



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, June 13, 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 & May 23, 2022
 6. Scott Duffy – PUD Sketch Plan Review
 7. Jeff Pelton – Waterway naming project presentation
 8. Town Plan – Energy section
 9. Town Plan – General
 10. Bylaws – 2nd round updates
 11. Administrative questions
 12. Discussion of items for future agendas
 13. Any other business that can be legally discussed
 14. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, June 27, 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
14

15 Ryan Gumbart, Land Use Administrator
16

17 1.) Call to Order made by Paul Tillman, Chair at 6:30 pm.
18

19 2.) Agenda Review
20

21 None
22

23 3.) Comments from the Chair and Land Use Administrator
24

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
30

31 5.) Approval of Meeting Minutes –April 25, 2022
32

33 Howard Beach made a motion to approve the minutes from 4-25-22.
34

35 Michael Todd– 2nd
36

37 Discussion – no further discussion
38

39 Vote – Roll Call Vote
40

41 Tyler Harwell – Aye
42

43 Michael Todd – Aye
44

45 Joseph Bublat – Aye
46

Howard Beach – Aye
47

Paul Tillman – Aye
48

49 6.) Town Plan – Energy section update
50

51 Jason Rasmussen was not in attendance to review the Energy Section Update.
52

53 Ryan and Paul will reach out to Jason for a future meeting to review.
54
55
56

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.

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8.) Zoning Bylaws – 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”?

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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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.”

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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3. Do I need proof of State permits?

Yes

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?

- a. Cost of labor and materials?

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?

- a. Deed, tax record, survey

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?

- a. 1 car, 5 cars, 50 cars
- 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
122

123 10.) Zoning Permit Application – Amendment/Extension
124

125 11.) Discussion of Items for Future Agendas
126

127 12.) Any other business that can be legally discussed
128

129 None
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131 13.) Adjourn
132

133 Tyler Harwell made a motion to adjourn at 8:16 pm

134 Michael Todd – 2nd

135 No discussion

136 Vote - unanimous
137

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

1 Planning Commission
2 Martin Memorial Hall
3 5459 Rte 5 Ascutney, VT
4 Planning Commission Meeting
5 DRAFT Monday, May 23, 2022 6:30 PM
6

7 Planning Commission Members Present:

8
9 Paul Tillman
10 Howard Beach
11 Joseph Bublat, Online
12

13 Michael Todd and Tyler Harwell tried to connect to the meeting. Due to technical difficulties at the Town
14 Hall they did not reconnect to the meeting.
15

16 Ryan Gumbart, Land Use Administrator
17

18 Attendees: Patti Arrison, Todd Hindinger
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20 1.) Call to Order made by Paul Tillman, Chair at 7: 12 pm.
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22 2.) Agenda Review
23

24 None
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26 3.) Comments from the Chair and Land Use Administrator
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28 Paul Tillman apologized for the meeting starting late due to technical difficulties.
29

30 4.) Comments from Citizens regarding items not on the agenda.
31

32 None
33

34 5.) Approval of Meeting Minutes –May 9, 2022
35

36 The Recording Secretary asked that these be tabled until the next meeting due to the incorrect draft
37 being submitted.
38

39 Howard Beach made a motion to table the minutes from 5-9-22 until the next meeting.
40

41 Joseph Bublat – 2nd

42 No discussion

43 Vote – unanimous
44

45 6.) Town Plan – Energy section update

46 Paul Tillman did provide some background regarding the Town Plan Energy section for the people that
47 were in attendance at the meeting. These include deciding if the Planning Commission wanted an
48 enhanced energy plan, solar arrays, reviewed the scenic views, etc.

49
50 Howard Beach made a motion to table the Energy section update to the next meeting due to Jason
51 Rasmuessen hasn't had a chance to complete the draft.

52 Joseph Bublat – 2nd

53 No discussion

54 Vote – unanimous

55
56 7.) Town Plan – General

57
58 Paul Tillman would like to get a structure and timeline for the other sections of the Town Plan. The
59 Town Plan needs to be reviewed every 7 years. He would like to review the other sections and see what
60 people's thoughts were, where we needed to change things in the Town Plan or not.

61
62 Ryan Gumbart said it was adopted May 1, 2017 and asked if it needed to be adopted by May 1, 2025.

63
64 Paul Tillman asked Ryan Gumbart if there were any other sections that the Planning Commission should
65 be concentrating on. At this time Ryan has not gone through it, however, when he does there may need
66 to be some changes.

67
68 Ryan Gumbart asked if they should start with the Land Use section, the Planning Commission could
69 review it and then come back at the next meeting with questions.

70
71 Paul Tillman would also like to look at housing. Howard Beach said that they have attempted with the
72 wording that they have come up with in the bylaws changes to address some of that. He knows the State
73 passed a law that said that any property owner has the right to an accessory dwelling unit.

74
75 There was discussion if someone could have a camper on their property while they are building their
76 house. Ryan said there are temporary permits, in the bylaws there are provisions for a temporary permit
77 that may be issued for 1 year for non-conforming uses or non-conforming structures incidental to
78 construction projects.

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80 The Town Plan will continue to be on the agenda for continued discussion.

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82
83 8.) Bylaws – 2nd Round Updates

84
85 Patti Arrison asked about the map that goes with the Town Plan is that for the Town Plan that was
86 adopted in 2017 or is it anticipating the Town Plan for 2025.

87
88 Paul Tillman explained that it was taking the map that was already voted in, the Future Land Use Map,
89 reviewed it with Regional Planning, made modifications to the Village area and it was submitted to the
90 Selectboard. If approved it will be the current Land Use Map.

91

92 Patti Arrison asked “when you say voted in, do you mean voted in in 2017?” Howard Beach said it was
93 voted in in 2017 to be the new Land Use Map and it just hasn’t been sent in for the approval of the
94 Selectboard because of updating all of the bylaws that go along with it and the changes that have been
95 made.
96

97 Patti Arrison asked if they expanded the size of the Villages. Paul Tillman said that they expanded some
98 a little and moved a little. Paul Tillman provided some examples of the areas that are expanded and
99 moved. He offered to show the maps.

100 Howard Beach talked about the State trying to increase density in Towns. They are trying to push for
101 more development in the cities. The problem that VT runs into is most of the Towns don’t have sewers
102 and you can physically have the density. By having 1/2 acre lots in areas that are appropriate is
103 addressing the density issue.
104

105 Patti Arrison asked Howard Beach if the State was asking him to do 2 incompatible things, but her
106 impression is that it’s not coming from the State its right hear. Howard said the States goal is to make
107 more affordable housing. The way to get more affordable housing is to reduce the lot size and to
108 increase the density.
109

110 Patti said that point she is trying to make may not be the Planning Commission’s problem, but the
111 Selectboard’s problem, but we cannot evade or avoid the lack of municipal sewer and water in the
112 Villages. That is what limits our ability to offer affordable housing. She feels that the Selectboard are
113 digging in and saying “no” but she feels that the Town Plan could be a way to encourage them to say
114 “yes”. She doesn’t know as much about the ARPA funds as others, but thinks we could use some of that
115 money for the feasibility study.
116

117 Paul Tillman asked Patti if she felt that Towns should help people with their private septic. She does not
118 feel they should help with individual tanks, but if there are multiple septic tanks failing in the Village
119 then there needs to be an answer on a Municipal level.
120

121 Paul said he doesn’t know what a feasibility study would cost for Town septic, but they must have to
122 pay an Engineer to come and determine the feasibility of having a municipal septic and look at the
123 Springfield/Perkinsville side and the Windsor/Ascutney side. Based on conversations with those Town
124 Managers they are not going to do that. So, he thinks the next study that would happen would be “what
125 would it take to have something in Town”, that could be an option but he thinks it will be so expensive.
126 Patti said that they need to know that.
127

128 Todd Hindinger said on this specific point he would say that when this first started, he sent a 1–2-page
129 letter to the Town Manager regarding the issues. The idea of centralizing waste water treatment, the
130 Regional Planning Commission are all on board with it. The planning for that, how you actually make it
131 happen, and in the case of Ascutney they have certain advantages. His letter said “this is what you could
132 do” set up a decision tree for the Selectboard. You start going through to find out what you can or can’t
133 do and then based on that you would decide “Ok the Selectboard has made a decision, we want to
134 investigate these centralized systems for Ascutney and for Perkinsville. He said it would cost about
135 \$1,200 to get a thoughtful decision process to the Selectboard.
136

137 Howard Beach gave an example of a development where they had a communal septic system where
138 each house had their own septic tank, but had a common leach field. The State had been hesitant to

139 have something like that in the event something fails you have a much larger problem. This is something
140 Howard was discussing with Terry.

141
142 Todd Hinderger said that there were 2 things, one is that it is part of the State process, we have rules
143 specifically to address communal systems and the nuance is a decision about ownership, which the
144 Selectboard would make.

145
146 Paul Tillman said there was good discussion and he would be open to discussing a feasibility study. He
147 then turned the meeting back to the Bylaws. He asked Howard if there were questions on the map.
148 Howard said there were questions on the difference between the proposed Land Use Map and what we
149 are proposing before the Selectboard. The biggest change that he can recall is that they expanded the
150 Village area. Ryan Gumbart said he was meeting with Jason and Otis on Wednesday to get more
151 background on how they came up with the proposed.

152
153 Paul Tillman said that Ryan had asked some very specific questions at the Selectboard meeting about
154 some State statutes keep land together or not together. Paul had not heard that before. He wanted to
155 know if this was something the Planning Commission needs to discuss further. Ryan said it was fairly
156 new to him as well, it is Act 171 that addresses forced fragmentation in parcelization. It asks you to
157 identify forest interior blocks. It defines that as 500-acre area of continuous forest land. Paul asked what
158 breaks it up. Ryan said development does.

159
160 Paul Tillman asked if there were additional questions regarding the bylaw update. Ryan said there were
161 quite a few questions. He asked if they remembered updated bylaw with color coded sections. Ryan said
162 anything highlighted in red, like Section 5.13 – conditional use review. It talks about applications shall
163 include the following:

- 164 • Application forms
- 165 • Site plan project narrative

166
167 This is not currently in the bylaws.

168 There is also section 5.14 on PUD review and all that basically tells the Administrator and Zoning board
169 how to go through stuff like that.

170 This will need be submitted to the Selectboard later as it was not in the draft that is currently with them.

171 There is also a large section on flood hazards and a section on planning new development. Paul Tillman
172 suggested to do what they did last time, let's get them listed and printed out and in front of the Planning
173 Commission and go through them one by one and create a "next round."

174
175 Todd Hinderger asked when it would be appropriate to bring up the questions he had mentioned at the
176 Selectboard meeting; in another meeting, in the red-line version of the bylaws for the 2nd round, etc. Paul
177 recommended that he make a list of specific questions to bring to the hearing. Todd said that wasn't his
178 questions, he had brought up a couple of points and he wanted to know the best way to put it in for the
179 2nd round. Howard said it would be best to bring them up in the hearing and then it will get sent back to
180 the Planning Commission. He can also put a list together and send them to Ryan and get them in a
181 packet.

182

183 9.) Highway Access Policy – tabled for the next meeting.

184
185 10.) Zoning Permit Application – Amendment/Extension – tabled for the next meeting.

186
187
188 11.) Discussion of Items for Future Agendas

- 189 • Continued bylaw discussion
- 190 • Zoning Permit Applications
- 191 • Highway Access Policy

192
193
194 12.) Any other business that can be legally discussed

195
196 None

197
198 13.) Adjourn

199
200 Howard Beach made a motion to adjourn at 8:47 pm

201 Joseph Bublat – 2nd

202 No discussion

203 Vote - unanimous

204
205 Next Planning Commission Meeting is scheduled for Monday, June, 13, 2022 at 6:30 pm at Martin
206 Memorial Hall.

