to Proceed, which was issued by the Town on _____[date], remain in force as conditions of this Permit as long as the present land use continues. Any change in the present land use will require a new Permit.

This Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

The issuance of this Permit does not relieve Permittee from any requirements imposed by other local, regional, or State agencies.

In the event that there is a failure to adhere to the conditions, restrictions, and specifications described above, this Permit may be suspended by the Selectboard until compliance is obtained. If there is continued use or activity after suspension, the Selectboard may physically close the driveway or access point if, in the opinion of the Selectboard, the safety of highway users is or may be affected.

As per 19 V.S.A § 111(f), the Selectboard may, as development occurs on land abutting a Town Highway, require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

Permit issued on _____ [date]
By: _____ [Highway Superintendent]

Received for recording on _____[date], with applicable recording fees paid.
By: _____[Town Clerk]

Select Board Meeting
Ascutney Volunteer Fire Station
540 VT 131, Ascutney VT
DRAFT of Select Board Meeting Minutes
Monday November 2, 2020 6:45 PM

Select Board Members Present:

Paul Tillman
Michael Todd
David Fuller
Joey Jarvis
N. John Arrison
Brandon Gulnick, Town Manager

Attendees: Darrin Spaulding, AVFD Chief, Cody, Jordyn Bagalio, Josh Dauphin, WWVFD Chief, Ben Waters, Travis Compo, Josh Compo, Tommy Sewall, Mychael Spaulding, Joshua Compo, Nickolas Kolowski, Olivia

Online Attendees: Chris Whidden, Dale Girard

- 1.) Call to Order by Chair, David Fuller at 6:45 pm
- 2.) Executive Session – 1 V.S.A § 313

Michael Todd made a motion to go into Executive Session at 6:47pm

Joey Jarvis – 2nd

Discussion:

David Fuller, Chair invited Jordyn Bagalio and WWVFD Chief Josh Dauphin into executive session.

Vote –

3 – yea

2 – nay

- 3.) Comments from Selectboard/Town Manager and Citizens not on Agenda.

No comments from Selectboard/Town Manager/Citizens on items not on agenda.

- 4.) Review of minutes from previous meetings:

Approve the minutes from 10-19-20:

Michael Todd made a motion to approve the minutes from 10-19-20 amended with adjourned time of 10:18 pm. John Arrison and Joey Jarvis made motion and 2nd.

2nd – John Arrison

No discussion

Vote – unanimous

- 5.) 2014 Purchase and Sales Agreement
 - a. Motion to support Option 1
 - b. Johnson Easement; Letter to Emily Abbott; Proposal to Board of Abatement, Amended P&S.

The newest addition to the Abbott Property 2014 Purchase & Sales Agreement was a letter of easement to Terry Johnson.

Brandon W. Gulnick Town Manager
November 3, 2020
Select Board
5259 US Route 5
Ascutney, VT 05030

Re: Report 6 – 2014 Purchase & Sale Agreement

Dear Select Board & Weathersfield Residents,

EXECUTIVE SUMMARY

This is the 6th Report regarding the 2014 Purchase & Sale Agreement between the Town and Emily Abbott. The First Report was given on August 17th. This report examined the Purchase & Sale Agreement and included an analysis of the Tax Collectors Findings and Recommended Next Steps. The Second Report was given on September 7th. This Report drilled into the conditions and contingencies unsatisfied to date and discussed three (3) options for the Town. The Third Report was given on September 21st. This Report presented two (2) Proposals. Proposal #1 resolves the 2014 Purchase & Sale Agreement by amending the existing agreement and Proposal #2 resolves the 2014 Purchase & Sale Agreement by voiding the Agreement and holding a Tax Sale pursuant to 32 V.S.A. § 5252. During this Meeting, a motion was made and seconded to Support the Tax Collector's decision to hold a Tax Sale on this property. The Fourth Report was given on October 5th, 2020. This report revised the Total Amount of Delinquent Taxes Owed and disclosed the hiring of Waysville Engineering to determine whether there is Septic Effluent on the 2.86 Acre Parcel the Town acquired through the 2014 Purchase & Sale Agreement. The Fifth Report was given on October 19, 2020. This report addressed the findings of Waysville Engineering. According to Waysville, there is no evidence that the abutting property is discharging wastewater effluent onto the parcel that was acquired by the Town. The Select Board made a motion to rescind their motion to void the Purchase & Sale Agreement and hold a Tax Sale pursuant to 32 V.S.A. § 5252. The Select Board made a motion to support Option 2, which amends the existing Purchase & Sale Agreement and supports waiving over \$100,000 in delinquent property taxes in exchange for the easement that provides Weathersfield Residents with access into the Town Forest and the 2.86 Acre Parcel across the street, which will be used as a Parking Lot. The Select Board requested that the Town Manager move into negotiations with Terry Johnson to obtain an easement through parcel #05-01-55.000, draft a letter to Emily Abbott, and draft an amended Purchase & Sale Agreement. If the Select Board votes to support this option, the Town Manager will draft a proposal to the Board of Abatement.

