



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, May 23, 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 – May 9, 2022
 6. Town Plan – Energy section
 7. Town Plan – General
 8. Bylaws – 2nd round updates
 9. Highway Access Policy
 10. Discussion of Items for Future Agendas
 11. Any other business that can be legally discussed
 12. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, June 13, 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, May 9, 2022 6:00 PM
6

7 Planning Commission Members Present:
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9 Paul Tillman
10 Howard Beach
11 Tyler Harwell, Online
12 Michael Todd, Online
13 Joseph Bublat, Online
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15 Ryan Gumbart, Land Use Administrator
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17 1.) Call to Order made by Paul Tillman, Chair at 6:30 pm.
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19 2.) Agenda Review
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21 None
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23 3.) Comments from the Chair and Land Use Administrator
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25 Paul Tillman congratulated Ryan Gumbart on the arrival of his daughter.
26

27 4.) Comments from Citizens regarding items on agenda.
28

29 None
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31 5.) Approval of Meeting Minutes –April 25, 2022
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33 Howard Beach made a motion to approve the minutes from 4-25-22.
34

35 Michael Todd– 2nd
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37 Discussion – no further discussion
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39 Vote – Roll Call Vote
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41 Tyler Harwell – Aye
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43 Michael Todd – Aye
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45 Joseph Bublat – Aye
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Howard Beach – Aye
47

Paul Tillman – Aye
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49 6.) Town Plan – Energy section update
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51 Jason Rasmussen was not in attendance to review the Energy Section Update.
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53 Ryan and Paul will reach out to Jason for a future meeting to review.
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7.) Town Plan – Scenic Resources section update

Tyler Harwell had mentioned a possible addition to the scenic views, when you come back around the bend coming back into Ascutney from Perkinsville by the home that had the windmill.

Paul asked Ryan where he thought he was at with the scenic views. Ryan said that Howard Beach had presented them to the Conservation Committee last fall. He did get the GPS coordinates for a couple after that, however, has not really done any since them. He said getting the coordinates are rather easy and offered to show other members of the Planning Commission how to do them.

Ryan did say that he was missing the panoramic picture to correspond with the GPS coordinates.

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

Paul Tillman reviewed the spreadsheet and asked if that mirrored the Town Plan. Ryan said the plan has “Views from Mount Ascutney” 5 views and believes that everything listed on the spreadsheet is also in the Town Plan as well.

Paul asked if the Planning Commission wanted to add any others to the list. Ryan would like to start with the ones in the Town Plan and finish those and then potentially add more after. Ryan did ask if there was a deadline for when they wanted this completed. Paul said they were trying to mirror this with the map that Jason Rasmussen is giving them. They would like to have this completed by the end of the summer.

66

67 8.) Zoning Bylaws – Administrative Questions

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1. Does a change in use of space within building require a zoning permit?

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71

a. Attic, basement, garage change to living space.

72

b. Require application but no permit?

73

c. Require letter of notification?

74

d. Should PC define “Change of Use”?

75

Short answer is “Yes” “d” – the PC should define what requires a permit. What level of modification or change of use will trigger needing a zoning permit? We will investigate the state definitions and language for this. What would be the legal ramifications for issuing a permit or not lets say for a bedroom in the basement and someone gets hurt. How will state building codes fit into this scenario?

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80

2. What is required for projects exempt from permitting (minor structures, agricultural buildings)?

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82

a. Require application but no permit?

83

b. Require letter of notification?

84

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”

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86

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.”

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Answer – Minor structures looks fine; do we need more? Agricultural should have a better definition of what justifies agricultural. Look into the state definition and language for this.

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93

3. Do I need proof of State permits?

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Yes

95

Michael Todd wanted to know whose job it is to keep track of this? They should be recorded in the clerk’s office. Is a notification sent to the state of development in the Town?

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4. How is the estimated value of construction calculated?

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a. Cost of labor and materials?

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Answer – “Both”. We may want to break out “Labor” and “Materials” to separate line items. What is someone is building this themselves then there would be no labor cost. Do we want a cost for this to then just be fixed value based on square footage?

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5. If there is a discrepancy in listed acreage what takes precedence?

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a. Deed, tax record, survey

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Answer – This would be a civil issue and the responsibility would fall on the landowner to get it surveyed to prove the validity of any discrepancies.

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6. How is selling cars on roadside regulated?

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a. 1 car, 5 cars, 50 cars

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b. Connected to maintenance garage business?

111 Answer – Registered or unregistered. Do we have a Town ordinance? They Planning Commission will
112 look to see if there is a used car ordinance. We should look at the Frequency, could be a business, and
113 number of cars. Can be a condition of a business permit. What is the State language for auto repair
114 garages?
115

- 116 7. Old permit review checklist contained check boxes for
117 a. Copies of State permits
118 b. Are all parties on deed represented on application?
119 i. Check deed for development restrictions?
120

121 9.) Highway Access Policy
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123 10.) Zoning Permit Application – Amendment/Extension
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125 11.) Discussion of Items for Future Agendas
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127 12.) Any other business that can be legally discussed
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129 None
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131 13.) Adjourn
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133 Tyler Harwell made a motion to adjourn at 8:16 pm

134 Michael Todd – 2nd

135 No discussion

136 Vote - unanimous
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138 Next Planning Commission Meeting is scheduled for Monday, May, 23, 2022 at 6:30 pm at Martin
139 Memorial Hall.
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142 Respectfully,
143 Chauncie Tillman
144 Recording Secretary
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Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

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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.

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