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209 Respectfully,
210 Chauncie Tillman
211 Recording Secretary

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Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

DRAFT

6.

CHARTERED BY
NEW HAMPSHIRE
AUGUST 20, 1761

Town of Weathersfield

POST OFFICE BOX 550
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY
NEW YORK
APRIL 8, 1772

Telephone: [802] 674-2626
Facsimile: [802] 674-2117

E-mail: zoning@weathersfield.org
Website: <http://www.weathersfield.org>

Planning and Zoning

APPLICATION FOR SKETCH PLAN REVIEW

Application # 22.05.25.SP1

Applicant Name Scott Duffy
Address (Mailing) 58 Ascotney Basin Rd, Reading, VT 05062
Telephone # 802 484 7440 Email Address artisans@rockledgefarm.com

Landowner Name Scott Duffy & Kathleen Duffy
Address (Mailing) 58 Ascotney Basin Rd, Reading, VT 05062
Telephone # 802 484-7440 Email Address artisans@rockledgefarm.com

Subdivider Name _____
Address (Mailing) _____
Telephone # _____ Email Address _____

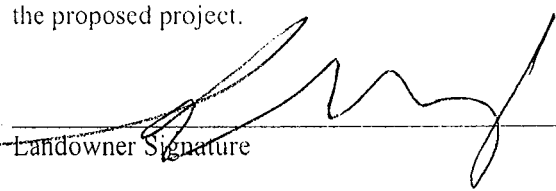
Name of Project Duffy cottage
Tax Map/Parcel Number 030117
Location of Subdivision see attached

Written description of proposed development plans, including number and size of lots, and the general timing of development.

See attached

Sketch should clearly indicate existing and proposed lot lines, dimensions and lot numbers.

The Planning Commission may require additional information depending upon the scope and location of the proposed project.


Landowner Signature

5/16/22
Date

(See checklist on reverse side)

- Submit two (2) copies of this application to the Land Use Administrator at least twenty-one (21) days prior to a regular meeting of the Planning Commission.
- Submit nine (9) copies of your sketch plan with this application.
- Pay the fee of \$100 at the time of application.
- The subdivider or duly authorized representative shall attend the Planning Commission meeting to discuss the sketch plan and requirements of the Subdivision Regulations.
- Completed Impact Statement

WARNING – State permits may be required for this project. Call 802-282-6488 to speak to the State Permit Specialist before beginning construction.

Meeting date at which you should be present: June 13, 2022, 6:30 PM

FOR OFFICE USE

Date Received May 25, 2022 Fee Paid \$100
 Date presented to the Planning Commission _____

Application No. 22.05.25.SPI Date of Notice _____
 Date received by AO May 25, 2022 Date of Hearing _____
 Fee Paid \$ 100 Date of Decision _____
 Date Paid 5/19/22 Appeal granted _____ denied _____

T:\Departments\Land Use and Zoning\APPLICATION FORMS\Applications\Application for Sketch Plan Review.docx

Attachment To Application for Review, Scott Duffy—
Weathersfield Parcel #030117

This application is to build one single family structure on Weathersfield Parcel #030117. Parcel size is approximately 45 acres. There is currently one single family home on the parcel, as well as original barn structures connected to the existing home, now used in part for the family home-based woodworking business.

The purpose of the second residential structure on this Parcel is to facilitate retirement of the applicant and his spouse, providing residence for other family members or individuals on the property, in part to assist with property and personal care.

The new residence will be a single family frame home, concrete foundation, 2 story, approximately 2000 square feet, compatible with the surrounding neighborhood. Driveway access is from Ascutney Basin Road, using an existing agricultural field access. New private water and septic systems will be installed. Structure will have 50 feet or more setback from all abutting parcels and public road.

This additional residence will be within the housing density intents of the Town Plan, presuming a planned housing density of at least 10 acres per home. Ownership of all current and proposed structures will be retained by the applicant, as will maintenance of these structures and land.

We plan to start project Summer of 2022. Applicant has resided at this location for 35+ years, and our family for nearly 100 years. We respectfully thank you for your consideration.

TOTAL

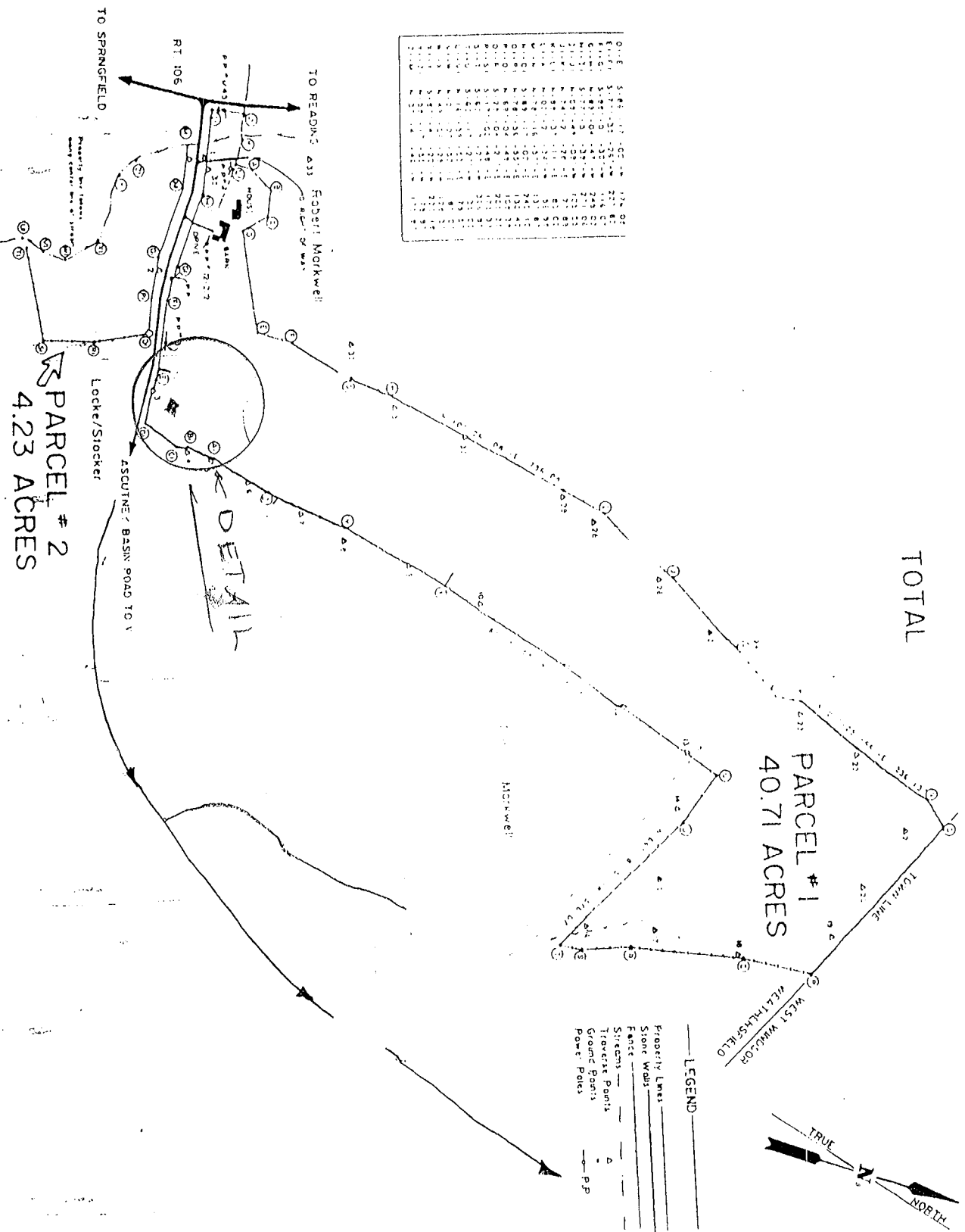
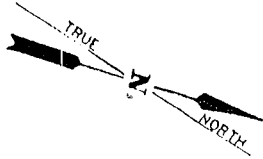
PARCEL #1
40.71 ACRES

PARCEL #2
4.23 ACRES

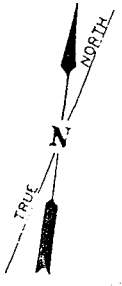
0+0	5.17	1.1	107.14	1.74	0.1
0+1	5.17	1.1	107.14	1.74	0.1
0+2	5.17	1.1	107.14	1.74	0.1
0+3	5.17	1.1	107.14	1.74	0.1
0+4	5.17	1.1	107.14	1.74	0.1
0+5	5.17	1.1	107.14	1.74	0.1
0+6	5.17	1.1	107.14	1.74	0.1
0+7	5.17	1.1	107.14	1.74	0.1
0+8	5.17	1.1	107.14	1.74	0.1
0+9	5.17	1.1	107.14	1.74	0.1
0+10	5.17	1.1	107.14	1.74	0.1
0+11	5.17	1.1	107.14	1.74	0.1
0+12	5.17	1.1	107.14	1.74	0.1
0+13	5.17	1.1	107.14	1.74	0.1
0+14	5.17	1.1	107.14	1.74	0.1
0+15	5.17	1.1	107.14	1.74	0.1
0+16	5.17	1.1	107.14	1.74	0.1
0+17	5.17	1.1	107.14	1.74	0.1
0+18	5.17	1.1	107.14	1.74	0.1
0+19	5.17	1.1	107.14	1.74	0.1
0+20	5.17	1.1	107.14	1.74	0.1
0+21	5.17	1.1	107.14	1.74	0.1
0+22	5.17	1.1	107.14	1.74	0.1
0+23	5.17	1.1	107.14	1.74	0.1
0+24	5.17	1.1	107.14	1.74	0.1
0+25	5.17	1.1	107.14	1.74	0.1
0+26	5.17	1.1	107.14	1.74	0.1
0+27	5.17	1.1	107.14	1.74	0.1
0+28	5.17	1.1	107.14	1.74	0.1
0+29	5.17	1.1	107.14	1.74	0.1
0+30	5.17	1.1	107.14	1.74	0.1
0+31	5.17	1.1	107.14	1.74	0.1
0+32	5.17	1.1	107.14	1.74	0.1
0+33	5.17	1.1	107.14	1.74	0.1
0+34	5.17	1.1	107.14	1.74	0.1
0+35	5.17	1.1	107.14	1.74	0.1
0+36	5.17	1.1	107.14	1.74	0.1
0+37	5.17	1.1	107.14	1.74	0.1
0+38	5.17	1.1	107.14	1.74	0.1
0+39	5.17	1.1	107.14	1.74	0.1
0+40	5.17	1.1	107.14	1.74	0.1
0+41	5.17	1.1	107.14	1.74	0.1
0+42	5.17	1.1	107.14	1.74	0.1
0+43	5.17	1.1	107.14	1.74	0.1
0+44	5.17	1.1	107.14	1.74	0.1
0+45	5.17	1.1	107.14	1.74	0.1
0+46	5.17	1.1	107.14	1.74	0.1
0+47	5.17	1.1	107.14	1.74	0.1
0+48	5.17	1.1	107.14	1.74	0.1
0+49	5.17	1.1	107.14	1.74	0.1
0+50	5.17	1.1	107.14	1.74	0.1

LEGEND

- Property Lines
- Stone Walls
- Fence
- Streams
- Traverse Points
- Ground Points
- Power Poles