NEXT STEPS

1. Select Board reviews the draft Letter to Emily Abbott.
2. Select Board reviews the draft Amended Purchase & Sale Agreement.
3. Select Board reviews the negotiated Purchase & Sale Agreement for the Johnson Easement.
4. Select Board votes to move forward with either Option 1 or Option 2.

Attachments:

Attachment A - Letter to Emily Abbott
Attachment B – Johnson Easement

Attachment C – Amended Purchase & Sale Agreement

Town Manager, Brandon Gulnick provided an updated Purchase & Sales Agreement with amendments.

Motion on the floor to accept Option 1 that was tabled from 10-19-20 Select Board meeting.

Vote –

1 – yea

4 – nay

David Fuller, Chair moved FY22 Fire Department Contracts to #6.

6.) FY22 Fire Department Contracts:

Motion on the floor from October 19, 2020 to accept contract #1.

Brandon W. Gulnick
Town Manager

November 2, 2020

Weathersfield Select Board
5159 US Route 5
Ascutney, VT 05030

Re: Fire Department Contracts

Dear Select Board Members & Weathersfield Residents:

On October 5, 2020, our Administration presented 2 Contract Options to the Select Board for review. After listening to discussions during the October 5th and October 19th meeting it's evident that the Select Board is leaning toward Contract Option #1. This contract is agreeable with West Weathersfield Volunteer Fire Department. The Ascutney Volunteer Fire Association has several questions for the Select Board that will help them decide on whether to agree to the terms of Contract #1. On October 26th & 27th the Ascutney Fire Chief, Liaison to the Fire Departments and I met to review AVFD's concerns with Contract #1.

Enclosed

Attachment A – Contract Option #1

Attachment B – Ascutney Volunteer Fire Association Questionnaire

I am asking the Select Board to define the roles of the Fire Departments and Ambulance Service. If you have any questions or concerns, please do not hesitate to contact me.

Respectfully,
Brandon Gulnick
Town Manager

a.) Ascutney Volunteer Fire Association Questionnaire

QUESTIONNAIRE

The Ascutney Volunteer Fire Association requests the Select Board clarify the following:

1. Add language to the Contract stating the Town will not pursue a Municipal Fire Department during the term of this contract.

Select Board voted 5 nays to have this wording in the contract.

2. Add language to the Contract holding the Town responsible if it violates the Contract.

Michael Todd asked Darrin Spaulding, AVFD Chief what “violates” means. Chief Spaulding gave examples of insurance not being paid since March of 2020 and fuel being shut off for non-payment.

The Town Manager feels that these issues have been resolved in office restructuring.

Josh Dauphin, WWVFD Chief stated that “it needs to go both ways, if either the Department of the Town violates the contract. He also suggested that wording be added to note violations of either side to be brought to the Town Manager and to be reviewed within a certain period of time.”

3. Fuel Study

4. Department requests to continue paying their bills. The department will request reimbursements from the Town.

If the Town does not pay AVFD bills in a timely manner, the AVFD will get their bills back to manage. WWVFD will continue as is.

5. Will the Town provide 8 copies of all Policies the Fire Department will need to abide by under contract #1?

8 copies, 1 for each of the AVFD Board members.

6. Add language mandating that any Warden or Keyperson attend the Annual State training required by the state.

Requirement of the State

7. Department fundraising: How will be operate with fundraising? Will a department fundraising money be subject to the Town Purchasing Policy? Will fundraising money remain in the Departments own account?