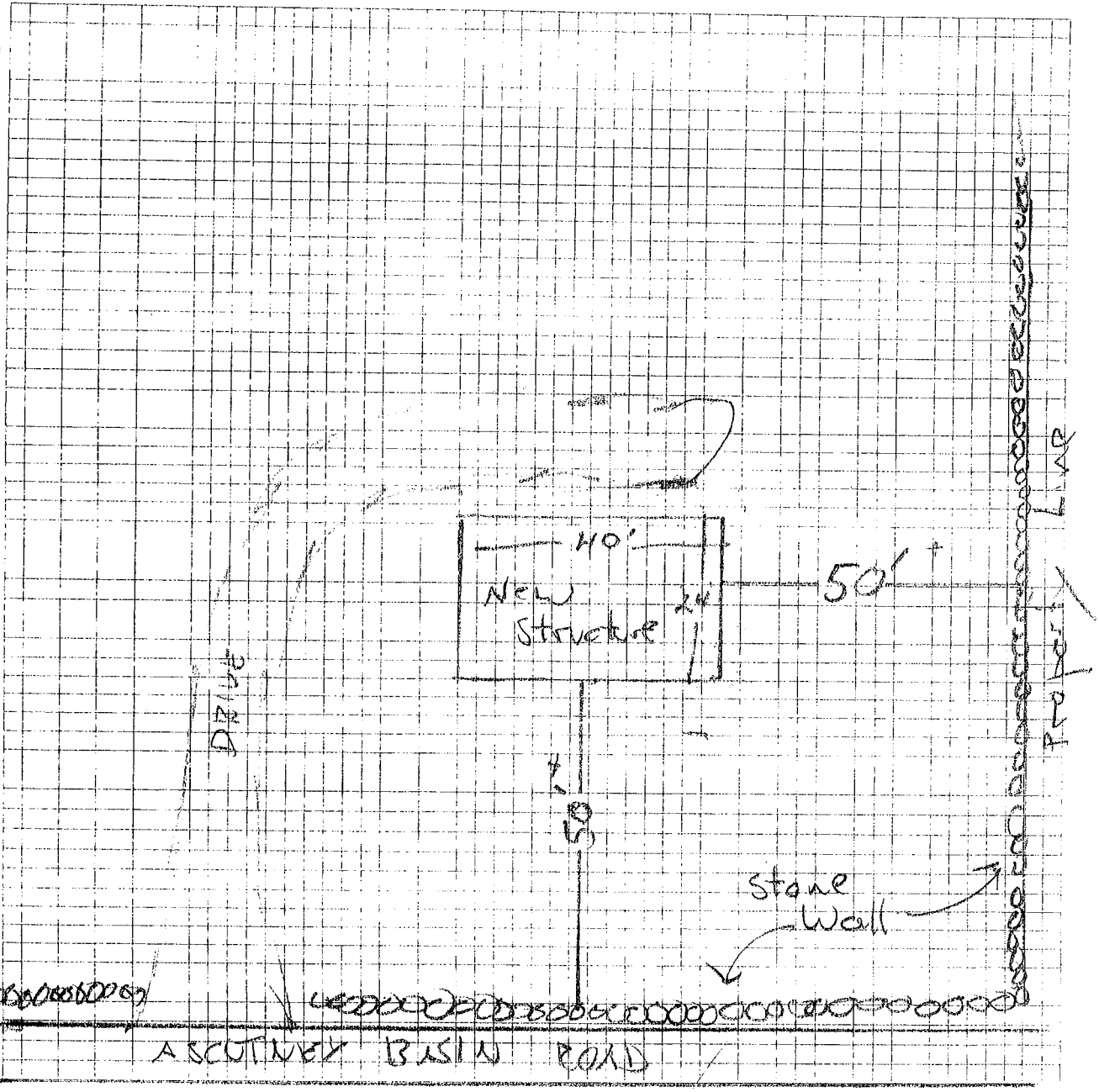
NORTH BRANCH BLACK RIVER



DETAIL DRAWING

Site Plan Drawing

Draw an aerial view of the property described in this application showing a north arrow, the actual shape, 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 existing and intended uses and areas of the use. 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. 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.



7.

DRAFT

Petitions to Name Waterways in Weathersfield, VT

Weathersfield Conservation Commission

May 31, 2022

INTRODUCTION

Purpose

These petitions to name major waterways in the town of Weathersfield, Vermont is a project undertaken by the Weathersfield Conservation Commission (WCC) for the purpose of standardizing waterway names, locations, and watershed areas at the local, state, and federal levels.

Scope

The focus of this project is on streams, but does include other water bodies such as wetlands, ponds, springs, waterfalls, and gorges. These are permitted by the U.S. Geological Survey, (USGS) Board on Geographic Names (BGN) which is the official repository of geographic place names in the United States.

Background

The WCC was asked by Marie Levesque-Caduto, Basin 10 Coordinator for the State of Vermont Department of Environmental Conservation (DEC) Springfield Office to compile Weathersfield waterway names for its water quality monitoring program. The Black River Action Team, a local environmental organization, also asked for stream name data, and ecologist, Elizabeth Thompson, author of the study “Biological Natural Areas of Weathersfield, Vermont” urged that the major wetlands be considered for this project. And not the least, inquiries have been made to use these waterways for dragonfly research, invasive species identification, and the study of the natural community, forested wetland.

Standardizing names is intended to end any confusion about the names and locations of these geographic features. Related benefits accruing from this project are the facilitation of planning infrastructure projects, flood mitigation, emergency response, and aesthetic and recreation enjoyment, although naming in no way implies access across private lands without permission. Because the names largely derive from Weathersfield’s early settlers and industries, the history of Weathersfield’s settlement may be accessed.

Federal and State Rules For Naming Geographic Places

At the federal level the BGN Domestic Names Committee (DNC) prescribes how geographic features such as waterways may be named, and is the ultimate adjudicator of these petitions. Preliminary approval must be granted by Vermont Department of Libraries (VDL) which has statutory authority (10 V.S.A., Chapter 9, Paragraphs 151-154) over petitions for new or changes to Vermont place names. At the local level, approval is urged to be sought from town select boards and town and regional planning commissions.

Under the BGN prescriptions, names of living people may not be used and deceased people named must be deceased more than five years. Commemorative names may be used but only in special circumstances and carefully justified. Multiple names, duplicate names, and very long names must be avoided. Man-made and administrative structures may not be named. A former name may be recorded as a Variant Name to preserve its historical context. Names in present-day local usage are emphasized. Recommended are names connected to historic persons, activities, folklore, natural history, and geographic places. Indigenous-American (Abenaki) names must be considered where present. The waterways to be named in this petition satisfy these requirements.

Methods

The process of assigning names took a number of forms: location of prospective waterways on topographic maps; review of names already existing at the federal level; examination of historic and current maps and atlases; review of the study of the wetland areas of Weathersfield; consultation with State and local agencies and boards, and outreach to Weathersfield residents.

Because of the large number of small streams and wetlands in Weathersfield, at the outset it was decided to name only unnamed streams whose watershed areas were ≥ 200 acres and wetlands whose areas were ≥ 10 acres. Stream watershed areas were measured by using the USGS Stream Stats computer software, and wetland areas were measured by using tools of the online Vermont Agency of Natural Resources (ANR) Atlas.

By considering the project's criteria, studying contemporary topographic maps, other maps, studies, histories, and residents' accounts, 60 prospective waterways were found. Of these, 13 (22%) already had names in the BGN official database, the Geographic Names Information System (GNIS), and will not be petitioned in this project. The balance of 47 (78%) waterways did not have names in GNIS. The WCC has assigned names to these waterways and they will be listed in this project.

Most historic maps yielded few waterway names: Whitelaw (1796) named 3; Walling (1860) and found in the Weathersfield Proctor Library named 4; and Beers (1869) named 3. The one historic map found that was of great benefit to this project was historian Ernest Warren Butterfield's 1940 map "Weathersfield Vermont." Butterfield named 30 waterways to which, fortuitous for this project's requirements, he gave names of historic settlers, functions, or geographic places. However, 7 of his are already named in GNIS. Not meeting the project requirements were 4. The WCC adopted the balance of his named waterways and they appear

in the accompanying petitions. Twelve waterways that Butterfield did not name, but which met other requirements, including 3 named by VT DEC, were listed or assigned names by the WCC.

Another important contribution to this project was the work of ecologist Elizabeth Thompson, whose 1992 study, “Biological Natural Areas of Weathersfield, Vermont,” described eighteen important wetlands. Wetlands are now increasingly recognized for their many values: flood water storage, plant and wildlife diversity, rare plant communities, water sources, recreation, and aesthetic qualities. Because listing all the wetlands in this study and all the wetlands in Weathersfield would have made the project too unwieldy, the WCC decided to include only 13 of those ≥ 10 acres. Two of Thompson’s names did not meet the state and federal naming requirements and she failed to list 5 wetlands that met the WCC’s size requirement. So in these cases, the WCC assigned names.

Finally, we reached out to Weathersfield residents for their suggestions and comments in a variety of ways. A table with a map and information was placed at the 2020 and 2022 annual public Town Meetings. Notices about the project were posted at two town post offices and two local stores. Articles were placed in local newspapers, in a letter-to-the-editor, and in the local Front Porch Forum. The Weathersfield Historical Society (WHS) became an invaluable partner by providing the historical context of most of the names, and the Society placed articles about this project in its member newsletter. Another significant partner, the Weathersfield Proctor Library (WPL), hosted a project display throughout the summer and early fall of 2020 and the spring of 2022. We made personal contacts with long-time Weathersfield residents from whom we garnered much history and lore about various waterways in town. To complete our outreach we contacted ethnohistorian John Moody, co-founder of the Institute For Indigenous Traditions, who gave us the source of three Abenaki waterway names.

Summary

In the accompanying petitions are 46 proposed waterway names. Table 1 lists all proposed names and the latitude and longitude of their outlets for locating on a map. Table 2 lists all streams named, the sources of the names, where the names are referenced, and their watershed areas. Following these is a more in depth description of each stream, including Variant Names. Table 3 lists all wetlands named with their sources, references, and areas. Following this table are more in depth descriptions of each feature, including Variant Names.. Table 4 lists the other waterways such as ponds, waterfalls, a spring, a gorge, and a gulf. Table 5 lists waterways already in GNIS to account for all the waterways studied. Appendix A is a map that shows these waterway locations.

Table 1. Names, feature class and outlet location of 46 waterways petitioned to be named through this project. Names are in alphabetical order within GNIS feature classes: falls 3; lake (ponds 2); spring 1; stream (brooks 25); swamp (wetlands 13) and valley (gorge 1 and gulf 1).

Name	GNIS Feature Class	Latitude (mouth)	Longitude (mouth)
Amsden Falls	falls	43.4057	-72.5054

Blakeslees Falls	falls	43.3794	-72.4171
Perkinsville Falls	falls	43.3733	-72.5113
Barkmill Pond	lake	43.3486	-72.4333
Beaver Pond	lake	43.4093	-72.4642
Great Spring	spring	43.3771	-72.5394
Aldrich Brook	stream	43.3539	-72.4998
Baltimore Brook	stream	43.3317	-72.5195
Center Brook	stream	43.4188	-72.4481
Chapin Brook	stream	43.3479	-72.5017
Chittenden Brook	stream	43.3429	-72.5292
Clark Brook	stream	43.4106	-72.4116
Crown Point Brook	stream	43.4184	-72.5180
Encampment Brook	stream	43.3701	-72.5111
Filley Brook	stream	43.4167	-72.4973
Haskell Brook	stream	43.3341	-72.4093
Lavigne Brook	stream	43.4018	-72.4271
Little Ascutney Brook	stream	43.4244	-72.4945
Nichols Brook	stream	43.3702	-72.4932
Nile Brook	stream	43.3402	-72.5098
Peabody Brook	stream	43.3438	-72.5082
Plains Brook	stream	43.3827	-72.4987
Quarry Brook	stream	43.4129	-72.4194
Richards Brook	stream	43.4107	-72.4116
Roaring Brook	stream	43.4338	-72.4081
Schoolhouse Brook	stream	43.3693	-72.5143
Sherman Brook	stream	43.7834	-72.4159
Spencer Brook	stream	43.4073	-72.5073
Spinning Wheel Brook	stream	43.4131	-72.4512
Turnpike Brook	stream	43.4114	-72.4909
Youngs Brook	stream	43.4332	-72.4923
Aldrich Wetland	swamp	43.3621	-72.4647
Barkmill Wetland	swamp	43.3488	-72.4248
Beaver Pond Wetland	swamp	43.4042	-72.4637
Bowen Road Wetland	swamp	43.3428	-72.4406
Downers Wetland	swamp	43.4019	-72.5131
Jensen Wetland	swamp	43.3535	-72.5237
Kendricks Wetland	swamp	43.3534	-72.5241
Little Ascutney Wetland	swamp	43.4198	-72.5137
Lottery Lane Wetland	swamp	43.4073	-72.5075
North Branch Wetland	swamp	43.4073	-72.5075
North Springfield	swamp	43.2046	-72.3024

Reservoir Wetland			
Schoolhouse Wetland	swamp	43.3681	-72.5178
Stoughton Wetland	swamp	43.3835	-72.5019
Barkmill Gorge	valley	43.3588	-72.4122
Hidden Glen Gulf	valley	43.4036	-72.4066

Table 2. Names, sources of names, references, and watershed sizes of the 25 streams (brooks) petitioned to be named through this project. All of these names have “Brook” on the end and are listed alphabetically.

Brook Name	Source of Name	References	Watershed Size (acres)
Aldrich	By early settler Joshua Aldrich’s mill and house	Butterfield 1940	1,683
Baltimore	Next to Baltimore Rd., headwaters are in neighboring town of Baltimore	SWCRPC 2016 Town of Weathersfield Transportation Map; Butterfield 1940	947
Center	Parallels Weathersfield Center Rd.	SWCRPC 2016 Town of Weathersfield Transportation Map; Butterfield 1940	922
Chapin	Passes by the house of Captain Gideon Chapin who settled in town in the 1780s	Butterfield 1940	576
Chittenden	Flows through the land of the early James Chittenden family	Butterfield 1940	2,355
Clark	Flows by the house of Deacon Gershom Clark, an early settler	Butterfield 1940	1,101
Crown Point	Flows east paralleling the 1759 Crown Point Military Road.	USGS Cavendish Quadrangle topo map 1972	1,139
Encampment	Named for a camp of Maj. John Hawkes as he traveled to Montreal in 1746 to ransom Indian captives	Edith Fisher Hunter 1989	1,139
Filley	Flows past early settler Elnathan Filley’s house	Suggested by M. Howard Beach who today resides in the brick house built by Filley	557
Haskell	Widow Sarah Haskell was a first settler on the Bow meadows	Butterfield 1940	473
Lavigne	Flows by the property of former resident Stanton Lavigne; parallels	SWCRPC 2016 Town of Weathersfield	243

	Lavigne Rd.	Transportation Map	
Little Ascutney	Flows west from the basin formed by Little Ascutney Mt., Pierson Pk. and hills to the north	USGS, Cavendish Quadrangle topo map 1972; Caduto, VT DEC	467
Nichols	Named after early settler Seth Nichols	Butterfield 1940	1,075
Nile	Flows by area known as "Little Egypt."	Butterfield 1940; Hunter 1975	570
Peabody	Near early settler Moses Peabody's house	Butterfield 1940	224
Plains	Flows in the Plains District valley north of the Plains Cemetery and parallels Plains Rd.	SWCRPC 2016 Town of Weathersfield Transportation Map	800
Quarry	Named for the 19 th century granite quarries on the southeast side of Mt. Ascutney	Butterfield 1940	467
Richards	In land owned by early settler Thomas Richards	Butterfield 1940	454
Roaring	A stream that flows over Blakeslees Falls and is listed in early deeds.	Butterfield 1940	736
Schoolhouse	By 1879 schoolhouse in Perkinsville, VT	USGS Chester Quadrangle topo map 1972	762
Sherman	Leonard Sherman had a mill on the brook in the 1800s	Butterfield 1940; Hunter 1989	2,445
Spencer	Flows by the house of early settler Luther Spencer	Butterfield 1940	461
Spinning Wheel	First factory in Windsor County to manufacture spinning wheels on this brook	Butterfield 1940	390
Turnpike	Flows from Turnpike Hill near where ran the historic Weathersfield Turnpike	Hunter 1989	332
Youngs	Flowed by the property of Young, an early settler	Butterfield 1940; John L. Hurd, 1975	966

Below are the three major Weathersfield watersheds into which flow the above named brooks. The locations, Variant Names, and sources of the names are presented in greater detail.

BLACK RIVER WATERSHED (The Black River is named in GNIS, appears on USGS topographic maps, and in the VT ANR Atlas so will not be petitioned here.)The brooks (Table 2) are noted starting from the northwest part of Weathersfield and moving to the southwest. See the map.

Little Ascutney Brook Levesque- Caduto, Marie. Personal Communication. May, 2020. Named in the VT DEC database. Located on the USGS/State of Vermont Geological Survey Cavendish

Quadrangle Map 1972, this tributary of Youngs Brook flows northwest out of the semi-circular basin called "The Great Bowl" (Butterfield 54). The basin is formed by Little Ascutney Mountain to the west and south, Pierson Peak to the east, and high hills on the Weathersfield-West Windsor town line to the north. While an exact Abenaki name for Little Ascutney was not found, the Abenaki name (Kaskakadenak) for Ascutney was and is presented as the nearest related Variant Name (Brown 134, 136).

Youngs Brook Located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972, it is a tributary of the North Branch Black River. With its headwaters in the southwest corner of the neighboring town of West Windsor, it flows south along Ascutney Basin Road in the area of land which had been sold at a tax sale to Samuel Young in 1813 for a previous owner's delinquent State taxes (Hurd 103, 121).

Crown Point Brook It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. As it flows east from its headwaters in the neighboring town of Cavendish, it roughly parallels the 1759 Crown Point Military Road (Butterfield, 1940 Map) and the present-day Tarbell Hill Road. It crosses under Route 106 and enters the North Branch Black River in the hamlet of Greenbush. M. Stankevich, nearby resident, (personal communication, May 13, 2021) gave to this brook the Variant Name "Shack Brook" which was a family name for as long as he could remember.

Sherman Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984 and the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. From its headwaters in "The Notch," a saddle between Pierson Peak and Big Ascutney Mountain and the towns of Weathersfield and West Windsor, its long, winding course drains the third largest watershed of these named brooks. It flows south along Ascutney Notch Road, under Henry Gould Road and State Route 131, parallels Piper Road, passes under Gulf Road, then turns west and passes under Plains Road, then under Route 131 again, and under Lottery Lane before flowing into the North Branch Black River upstream from the hamlet of Amsden. Butterfield writes that its name comes from Leonard Sherman who built a small dam and butter tub factory on it in the early 1800s (104).

Plains Brook It is located on the USGS Mt Ascutney Vermont-New Hampshire Topographic Map 1984. It drains the west side of Pikes Peak and flows in the wide valley west of Plains Road and north of the Plains Cemetery and is in the old Plains District (school). On account that it was not named by Butterfield, nor did it appear on any historic maps or USGS topo maps, the WCC assigned this name because of the named road, cemetery, and school district. It flows into the east side Stoughton Pond, USACE at the boat launch site of Crown Point Campground.

Nichols Brook It is located on the USGS Mt Ascutney Vermont-New Hampshire Topographic Map 1984 and the USGS Springfield Vermont-New Hampshire Topographic Map 1984. It flows southeast from the Cady Hill area and along Cady Hill Road to its outlet in the North Branch Black River below the Stoughton Pond Dam and upstream of where the North Branch flows into the Black River. It was named for early settler Seth Nichols (Butterfield, 1940).

Aldrich Brook It is located on the Springfield Vermont-New Hampshire topographic Map 1984. Butterfield (55,71) gives the Variant Names Boynton Brook and Barretts Brook for early mill owners near its outlet. Joshua Aldrich settled near the brook in 1798 and had a mill on the upper reaches of the stream (Butterfield, 73). It has the fourth largest watershed. From its headwaters on the west side of Camp Hill, it flows west crossing under the Weathersfield Center Road, flowing through the Aldrich mill site and the Springfield Reservoir. It crosses under Reservoir Road before flowing through the Boynton and Barrett mill sites in the SpringWeather Nature Area, USACE and then enters the Black River. The WCC assigned the Aldrich name because Butterfield had given 3 names for different stretches of the same brook.

Peabody Brook It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. A tributary of Aldrich Brook, it flows south from the east side of Butterfield Hill and Bull Run Hill into the Springfield Reservoir. Butterfield (73, 74) named it for early settlers Moses and William Peabody who had a houses on "the Ford Road," an early road west of the brook.

Chapin Brook It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984, it has its headwaters in the town of Springfield near the Weathersfield Center Road. First flowing north then abruptly turning west, it runs along the present-day Wellwood Orchard Road to pass under Reservoir Road before entering the North Springfield Reservoir, USACE in the SpringWeather Nature Area of the USACE. Captain Gideon Chapin settled along the road in the 1780s and Gideon Chapin Jr. had an inn and blacksmith shop there (Butterfield, 74).

Encampment Brook It is located on the USGS/State of Vermont Geological Survey Chester and Cavendish Quadrangle Maps 1972. Butterfield (74) relates that "Hawkes had his camp here while his scouts watched for Indian smokes from the top of the mountain above." Butterfield (55) also gives the Variant Names "Billings Brook" or "Holdens Brook" for individuals in the 1800s who had soapstone mining operations near Quarry Road along which Encampment Brook flows. Its headwaters are in the neighboring town of Baltimore draining the south side of Hawks (Hawkes) Mountain. This brook flows into the Black River in the village of Perkinsville.

Schoolhouse Brook It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. Unnamed on historic maps, USGS topo maps, and by Butterfield. It was

named by the WCC because it drains a watershed west of and next to the Perkinsville 1879 schoolhouse and meets the area requirement. It is a tributary of Encampment Brook.

Nile Brook It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. During the unusually cold year of 1816 when many of Weathersfield's farmers' corn crops failed to ripen, crops in the area of Kendrick's Corner survived because that area was warmer allegedly like that of Egypt. The area was called "Little Egypt" and therefore it followed that the brook flowing through this area became the Nile (Hunter 211, 212) The Nile flows southeast through a large wetland and under Route 106 along Kendrick's Corner Road, under Kendrick's Corner Road, and under a runway of Springfield's Hartness State Airport (USGS, Chester topo map) into the North Springfield Reservoir, USACE.

Baltimore Brook It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. It flows southeast from its headwaters on the southeast side of Hawks Mountain in the neighboring town of Baltimore and along Baltimore Road and under State Route 106 becoming a tributary of Chittenden Brook. Butterfield (55) gave the name for its place of origin and provided the Variant Name Piper Brook for the early settler in the area named Piper.