Each Department can continue to fundraise. The money will be subject to the Town Purchasing Policy. Fundraising monies will remain in the Department’s own account.

Remove “Income from such fundraising shall be included as part of the FIRE DEPARTMENTS’ Annual Budgets submitted to the Town Manager. The FIRE DEPARTMENTS shall furthermore include as a part of their Annual Budget submissions to the Town Manager a separate Fundraising Report, setting forth all monies derived from community fundraising solicitation and expenditures thereof.” From Section 3.5 Department Fundraising.

8. Repairs & Maintenance: If a truck is broken down and needs to be repaired, may the Fire Chief do so on his own behalf? Or is there an approval process?

The fire departments will provide a list of vendors for the 11/16/20 Select Board meeting that they use and a list of approved vendors will be created.

9. Service Agreement: The Ascutney Fire Association would like to continue with Strobels & Daniels. Because they are local and they have been reliable to the fire department. There is no conflict of interest.

10. Section 4.2.C: Let's say they ask to replace the Forestry Truck & the Select Board says no, but we wanted to buy it with fundraising money. But yet they still get rid of a truck and want to buy another one with fundraising money why is this a breach of contract.

It does not fall under the Town's Purchasing Policy

11. Section 4.2.D: Under this contract, all apparatus will be in the name of the Town, not the department?

12. Define the process for using reserves.

See the Reserve Fund Balance Policy

13. Section 6.1: The Town will be on the title of both trucks. This takes the Fire Department's name off of it. Ascutney would like the fire trucks to be in both parties' names. Why did this change? Engine 4, Ascutney put 50K into this truck, the Town takes it as a donation. We sell the truck. The department loses out on the fundraising money they put into it.

14. Section 7.1: Liability, Casualty - Should include the departments building and real property.

See Section 7.1 Liability Insurance

15. Ladder Truck: Department is paying \$3500 for insurance whereas it will only be \$441 under the Towns policy with VLCT. What does the future look like?

See Section 7.4 Vehicle Insurance

16. Any person under the age of eighteen (18) years old who are not a member of the Fire Departments nor enrolled in the Junior Program shall not respond to any fire emergencies. Why is this in the contract?

Liability

Paul Tillman made a motion at 9:00 pm to extend the meeting 30 minutes

Michael Todd – 2nd

No Discussion

Vote – unanimous

Dale Girard was in attendance via phone to help answer some questions for the Select Board and both fire departments.

Paul Tillman made a motion at 9:30 pm to extend the meeting 30 minutes

Michael Todd – 2nd

No Discussion

Vote – unanimous

7.) Local Government Expense Reimbursement Grant (COVID-19)

- a. Vote to Authorize the Town Manager to Purchase Laptops from Lenovo
- b. Vote to Authorize the Town Manager to Purchase iPads from Apple

Brandon Gulnick, Town Manager provided quotes for purchasing laptops and iPads from the COVID 19 Reimbursement Grant that he secured for Select Board members and staff to use.

Michael Todd made a motion to waive the Town's Purchasing Policy for the Town Manager to purchase 12 laptops and iPads.

Paul Tillman – 2nd

No Discussion

Vote – unanimous

The Town Manager presented the Select Board with the expenses from March 1 – August 31 and Attachment B with the expenses for the remainder of the year. He would like the Select Board to approve Attachment B.

8.) Vote to Purchase Fire Gear and Fire Fighting Equipment & Gear Reserves

Chief Spaulding presented quotes from Bergeron Protective Clothing and MES (Municipal Emergency Services) for 5 new sets of Turn Out Gear for the new member to the Ascutney Volunteer Fire Department.

Chief Spaulding would prefer to use MES as they have a better product (in his opinion) and can get the gear to them within 30-60 days.

John Arrison made a motion to approve the purchase from MES to not exceed \$14,875.

Joey Jarvis – 2nd

Discussion –

Chief Dauphin asked for a printout on expenses to see how much each department has spent on turn out gear over the past 10-15 years. He wanted to know how many people were on the rosters they are trying to outfit, responses to calls, etc.

Paul Tillman asked Chief Dauphin if he has requested equipment and not gotten it?