Chittenden Brook It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. From its headwaters on the southeast side of Hawks Mountain in the neighboring town of Baltimore, it flows southeast under State Route 106 and Route 10 into the neighboring town of Springfield to join Great Brook just before it enters the Black River. James Chittenden is listed as a free-holder in 1790 and had a house on this brook (Butterfield 38, 55).

MILL BROOK WATERSHED (Mill Brook is listed in GNIS, and shown on USGS topo maps and the VT ANR Atlas and so will not be petitioned to be named here. It is the largest watershed existing almost wholly in Weathersfield at 19,456 acres so it will be considered a major watershed and its many tributaries will be presented below. Mill Brook is a tributary of the Connecticut River with its outlet just south of Ascutney village.)

The brooks (Table 2) are noted from west to east as they flow into Mill Brook.

Turnpike Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Because this brook was not named on Butterfield's map, nor any topo map, nor in GNIS, the WCC assigned this name. It flows south from the southwest flank of Mt. Ascutney to cross under State Route 131, then further under Gravelin Road and Gulf Road before it enters Mill Brook. Its name derives from the 1804 Weathersfield Turnpike which route followed Mill

Brook over Turnpike Hill to link Sumner's Ferry at the outlet of the Sugar River in Claremont, NH to the Mountain Turnpike in Cavendish, VT. Hunter relates that the present-day State Route 131 mostly follows the old turnpike route (Hunter 195).

Filley Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Not on Butterfield's map, nor any topo map, nor in GNIS. The WCC assigned this name. It drains Beaver Pond and Beaver Pond Swamp and the area south and west of Beaver Pond and Gravelin Road to pass under Beaver Pond Road as it descends to become a tributary of Turnpike Brook shortly before Turnpike Brook enters Mill Brook. Butterfield (94) recounts that Elnathan Filley had a brick house near the brook on what is now called Beaver Pond Road. This road was formerly locally called Filley Road (M. Howard Beach, personal communication) and the brook name was suggested by Beach, the current resident in the old Filley brick house.

Spencer Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. It has its headwaters high on the south flank of Mt. Ascutney near the Weathersfield-Windsor town line. It flows south along South Mountain Road and enters Mill Brook north of State Route 131. Butterfield (94) and Map (1940) named the brook after Luther Spencer who is shown with a dwelling there in 1790 at a place where the South Mountain Road splits with sections going east and west, although these sections fell out of use during the mid-1800s.

Spinning Wheel Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Named by Butterfield (55) for the first spinning wheel factory in Windsor County, it flows south from its headwaters high on the south flank of Mt. Ascutney paralleling Wheeler Camp Road and entering Mill Brook north of State Route 131.

Center Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Named by Butterfield (55), it flows north in the valley occupied by Little Canada Road, but also paralleling the Weathersfield Center Road further west, and its watershed drains the north-central part of town. It passes under Dan Jarvis Road and State Route 131 before entering Mill Brook north of the highway.

Lavigne Brook It is located on the USGS Mt. Ascutney Vermont –New Hampshire Topographic Map 1984. Not on Butterfield's map, nor on a topo map, nor in GNIS. The WCC assigned this name. Lavigne is a contemporary name for Stanton Lavigne who once lived near the brook and was deceased 10/6/1978. It flows north draining the northeast shoulder of Goulden Ridge before running along Lavigne Road into Mill Brook.

Clark Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Named by Butterfield (55) for early settler Deacon Gershom Clark, its watershed drains a

large area of northeast Weathersfield including the southeast flanks of Mt. Ascutney and the terrain along Thrasher Road. In its course it runs under Thrasher Road, Victory Drive, Cowdrey Road, Jason Smith Road, Interstate 91, and State Route 131 into Mill Brook along Hidden Glen Road.

Quarry Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. A tributary of Clark Brook, it drains the southeast flanks of Mt. Ascutney. It parallels an old haul road that brought blocks of granite from the quarries down to Thrasher Road in the late 18th and early 19th centuries. Butterfield's Map (1940) shows the relationship of the brook to the granite quarries.

Richards Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. It rises high on the southeast flanks of Mt. Ascutney in the Weathersfield Town Forest. It flows southeast beneath Interstate 91 and Thrasher Road before turning south and flowing in a deep ravine west of Ascutney village before becoming a tributary of Clark Brook. Butterfield (55, 199,101) has the brook named for Thomas Richards who first settled by the Connecticut River but then moved to the main road to Windsor.

DIRECT TRIBUTARIES OF THE CONNECTICUT RIVER (Table 2) South of Mill Brook from north to south. Butterfield's Dry Brook has too small a watershed to be listed and Blood Brook and Barkmill Brook are already listed in GNIS, shown on USGS Springfield Vermont-New Hampshire topo maps, and Vt ANR Atlas and so will not be listed here.

Roaring Brook It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. South of Dry Brook and north of Blood Brook, it drains the east side of Goulden Ridge and the area south of Goulden Ridge Road. It passes under Dake Road, Gird Lot Road, and Interstate 91 before flowing over Blakeslees Falls and beneath State Route 5 and then into the Connecticut River. Butterfield (55) states Roaring Brook is an old name and appears in the first deeds of the town.

Haskell Brook It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. South of the hamlet of Weathersfield Bow, it drains the east side of the ridge and the flat "Bow Meadows" south of the village. It flows south into the neighboring town of Springfield where it meets an unnamed Springfield brook before entering the Connecticut River. The first settlers in the "Meadows," Widow Sarah Haskell and her five sons, give their name to the brook (Butterfield 55, 1940 Map).

Table 3. Names, sources of names, references and areas of the 13 swamps (wetlands) to be named in this petition.

Name	Source of Name	Reference	Area Size (Acres)
Aldrich Wetland	Early settler Joshua Aldrich; in the headwaters of Aldrich Brook.	Thompson, 1992	10.75
Barkmill Wetland	On Barkmill Brook; the early bark-grinding mill on the brook.	Thompson, 1992; USGS, Springfield, Vermont-New Hampshire Quad Map, 1984.	18.0
Beaver Pond Wetland	Surrounding Beaver Pond and next to Beaver Pond Road.	Thompson, 1992; USGS, Mt. Ascutney, Vermont-New Hampshire Quad Map.	35.84
Bowen Road Wetland	For early settler Daniel Bowen Near Bowen Hill Road.	USGS, Springfield, Vermont-New Hampshire Quad Map, 1984.	12.77
Downers Wetland	Near site of Galan Downer's 19 th Century hotel.	Thompson, 1992.	12.46
Jensen Wetland	Named for John Jensen, a previous property owner.	Thompson, 1992	16.46
Kendricks Wetland	Named for the residence of early Dr. Ariel Kendrick.	Thompson, 1992; Butterfield, 1940.	29.87
Little Ascutney Wetland	Situated at the base of Little Ascutney Mountain.	Thompson, 1992.	12.0
Lottery Lane Wetland	Located on either side of Lottery Lane Road.	Cavendish Quad Map, 1972.	15.39
North Branch Wetland	Located along the North Branch Black River north of	Town of Weathersfield, Town	25.75

	the hamlet of Amsden.	Plan update, 2016, Water Resources and Flood Resilience Map – Draft.	
North Springfield Reservoir Wetland	Located along the Black River behind the Army Corps of Engineers Flood Control Dam.	VT DEC Tactical Basin Plan, 1918.	84.28
Schoolhouse Wetland	Borders Hoisington Field south and west of the former 1879 Perkinsville School.	Thompson, 1992; Chester Quadrangle Map, 1972.	22.65
Stoughton Wetland	Early settler Nathaniel Stoughton. Borders Stoughton Pond, USACE	Town of Weathersfield, Town Plan Update, 2016, Water Resources and Flood Resilience Map	29.80

The wetlands in the above table are described and located in greater detail below.

Aldrich Wetland It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984 on Aldrich Brook east of the Weathersfield Center Road. Called “Heron Rookery” by Thompson (10) because great blue herons nested there in 1992. The site has been abandoned by the herons because there are no longer any nesting trees, so the WCC renamed it Aldrich Wetland for early settler Joshua Aldrich (Butterfield, 55).

Barkmill Wetland It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984 east of upper Bowen Hill Road. This wetland was mapped by Thompson, but not named or described, so it was named by the WCC for the 19th century bark-grinding mill that was located on the brook Butterfield, 55). Barkmill Brook flows into and out from this wetland and the wetland surrounds Barkmill Pond.

Beaver Pond Wetland It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984 next to Beaver Pond Road. Thompson describes this as “one of the largest wetlands in Weathersfield” and “.one of Weathersfield’s most important natural areas” (18). The large area of open water, emergent vegetation, and sedge, grass, and shrub islands make it a waterfowl feeding and breeding area (Thompson, 19).

Bowen Road Wetland It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. Named for nearby Bowen Hill Road and early settler, Daniel Bowen, this is mostly a forested wetland which Thompson says is a “fine example” and calls

“moderately unusual”(27). Species diversity is high Thompson noted and the wetland is dominated by red maple, black ash, yellow birch, paper birch, and hemlock (28).

Downers Wetland It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972,. Found at the northeast corner of the Downers Corner highway intersection, Thompson, 21 states that this swamp is primarily a forested and shrub wetland that has been somewhat affected by road building and a powerline that crosses it, although the northern end has been least changed. It is the only wetland described with tamarack as a canopy tree. The name derives from Galan Downer who had a well-known hotel at the corners in the 1800s (Butterfield, 89).

Jensen Wetland It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. Named for the contemporary Jensen family, former owners of the property, John Jensen was deceased 5/10/1989 (Hunter, 1989). This wetland is an important waterfowl breeding area (Thompson, 18). Recent beaver activity raising the water level and threatening State Rte. 106, necessitated State Fish and Wildlife to place a “beaver baffle” water level control device in the outlet culvert to maintain the wetland while at the same time protecting the highway.

Kendricks Corner Wetland It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. Thompson, 22 describes it as a large shrub and emergent wetland important for bird and other wildlife habitat. It is named for early Dr. Ariel Kendrick who had his home nearby (Butterfield, 57) and the wetland borders Kendricks Road.

Little Ascutney Wetland It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. Thompson, 21 describes the wetland as having a drier western lobe and a wetter eastern lobe, each having slightly different plant associations. Because the eastern lobe borders the talus at the base of the steep Little Ascutney cliffs., she further states that cold air drainage from the talus may create a cooler microclimate accounting for cooler, wetter conditions in the eastern lobe (21).

Lottery Lane Wetland It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. Found where Sherman Brook flows into the North Branch Black Rivernoorth of the hamlet of Amsden, this wetland was not described by Thompson so it was named by the CC. Largely a shrub wetland, it is crossed by Lottery Lane, a town road.

North Springfield Reservoir Wetland It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972 bordering reservoir In the Black River behind the USACE flood control dam. This wetland is an altered wetland in that its size and fish and wildlife habitat value varies with the amount of water impounded during flood and non-flood water

management. In its stable configuration it can serve as a resting and breeding place for waterfowl and other wildlife. It was not described by Thompson, but is named in the Tactical Basin Plan of the VT DEC.

North Branch Wetland It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. It lies along the North Branch Black River between Little Ascutney Road and Vermont State Route 131 north of the hamlet of Amsden Hollow. This primarily shrub wetland was not described by Thompson so it was named by the WCC because it met the size requirement.

Schoolhouse Wetland It is located of the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. Called “Wetland Behind the School” by Thompson (17), the WCC shortened the name to the one here. It is named for the historic 1879 Perkinsville schoolhouse whose playground borders the wetland. Important because of its size, it also has diverse wetland vegetation types, with part of it a forested wetland with hemlock, red maple, and yellow birch (Thompson 17,18).

Stoughton Wetland It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. Lying at the north end of Stoughton Pond where the Pond is entered by the North Branch Black River, the Pond is managed by the USACE primarily as a recreation area, but is also utilized for flood water storage. Consequently, the wetland value may be altered as the water level changes. Thompson did not describe this wetland so the WCC named it for early settler, Nathaniel Stoughton (Butterfield, 87)..

Table 4. Sources of names and references for the 3 falls, 2 lakes (ponds), 1 spring, 2 valleys (1 gorge and 1 gulf) and named alphabetically according to GNIS feature class.

Name	Source of Name	Reference
Amsden Falls	19 th Century businessman Charles Amsden; on the North Branch Black River near Amsden Hollow Road.	Dunn, 2015; USGS, Cavendish Quadrangle Map, 1972
Blakeslees Falls	Named for early settler Aaron Blakeslee.	Butterfield, 1940.
Perkinsville Falls	In the village of Perkinsville on the Black River.	Dunn, 2015; USGS, Chester Quadrangle Map, 1972
Barkmill Pond	For an early bark grinding mill on the brook. Barkmill Brook flows into and out from the pond.	Caduto, 2020, VT DEC Map; USGS, Springfield, Vermont-New Hampshire Quad

		map,1984.
Beaver Pond	Unnamed and not in GNIS but shown on USGS topo and VT DEC map. Beaver Pond Road passes by it.	USGS, Mt. Ascutney, Vermont-New Hampshire Quad map, 1984; Caduto, 2020, VT DEC map.
Great Spring (Encampment Spring)	A reliable spring that is the headwaters of Encampment Brook.	Butterfield, 1940.
Barkmill Gorge	For an early bark grinding mill on the brook. Barkmill Brook flows through the gorge.	USGS, Springfield, Vermont-New Hampshire Quad Map, 1984.
Hidden Glen Gulf (Tuttles Gulf)	Hidden Glen Road passes through the gorge.	SWCRPC Transportation Map; Thompson, 1992.

The above waterways are described in greater detail below.

Amsden Falls It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. This series of small falls and cataracts is found on the North Branch Black River behind the former residence, store, mill and post office building built by businessman Charles Amsden in 1869. It is in the hamlet of Amsden Hollow on State Rte. 131. The drop in the river here powered a succession of mills beginning in the 1780s and through much of the 1800s. It was named by Dunn, 2015.

Blakeslees Falls It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. Dropping over a 30' precipice, this small falls on Roaring Brook is a popular local sight next to State Rte. 5 four miles south of the village of Ascutney. At the base of the falls, the brook flows under the highway and into the Connecticut River. Butterfield relates that it is named for Aaron Blakeslee, the second settler in Weathersfield, who built near the falls (79).

Perkinsville Falls It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. Found in the Black River in the village of Perkinsville, it is best seen from the end of Mill Road east and south of the State Rte. 106 bridge. These low falls or long series of cataracts are immediately below a breached dam that powered numerous 19th century mills.. Named by Dunn, 2015, a variant name is Black River Falls.

Barkmill Pond It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. It was named by the VT DEC on a map showing their water quality study sites (Caduto , email, November 3, 2020). It was not named in GNIS nor on any topo map. The USGS topo identified above, shows an unnamed pond surrounded by a large wetland into which, and out from which, flows Barkmill Brook. The name derives from the historic 1811 bark grinding mill located downstream from where Bowen Hill Road crosses the brook (Butterfield, 79).

Beaver Pond It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984, but not named, nor named in GNIS. It is named Beaver Pond on a VT DEC map (Caduto, email, November 3, 2020) Filley Brook flows into and out from the pond, which lies next to Beaver Pond Road. Butterfield's 1940 map gives the Variant Name, Gravelines Swamp, named for early settler Henry Graveline.

Great Spring It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972 . Butterfield 's 1940 Map places it at the headwaters of Encampment Brook while also referring to it by the Variant Name, Encampment Spring, where Hunter says that Col. John Hawkes camped near there on a mission to ransom Indian captives at Montreal in 1746 (Hunter, 37).

Barkmill Gorge It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. This small, narrow, deeply incised gorge is located on Barkmill Brook where the brook is crossed by Bowen Hill Road. It was the site of an early 19th Century bark-grinding mill that ground hemlock bark for a tannery (Butterfield, 55) in the nearby hamlet of Weathersfield Bow. It is not named in GNIS nor on any topographic map, and, therefore, was named by the WCC.

Hidden Glen Gulf It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. A quarter of a mile south of the village of Ascutney on State Route 5 is Hidden Glen Road which runs west along Mill Brook. The brook here is headed by a small gorge with cataracts that widens into a hemlock-shrouded, steep-sided ravine running along Hidden Glen Road The Variant Name Tuttle's Gulf derives from an early mill owner named Tuttle, so the WCC chose the feature name "Gulf" to describe this area.

Table 5. Waterways in Weathersfeld already named in GNIS: 2 falls; 1 lake (pond); 2 reservoirs: and 6 streams (brooks and rivers) listed alphabetically by GNIS feature class. These already have official names in GNIS, so no action is needed. They are listed and described only to give a complete accounting of all Weathersfield waterways.

Name	Source of Name	Reference
Cascade Falls	GNIS, USGS topo	Butterfield, 1940; Ascutney Trails Association, 1967
Little Cascade Falls	GNIS	Dunn, 2015; Parsons and Watson, 2010
Stoughton Pond	GNIS, USGS topo	GNIS, USGS Springfield Vermont –New Hampshire topo, 1984
North Springfield Reservoir	GNIS, USGS topo	GNIS, USGS Chester topo
Springfield Reservoir	GNIS, USGS topo	Butterfield, 1940; USGS Springfield Vermont-New Hampshire topo, 1984
Barkmill Brook	GNIS, USGS topo	Butterfield, 1940
Blood Brook	GNIS, USGS topo	Butterfield, 1940
Mill Brook	GNIS, USGS topo	Butterfield, 1940
Black River	GNIS, USGS topo	Butterfield, 1940; Richardson, 1991; Moody, 2020; CRJC, 2017
North Branch Black River	GNIS, USGS topo	Butterfield, 1940; Hunter, 1989
Connecticut River	GNIS, USGS topo	Butterfield, 1940; Moody, 2020; CRJC, 2017

Sources and descriptions of the above waterways are given below.

Cascade Falls: It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. A small brook in the Mill Brook headwaters falls 84 feet over a 30 foot wide ledge to form this falls in Mt. Ascutney State Park. A hike of 1.1 miles from the trailhead for the Weathersfield Trail brings one to the top of the falls which, in addition to the view, is a regionally important geologic site. A turn from State Route 131 onto Cascade Falls Road, thence to High Meadow Road brings one to the trailhead. The Variant Name “Worsters Falls” named for early settler, Thomas Worster, was given by Butterfield, 54. The Variant Name “Crystal Cascade” is a contemporary name of unknown origin. The falls are named “Cascade Falls” by the State of Vermont Agency of Natural Resources Department of Forests, Parks, and Recreation in their Mt. Ascutney State Park Recreational Guide, 2011.

Little Cascade Falls: It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. A small unnamed brook in the Mill Brook headwaters falls 60 feet over a series of drops to form this falls in Ascutney State Park. A hike of .4 miles from the trailhead for the Weathersfield Trail brings one to this falls. A turn from State Route 131 onto Cascade Falls Road, thence to High Meadow Road brings one to the trailhead. It is named in the State of Vermont Agency of Natural Resources Department of Forests, Parks, and Recreation in their Mt. Ascutney State Park Recreation Guide, 2011.

Stoughton Pond: It is located on the USGS/State of Vermont Geological Survey Cavendish Quadrangle Map 1972. It is a 56 acre pond constructed by the U.S. Army Corps of Engineers by damming the North Branch, Black River. Named and managed by the USACE, its purpose is to provide all-season day-use recreation. The name derives from Nathaniel Stoughton whose 1789 homestead was flooded by the pond.

North Springfield Reservoir: It is located on the USGS/State of Vermont Geological Survey Chester Quadrangle Map 1972. This large dam and impoundment were constructed by the U.S. Army Corps of Engineers in the period 1957 to 1960 and dams the Black River, covering over 1000 acres in the towns of Springfield, VT and Weathersfield, VT. Its drainage area covers 158 square miles. It has the dual functions of flood control and recreation. The name comes from the dam location in the nearby town of North Springfield.

Springfield Reservoir: It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. This dam and small reservoir, although lying wholly in the Town of Weathersfield, is on property owned by the Town of Springfield and was constructed in 1903 by the Town of Springfield for its drinking water supply. At its designed pool level, it covered 11 acres and drained 2.56 square miles, although it is no longer used for its original purpose and is now maintained at a lower pool level. It dams Aldrich Brook near Wellwood Orchard Road in Weathersfield.

Barkmill Brook: It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. This function name describes a mill used for grinding hemlock bark for a tannery owned by former U.S. Consul to Portugal William Jarvis (Butterfield, 54). It drains much of the eastern side of Camp Hill, has a watershed of 1,459 acres, and is a tributary of the Connecticut River.

Blood Brook: It is located on the USGS Springfield Vermont-New Hampshire Topographic Map 1984. A 19th century family named Blood (Butterfield, 55) lived near the outlet into the Connecticut River. There is the variant name "Pond Brook" (Butterfield, 55) because this stream drained Cooks Pond. Blood Brook has a watershed of 1,715 acres.

Mill Brook: It is located on the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. This function name has been given by Butterfield to this brook because it flowed through the area where the Proprietors located the first Mill Lot (55, 97). The watershed is 7,040 acres.

Black River It is located on the USGS/State of Vermont Geological Survey Chester and Cavendish Quadrangle Maps 1972. This descriptive name has been used by historians from the time of conflicts between English settlers and the French and their Native American allies in the mid to late 1700s for this historic Native American travel corridor (“we travailed upon ye Great River [Connecticut River] within two miles of ye Great Falls [Bellow Falls] in said river, then we went upon land to the Black River above ye great falls, went up that Black River and lodged about a mile-and-a-half from the mouth of the Black River, which days travail we judged was about ten miles.” (Richardson, 21). The CRJC provides the Abenaki name “Mkasawitekw” in its atlas (Brown) It has a watershed of 204 sq. mi..

North Branch Black River This geographical name is given on the USGS Cavendish Quadrangle topo map. The Variant Name, “The Branch” is given in Butterfield, 54) and the Variant Name, “Mill Branch” is given for historic mills near the hamlet of Amsden on the North Branch River (Butterfield, 54)). It flows from the neighboring towns of Reading and Cavendish into the northwestern part of Weathersfield, is a tributary of the Black River, and has a watershed of 19,456 acres.

Connecticut River It is located on USGS Springfield Vermont-New Hampshire Topographic Map 1984 and the USGS Mt. Ascutney Vermont-New Hampshire Topographic Map 1984. This geographic name derives from anglicized pronunciations of Indigenous Abenaki variant names QUONEHTACUT, or QUINATUCQUET (long tidal river) in Richardson (1991, p. 8). The CRJC in its atlas (Brown) gives the Indigenous Variant Name as “Kwanitekw.” It forms the eastern boundary of Weathersfield and has a watershed of 11,000 sq. mi.