Vote – Unanimous

9.) Town Manager Report - Website Update, FY22 Budget, Water District, Open Items Requiring Resolution.

Brandon W. Gulnick
Town Manager

November 2, 2020

Weathersfield Select Board
5159 US Route 5
Ascutney, VT 05030

Re: Town Manager's Report

Dear Select Board Members & Weathersfield Residents:

The following will keep you up to date on various topics.

Website Redesign

We are in Phase 3/6 (Site Implementation) of our Website Project. As you know, we earmarked \$5,000 in the Local Government Expense Reimbursement Grant to transform our website in response to the COVID-19 State of Emergency. During Spring 2020 (first stages of the State of Emergency) our administration quickly shifted to a Temporary Website to enhance access to information for Weathersfield residents.

At this stage in the project, I have signed off on the design, which can be found at <https://www.vts.net/mockups/files/weathersfield-vt-mock-v1>.

Here is the mockup of a generic department page. This mockup shows how the look and feel and colors from the home page will come through to the subpages. At this time, we are not focusing on any specific content. The generic mockup is a typical example. In the next phase, we will work with an Implementation Consultant to make decisions on what content will show in detail. Right now, we are just agreeing to a general look and feel.

This design can be found here: <https://www.vt-s.net/mockups/files/weathersfield-vt-mock-v1-dept>.

FY22 Budget We are prepared to move into Budget Discussions with the Select Board on November 16, 2020.

10.) Town Manager Vacation Agreement (Waive Policy & Authorize Chair to Sign Agreement)

AMENDMENT TO EMPLOYMENT AGREEMENT AMENDMENT NUMBER: 03

BETWEEN

TOWN OF WEATHERSFIELD (“Employer”)
And
BRANDON GULNICK (“Employee”)

BACKGROUND The Parties have entered into an employment agreement dated January 7, 2020 as amended by Amendment 1 dated January 28, 2020, Amendment 2 dated April 7, 2020, and Amendment 3 dated November 2, 2020 (“Contract”). As of November 2, 2020, the Employee has 147.5 hours of vacation remaining.

THE PARTIES AGREE AS FOLLOWS:

1. The background is part of the contract.
2. The Employer & Employee Agree as follows:
 - a. The Employee was unable to take vacation this year due to COVID-19.
 - b. The Employer Agrees to Pay 1 Week of Vacation to the Employee on the 11/2/20 Warrant.
 - c. The Employer Agrees to roll over 20 hours of vacation to 2021.
 - d. The Employee Agrees to take, at a minimum, one (1) week of vacation prior to the end of 2020.

e. The Employee Agrees to waive the remaining 47.5 hours of vacation / whatever vacation is remaining on 12/31/20.

3. This contract shall be effective on November 2, 2020.

4. Except as amended in this Contract, and Amendment 01 & 02, the Contract shall continue to be in full effect.

Michael Todd made a motion to accept the agreement as written to waive the policy.

Paul Tillman – 2nd

No Discussion

Vote – unanimous

11.) Transfer Station Joint Committee Update –

Paul Tillman and Brandon Gulnick, Town Manager met and are now ready to move into discussion with surrounding Towns regarding the Transfer Station.

Michael Todd made a motion to table the following for a future meeting:

#12 – Transfer Station Permit Sticker Policy – 2nd Reading

#13 – Highway Access Policy – 1st Reading

#14 – Land Use Administrator Fees

#15 – Appointments

- a. Budget Committee
- b. Connecticut River Joint Commission
- c. CRJC Mt. Ascutney Subcommittee
- d. Fence Viewer
- e. Parks and Recreation Commission
- f. Selectman Representative to the School Board
- g. Southern Windsor County Transportation Advisory Committee
- h. Southern Windsor/Windham Counties Solid Waste Management District
- i. Tree Warden
- j. Veteran’s Memorial Committee

Paul Tillman – 2nd

No discussion

Vote – Unanimous

16.) Approve Warrants

John Arrison made a motion to approve the warrants for November 2, 2020 as follows:

General Funds	Operating Expenses \$42,915.93
	Payroll \$15,769.60
Highway Fund	Operating Expenses \$18,699.58
	Payroll \$7,100.06