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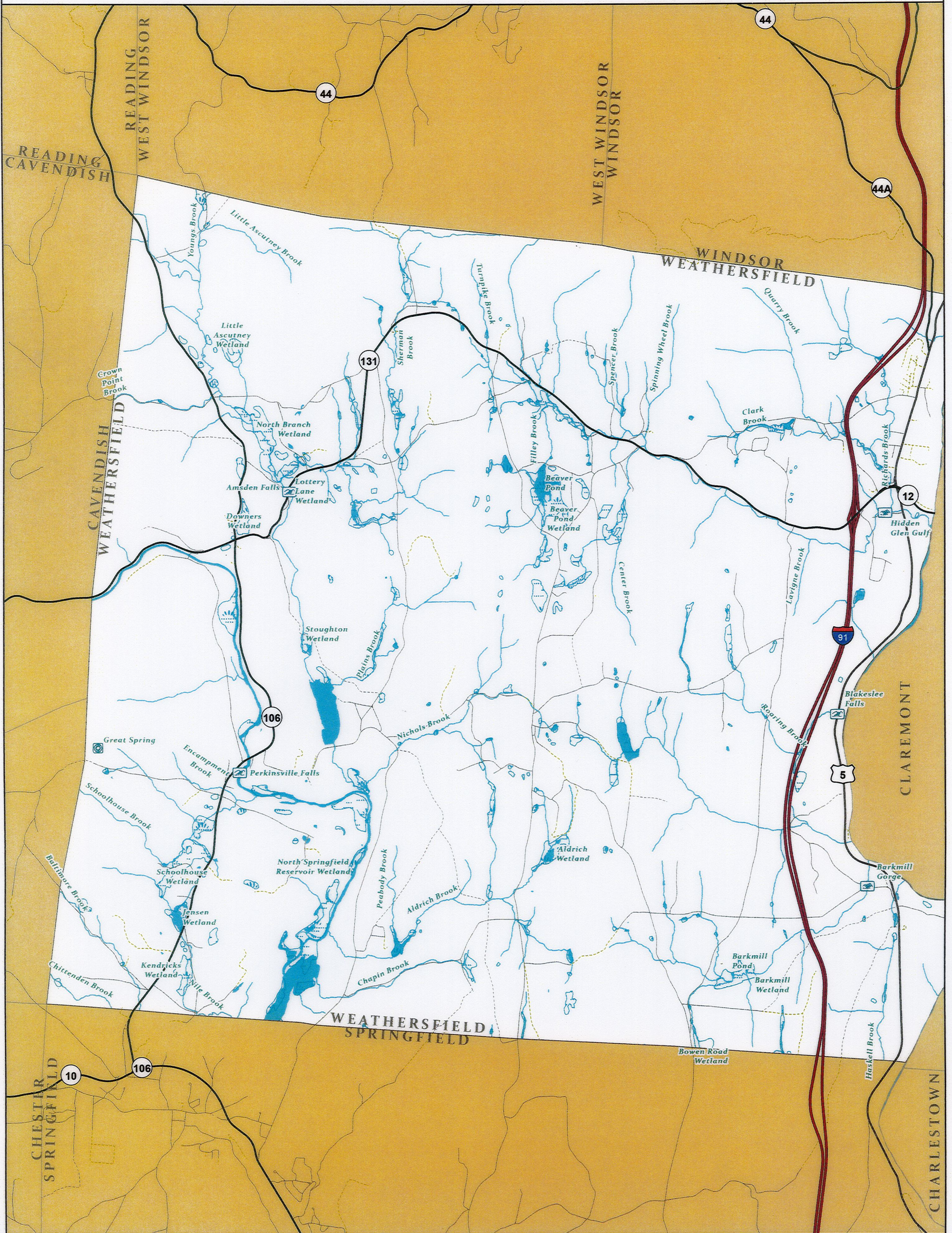
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802-738-6128

Appendix A: Town of Weathersfield, Vermont Waterway Renaming Project



0 0.5 1 1.5 Miles



PO Box 320, Ascutney, VT 05030
802-674-9201 www.marvct.org

Map drawn:
January 26, 2022



Data Sources:
Roads (VTrans, 2019), Boundaries (VCGI, 2016; NHGranit, 2009), Wetlands (ANR, 2016), Waterbodies derived from VHD (1999) with additions from the Weathersfield Conservation Commission.

- | | |
|--|---|
|  Waterfall |  Wetlands |
|  Gorge/Gulf |  River or Stream |
|  Spring |  Lake or Pond |

8.

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.

10.

Article 4: Specific Use Standards

4.22 Airport Uses

- a) **Purpose:** To allow for airport-related non-residential uses that further local economic goals and support the continued viability of the Hartness State Airport in a scale and intensity that is appropriate for Weathersfield and is compatible with the character of the area.
- b) **Applicability:** Airport uses are allowed on parcels within the RR1 Zoning District that have direct frontage on Airport Road or Runway Road, and are subject to conditional use review by the Zoning Board of Adjustment.
- c) **Standards:**
 - 1) All conditional use standards under Section 5.4 shall apply.
 - 2) All performance standards under Section 3.7 shall apply.
 - 3) Minimum side and rear setbacks for airport uses shall be 30 feet.
 - 4) Landscaping shall be required in order to provide adequate year-round screening of the proposed airport use from adjacent residential uses. A minimum landscaped area shall be provided along the front, side, and rear property 15 feet in width for the length of each property line. Landscaping shall include a mix of native shade and street trees, shrubs, planting beds and ground covers. Proposed landscaping and screening shall be designed to:
 - i. Preserve and incorporate existing vegetation and enhance unique landscape features.
 - ii. Be adequately suited to existing site conditions and integrated with adjacent properties.
 - iii. Screen the proposed airport use from the view of surrounding residential uses.
 - iv. Not obstruct scenic views or road visibility.
- d) **Decisions:** In making a decision about a proposed airport use, the ZBA may require certain conditions in order to meet the applicable bylaw standards, reduce or eliminate impacts, or protect the interests of the surrounding properties, neighborhood or Town as a whole. These conditions may include, but need not be limited to, the following:
 - 1) Business operations (e.g. hours of operation, frequency/time of use, trip generation, and truck traffic).
 - 2) Scale and intensity of the proposed airport use.
 - 3) Permanent maintenance of the required landscaping and screening.

Article 5: Development Review

5.1 Application Submission Requirements

An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality. Required application fees, as set by the Legislative Body, also shall be submitted with each application.

5.1.3 Conditional Use Review

Applications shall include the following:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record

and, in the case of a non-owner applicant, by the applicant;

- b) **Site Plan:** A site plan shall meet all of the requirements of Section 5.1.2(b).
- c) **Project Narrative:** A description of the proposed project shall be required as part of a complete application. Also required is a narrative that clearly and succinctly explains how the project meets all applicable Conditional Use standards.
- d) **Application Fees:** All applicable fees must be paid as part of a complete application.

5.1.4 PUD Review

Applications for PUDs must include the following, in addition to the information required for subdivisions:

- a) A brief summary of the project and how it meets the PUD standards in this section;
- b) A statement setting forth the nature of all proposed modifications, changes, or supplements required to the Zoning Bylaws by the proposal. Any such modification approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required and these shall be noted or appended to the plat;
- c) A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership, such as community facilities, private roads, and/or open spaces; and,
- d) Additional information required by the Planning Commission to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in Article 6, Article 8 and below.

5.2 Permitted Use Review

See Section 6.2.

5.4 Conditional Use Review

For development requiring one or more approvals from an Appropriate Municipal Panel prior to the issuance of a zoning permit, application information and fees as required for such approvals shall be submitted concurrently with the application for a zoning permit and referred to the Administrative Officer.

Conditional Use Process:

Applicant applies to the Administrative Officer, who must refer the application because conditional use approval is required.

The applicant must then ask the Zoning Board of Adjustment to schedule a public hearing on the issue, and such hearing must be held within thirty (30) days of such request.

The Board of Adjustment shall act to approve or disapprove any such request for conditional use within 45 days after the date of the final public hearing and failure to so act within such period shall be deemed approved.

The Board will base its decision on whether the proposed use will result in an undue adverse effect on:

- a) the capacity of existing or planned community facilities;
- b) the character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located;
- c) traffic on roads and highways in the vicinity;
- d) ordinances then in effect;
- e) utilization of renewable energy resources;

- f) as well as whether all applicable general and special provisions of these Bylaws would be met.

The Board may attach certain additional requirements or conditions to a permit. After such decision is made, the applicant shall have fourteen (14) days to present the conditional use approval and conditions to the Administrative Officer along with an application for a zoning permit. Appeals from a decision of the Board of Adjustment are filed in the Environmental Court.

A performance bond or other surety may be required by the Zoning Board of Adjustment for a conditional use permit. The amount, term and conditions of forfeiture shall be stated in the decision which requires the surety and shall be reflected in the surety contract. The surety contract shall be satisfactory to the Administrative Officer as to form, sufficiency and manner of execution, and shall be filed with the Town Clerk.

5.6 Planned Unit Development

In accordance with the provisions set forth in Section 4417 of The Act, Planned Unit Developments (PUDs) are allowed to permit flexibility in the application of the Zoning Bylaws for the purposes of Section 4302 of The Act and in conformance with the Weathersfield Town Plan. Residential PUDs, also known as Planned Residential Development (PRD), are considered as a type of PUD for the purposes of these Bylaws.

5.6.1 Purpose

- a) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
- b) To implement the policies of the municipal plan, such as the provision of affordable housing.
- c) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- d) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
- e) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- f) To provide for efficient use of public facilities and infrastructure.
- g) To encourage and preserve opportunities for energy-efficient development and redevelopment.

5.6.2 Applicability

- a) The PUD provisions may be applied to any land development in any zoning district within the Town of Weathersfield at the request of the applicant.
- b) Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

5.6.3 PUD Review Procedures

- a) Complete applications for PUDs must include the information specified in Section 5.1.

- b) PUD applications are subject to approval by the Planning Commission in accordance with the requirements of Section 5.6 in these Bylaws.
- c) Applications for PUDs must be reviewed simultaneously with application for subdivision review in accordance with Weathersfield's Subdivision Regulations, as most recently amended.
- d) Approval granted under this section for a PUD that involves the development of one or more uses requiring approval under site plan review (Section 5.3) or conditional use review (Section 5.4) does not exempt the proposed development from both review processes, although applications for PUDs may be reviewed concurrently.

5.6.4 General Standards

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

- a) PUD is consistent with Town Plan.
- b) The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations.
- c) All Site Plan Review requirements in Section 5.3 have been met.
- d) The PUD is an appropriate and unified treatment for the proposed development.
- e) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- f) The development will not place an undue burden on municipal services.
- g) State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- h) Adequate water supply and sewage disposal facilities are provided.

5.6.5 Standards for Residential PUDs

- a) The total number of dwelling units in any Residential PUDs must not exceed 125% of the number of lots into which the parcel could be legally subdivided based upon minimum lot size requirements of these Bylaws.
- b) Only residential and residential accessory uses shall be permitted within a Residential PUD.
- c) Of the land left open within the Residential PUD for common usage or ownership, no more than 25% shall be developed for community facilities (excluding subsurface installations), access road, parking areas, or recreational structures.

5.6.6 Modification of Zoning Regulations

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

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

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

5.6.7 Decisions

At the time of PUD approval, the Planning Commission shall include in its decision a clear indication of all approved modifications of development standards, and may include conditions related to the location, scale, density, intensity, overall design of future development within the PUD, and/or posting of performance bonds for the completion of public facilities such as roads and water and sewer systems.