Solid Waste Management Fund	Operating Expenses \$6,652.35 Payroll \$1,539.22
Library	Operating Expenses \$0.00 Payroll \$1,907.60
Grants	Operating Expenses \$0.00
Special Revenue	Operating Expenses \$0.00
Reserves	\$0.00
Long Term Debt	\$0.00
Grand Totals	Operating Expenses \$72,267.86 Payroll \$26,316.48

Joey Jarvis - 2nd
No Discussion
Vote - Unanimous

17.) Any other business

18.) Adjourn

Michael Todd made motion to adjourn the meeting at 10:09 pm
Paul Tillman – 2nd
No discussion
Vote – unanimous

Respectfully,
Chauncie Tillman
Alt. Recording Secretary

DRAFT

10.



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Dear Applicant,

The attached application is required for any development in the Town of Weathersfield. Please carefully review all of the attached pages and complete the forms to the best of your ability. On the following page, contact information is provided to help you obtain the most commonly required State permits. It is advised that you apply for any required State permits, or determine what State permits may be necessary, before submitting this application.

The zoning bylaws were created by citizen planners and reflect the interests, desires, and long-term vision for Weathersfield based on the input of residents. The majority of applications made to the Land Use Administrator's office are issued within a few days of the application's receipt, or sometimes on the same day for smaller projects. If you are uncertain about any aspect of your application, the office of the Land Use Administrator is available via e-mail or telephone to help provide clarification.

Certain applications require a more complete review by the Zoning Board of Adjustment. The review process takes approximately one to two months, depending on the circumstances of each individual application, and requires public notification, hearings, and other procedural steps mandated by Vermont State Law.

Feel free to reach out to the Land Use Administrator's Office at any time as you plan your project. The Land Use Administrator can be reached at either landuse@weathersfield.org or by telephone at (802) 674-2626. It is advised that you contact us in advance to pre-schedule a time to discuss your application.

Sincerely,

Ryan Gumbart
Land Use Administrator
Town of Weathersfield



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

List of Useful Contact Information

VT Agency of Natural Resources – Springfield Regional Office Permit Specialist (for septic, water, wastewater)

Rick Oberkirch (802) 282-6488

Rick.Oberkirch@vermont.gov

<http://dec.vermont.gov/ps-springfield>

VT Department of Public Service – Commercial/Residential Building Energy Standards

(these standards apply to the majority of new buildings, and financial incentives up to \$3,500 may be provided)

Energy Code Assistance Center: (855) 887-0673

Residential: http://publicservice.vermont.gov/energy_efficiency/rbes

Commercial: http://publicservice.vermont.gov/energy_efficiency/cbes

VT Department of Health (Demolitions, Renovations, Lead, Asbestos, Radon, Contamination, etc.)

(800) 439-8550

HUD Form 309 (for installation of new manufactured homes)

<https://www.hud.gov/sites/documents/309.pdf>

VT Agency of Transportation – District 2 (Brattleboro) (for work within public right of way on state highways – for local roads, contact **Weathersfield Town Clerk**)

Joe Ruzzo

District Transportation Administrator

(802) 254-5011

Joseph.Ruzzo@vermont.gov

VT Department of Public Safety, Division of Fire Safety – Springfield Regional Office (for PUBLIC BUILDINGS, includes rental homes/units)

(802) 885-8883

<http://firesafety.vermont.gov>

The Town of Weathersfield currently recommends considering the installation of a Knox-Box to facilitate access to properties by emergency services. For further information on the use of Knox-Box devices in Weathersfield, please visit <http://www.knoxbox.com/> or contact the **West Weathersfield Volunteer Fire Department** at (802) 263-5655, or the **Ascutney Volunteer Fire Department** at (802) 674-6869.

Town of Weathersfield

Zoning Permit Application

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

Property Information

Address _____
 Town, State, Zip _____
 Parcel ID _____
 Lot Size (acres) _____
 Road Frontage (ft) _____
 Existing Principal Use (enter below, e.g. "single-family dwelling")
(if no existing Principal Use, leave blank)

Applicant

Name(s) _____
 Name(s) _____
 Mailing Address _____
 Town, State, Zip _____
 Telephone # _____
 Mobile # _____
 E-mail Address _____

Landowner (if different)

Name(s) _____
 Name(s) _____
 Mailing Address _____
 Town, State, Zip _____
 Telephone # _____
 Mobile # _____
 E-mail Address _____

Decision (Staff Use Only)

APPROVED DENIED

Permit Expiration Date _____

Permit Type (check all that apply)

- New Principal Building or Unit (e.g. "single-family dwelling")
- New Accessory Structure (e.g. "shed")
- Alteration to Existing Structure (e.g. "new room addition")
- Change of Use (e.g. "personal service" to "restaurant")
- Demolition / Removal (e.g. demolition & removal of pool)
- Sign (one-sided square footage): _____ sq. ft.
- Variance

Project Information

Proposed Principal Use Definition (if new or changing, enter below)

Approximate Value of Development	\$	
Total New Finished Floor Area		sq. ft.
Total New Unfinished Floor Area		sq. ft.
Maximum Height		ft.
Number of Stories		

Filing Information (Staff Use Only)

Zoning Permit # _____
 Fee Collected _____
 Zoning Area _____
 Permit Issue Date _____
 Appeal by Date _____
 Type of Review Required (check all that apply)

- Administrative
- Zoning Board of Adjustment
- Conservation Commission
- Flood Hazard / Agricultural Soils

Description of Project (please provide a complete description along with dimensions)

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. The Town of Weathersfield currently recommends the installation of a Knox Box. For more information, visit <http://www.knoxbox.com/>

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

Permit Fee Calculator (Cash or Check only, payable to Town of Weathersfield)

Principal Use	\$100 + 0.05 x _____ sq. ft.	=	\$ _____	Staff Use Only Fee Collected? Initials
Accessory Use	\$30 + 0.05 x _____ sq. ft.	=	\$ _____	
Conditional Use	\$200 + 0.05 x _____ sq. ft.	=	\$ _____	
Permit Renewal	Expired permit renewal: \$30	+	\$ _____	
Variance	\$200	+	\$ _____	
	SUBTOTAL		\$ _____	
Late Fee	Double all fees for after-the-fact permit	2x	\$ _____	
Recording Fee	Applies to all applications	+	\$ 15	
	TOTAL		_____	

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:

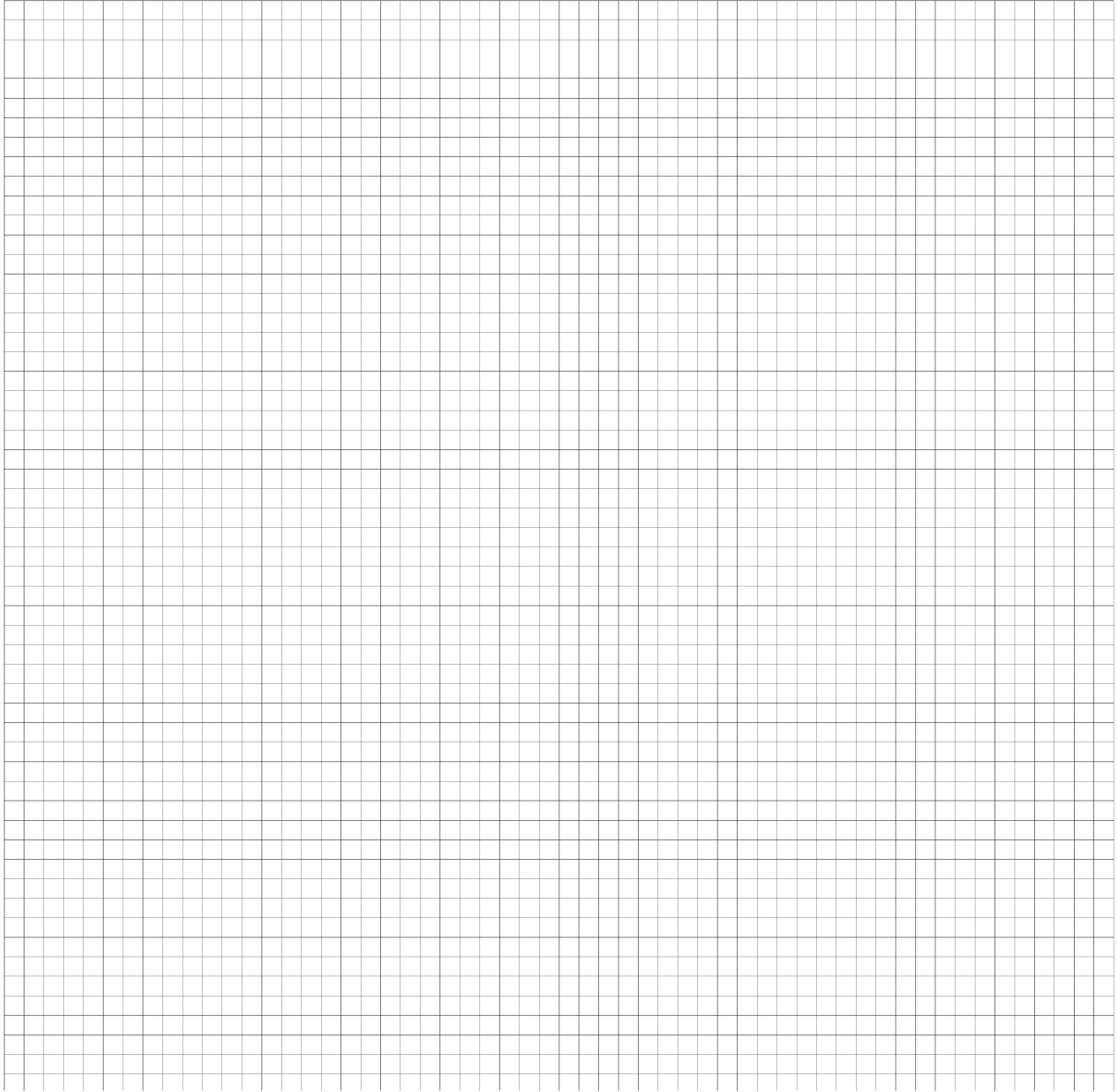
- ◆ Applications will not be considered properly filed and vested for rights to review under any applicable laws until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- ◆ Vermont law allows the Land Use Administrator 30 days to act on 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 _____
 Date ____/____/____

Applicant Signature _____
 Date ____/____/____

Site Plan Drawing

Draw an aerial view of the property described in this application showing a north arrow, all property lines, and dimensions of land. Include the shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the front, sides, rear and closest property boundary lines (setbacks) and distances between each structure. Identify the use of all buildings, and the location of septic/sewer and water utilities. Identify access from Town or State Highway and road frontage distance. Identify any deeded easements or rights-of-way. Include any proposed signs in the drawing. Include any streams, water bodies and wetlands. If the scale is too small to show details after drawing all property lines, please use supplemental pages to map required features at a larger scale.



Land Use Administrator Signature _____ Applicant Signature _____

NOTE: Signature required for valid permit

Town of Weathersfield

POST OFFICE BOX 550
ASCUTNEY, VERMONT 05030-0550

Telephone: (802) 674-2626
Facsimile: (802) 674-2117

E-mail: zoning@weathersfield.org
Website: Weathersfield.org

ZONING PERMIT AMENDMENT FORM

The undersigned hereby request a zoning permit amendment based on information contained herein.
Permit Void in the event of misrepresentation.

The fee for an amendment is \$30.00 plus \$0.05 per square foot of additional construction.

- I. PARCEL ID # _____ ZONING PERMIT # _____
- II. APPLICANT _____
- A. Mailing Address _____
- B. Telephone #: Home _____ Work _____
- III. CHANGE(S) REQUESTED: Please address only the item(s) that will be changed.
- A. Structure:
1. Structure being changed _____
 2. Size structure will now be _____
 3. Total additional square feet _____
- B. Setback(s) will now be:
1. _____ feet from road right-of-way
 2. _____ feet from side property line
 3. _____ feet from side property line
 4. _____ feet from rear property line
 5. _____ feet from stream or wetland
- C. Miscellaneous changes (identify) _____
- IV. Signature of Applicant _____ Date: _____

Below information is for the Land Use Administrator Use only

Amendment fee _____ Date Received _____

Amendment: approved: _____ denied: _____

Land Use Administrator Date: _____