5.6.8 Legal Requirements

- a) Preserved open space shall be dedicated, either in fee or through a conservation easement to the Town, a community association comprising all of the present and future owners of lots or dwellings in the project, or a non-profit land conservation organization. The Zoning Board of Adjustment shall approve such easement.
- b) Formation of a homeowners association or similar legal arrangement must be required as a condition of approval for a PUD that includes privately-owned roads, common open space and/or common buildings, or infrastructure or facilities in order to ensure their ongoing maintenance. The obligations to maintain the common improvements must be clearly outlined in the property deeds of all affected owners. Specifically, each deed must have a clause stating the town is not responsible for maintenance or improvements of private roads or common land, buildings or infrastructure. Costs incurred by the town because of default on the part of the association or an owner shall be a lien on the property of the association or owner(s).

5.7 Flood Plains and Floodways

5.7.1 Statutory Authorization and Effect

In accordance with 10 V.S.A. Chapter 32, and 24 V.S.A. Chapter 117 §4424, §4411 §4414, there is hereby established a bylaw for areas at risk of flood damage in the Town of Weathersfield, Vermont. Except as additionally described below, all administrative procedures follow municipal procedures under 24 VSA Chapter 117.

5.7.2 Statement of Purpose

It is the purpose of this bylaw to:

- A. Implement the goals, policies, and recommendations in the municipal plan;
- B. Avoid and minimize the loss of life and property, the disruption of commerce, the impairment of the tax base, and the extraordinary public expenditures and demands on public services that result from flooding related inundation and erosion;
- C. Ensure that the selection, design, creation, and use of development in hazard areas is reasonably safe and accomplished in a manner that is consistent with public wellbeing, does not impair fluvial geomorphic equilibrium, flood plain services, and ensures that cumulative development in the hazard zone does not adversely affect others;
- D. Manage all flood hazard areas designated pursuant to 10 V.S.A. Chapter 32 § 753; the municipal hazard mitigation plan; and make the Town of Weathersfield, its citizens, and businesses eligible for federal flood insurance, federal disaster recovery funds, and hazard mitigation funds as may be available.

5.7.3 Other Provisions

A. Precedence of Bylaw

The provisions of these flood hazard bylaws shall not in any way impair or remove the necessity of compliance with any other local, state, or federal laws or regulations. Where this flood hazard

regulation imposes a greater restriction the provisions here shall take precedence.

B. Validity and Severability

If any portion of this bylaw is held unconstitutional or invalid by a competent court, the remainder of this bylaw shall not be affected.

C. Warning of Disclaimer of Liability

This bylaw does not imply that land outside of the areas covered by this bylaw will be free from flood or erosion damages. This regulation shall not create liability on the part of the Town of Weathersfield, or any municipal official or employee thereof, for any flood or erosion damages that result from reliance on this regulation, or any administrative decision lawfully made hereunder.

5.7.4 Lands to Which these Regulations Apply

A. Regulated Flood Hazard Areas

These regulations shall apply to the River Corridors and Special Flood Hazard Areas (hereafter called "hazard areas") in the Town of Weathersfield, Vermont as described below. These hazard areas overlay any other existing zoning districts and the regulations herein are the minimum standards that must be met before meeting the additional standards applicable in the underlying district. These hazard areas include:

1. River Corridors:

- a) River Corridors as mapped and published by the Vermont Agency of Natural Resources, as most recently amended, are hereby adopted by reference.
- b) Where River Corridors are not mapped, the standards in 5.7.6 C shall apply to the area measured as fifty (50) feet from the top of the stream bank or the top of slope in steep valleys with no bank top.

[Note that stream buffer provisions also apply in accordance with Section 3.2.8.]

2. **Special Flood Hazard Areas** in and on the most current flood insurance studies and maps published by the Department of Homeland Security, Federal Emergency Management Agency, National Flood Insurance Program, as provided by the Secretary of the Agency of Natural Resources pursuant to 10 V.S.A. Chapter 32 § 753, which are hereby adopted by reference and declared to be part of these regulations.

B. Base Flood Elevations and Floodway Limits in Special Flood Hazard Areas

Where available, base flood elevations and floodway limits provided by the National Flood Insurance Program and in the Flood Insurance Study and accompanying maps shall be used to administer and enforce these regulations. In Special Flood Hazard Areas where base flood elevations and/or floodway limits *have not* been provided by the National Flood Insurance Program in the Flood Insurance Study and accompanying maps, it is the applicant's responsibility to develop the necessary data. Where available, the applicant shall use data provided by FEMA, or State, or Federal agencies.

C. Interpretation

The information presented on any maps, or contained in any studies, adopted by reference, is presumed accurate.

1. If uncertainty exists with respect to the boundaries of the Special Flood Hazard Area or the floodway, the location of the boundary shall be determined by the Zoning Administrator (ZA). If the applicant disagrees with the determination made by the ZA, a Letter of Map Amendment from FEMA shall *constitute proof*.
2. If uncertainty exists with respect to the boundaries of the River Corridor, the location of the boundary shall be determined by the ZA. If the applicant disagrees with the determination made by the ZA, a letter of determination from the Vermont Agency of Natural Resources shall *constitute proof*.

5.7.5 Development Review in Hazard Areas

A. Permit

A permit is required from the Administrative Officer for all development in all areas defined in Section 5.7.4 as indicated below. Development that requires conditional use approval, non-conforming use approval, or a variance from the Zoning Board of Adjustment (ZBA) under these flood hazard regulations, must have such approvals prior to the issuance of a permit by the ZA. Any development subject to municipal jurisdiction in the designated hazard areas shall meet the criteria in Section 5.7.5 and 5.7.6. Any permit issued will require that all other necessary permits from State or Federal Agencies have been received before work may begin.

B. Permitted Use Review

For the purposes of review under these regulations, the following development activities in the River Corridor and/or Special Flood Hazard area where outside of the floodway, and meeting the Development Standards in Section 5.7.6, require only an administrative permit from the ZA:

Special Flood Hazard Areas:	River Corridors:
(1) Non-substantial improvements to existing buildings;	(1) At-grade parking for existing buildings
(2) Small accessory structures;	(2) Small accessory structures;
(3) New or replacement fuel storage tanks;	(3) Channel management activities; and,
(4) New or replacement building utilities;	(4) New or replacement bridges and culverts.
(5) New or replacement bridges and culverts;	
(6) At-grade parking for existing buildings; and,	
(7) Recreational vehicles, provided they are fully licensed and ready for highway use.	

C. Prohibited Development in Special Flood Hazard Area and River Corridors

Special Flood Hazard Areas:	River Corridors:
(1) Junk yards or outdoor storage;	(1) Junk yards or outdoor storage;
(2) New manufactured home parks; and,	(2) New manufactured home parks;
(3) New fill/piers except as necessary to elevate structures to the required elevation.	(3) New fill/piers except as necessary to elevate structures to the required elevation;
(4) New development within the Floodway except as allowed in Section 5.7.6(B).	(4) New residential or non-residential structures (including the placement of manufactured homes), except as allowed under Section 5.7.6(C)(3); and,
	(5) New encroachments, except for floodplain restoration projects; channel management activities; health and safety measures; public utilities; and minor improvements to existing structures or relating to bridges, culverts, roads.

D. Conditional Use Review

Conditional use review and approval by the ZBA is required prior to the issuance of a permit by the ZA for the following proposed development:

Special Flood Hazard Areas:	River Corridors:
(1) New buildings;	(1) New residential or non-residential structures (including the placement of manufactured homes) as allowed for under Section 5.7.6(C)(3);
(2) Substantial improvement of existing buildings;	(2) Any increase in footprint to existing structures;
(3) Non-substantial improvement to existing buildings within a floodway;	(3) New fill/piers necessary to elevate structures to the required elevation;
(4) Development in a floodway;	(4) New or replacement water supply or septic systems;
(5) Recreational vehicles that are to be used as single-family dwellings;	(5) Grading, excavating or fill;
(6) Any increase in footprint to existing structures;	(6) Rebuilding an existing structure; and,
(7) New or replacement water supply or septic systems;	(7) Recreation facilities in accordance with Section 5.7.6(C).
(8) Grading, excavating or fill;	
(9) Rebuilding after substantial damage;	
(10) Roadway improvements;	
(11) Subdivisions;	
(12) Channel management; and,	
(13) All other development as defined in Article 7 that is not allowed under permitted use review or exempted under Section __.	

E. Exempted Activities

The following are exempt from regulation under Section 5.7 of this bylaw:

1. Insignificant activities and/or repairs as defined in Article 7;
2. Maintenance of existing roads and existing stormwater drainage systems;
3. Agricultural activities conducted in accordance with the Vermont Department of Agriculture’s Required Agricultural Practices;
4. Silvicultural (forestry) activities conducted in accordance with the Vermont Department of Forests and Parks Acceptable Management Practices;
5. Facilities owned and operated by the State of Vermont in accordance with 24 V.S.A.

§4413;

6. Public utility power generating plants and transmission facilities that are regulated under 30 V.S.A. §248.
7. Improvements to an existing structure – located within a River Corridor, but not within the Special Flood Hazard Area – that does not involve an increase in the existing footprint.

F. Variances

Variances may be granted in writing by the ZBA only in accordance with all the criteria in 24 V.S.A. § 4469, and 44 CFR Section 60.6, after a public hearing noticed as described in Section VIII.

In addition:

1. A variance for development within the River Corridors may be allowed if, based on a review by VT ANR, it is determined that the proposed development will not obstruct the establishment and maintenance of fluvial geomorphic equilibrium for the watercourse.
2. Any variance issued in the Special Flood Hazard Area will not increase flood heights or velocities, and will inform the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood elevation increases risk to life and property and will result in increased flood insurance premiums up to amounts as high as \$25 for \$100 of coverage. Such notification shall be maintained with a record of all variance actions.

G. Nonconforming Structures and Uses

In addition to meeting the nonconformity provisions in Section 3.4 of these bylaws, the ZBA may, after public notice and hearing, approve the repair, relocation, replacement, or enlargement of a nonconforming structure within a hazard area provided that:

1. The proposed development is in compliance with all the Development Standards in Section 5.7.6 of this bylaw;
2. A nonconforming structure within the Special Flood Hazard Area that is substantially damaged or destroyed may be reconstructed in place only in circumstances when the structure cannot be relocated to a less hazardous location on the parcel. For structures within the SFHA, the lowest floor of the reconstructed structure must be rebuilt to one foot or more above the base flood elevation, and the structure must otherwise comply with all requirements of the National Flood Insurance Program;
3. A nonconforming structure within the River Corridor is subject to the provisions of Section 5.7.6(C)(3);
4. Nonconforming uses shall be considered abandoned where such structures or uses are discontinued for more than 12 months (Sec. 3.4.3 specifies 3 years); and
5. An individual manufactured home lot in an existing manufactured home park that is vacated shall not be considered a discontinuance or abandonment of nonconformity. Replacement manufactured homes must be placed so as to meet the development standards in this bylaw.

5.7.6 Development Standards

The criteria below are the minimum standards for development in the flood hazard areas. Where more than one zone or area is involved, the most restrictive standard shall take precedence, but all applicable standards apply. For example, a property that is located within both the River Corridor and Special Flood Hazard Area must avoid encroachment into the river corridor in accordance with Section 5.7.6(C), and the structure must also be elevated or flood-proofed and meet all other applicable flood hazard standards in accordance with Section 5.7.6(A).

A. Special Flood Hazard Area

1. *All development shall be:*
 - a. Reasonably safe from flooding;
 - b. Designed, operated, maintained, modified, and adequately anchored to prevent flotation, collapse, release, or lateral movement of the structure;
 - c. Constructed with materials resistant to flood damage;
 - d. Constructed by methods and practices that minimize flood damage;
 - e. Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
 - f. Adequately drained to reduce exposure to flood hazards;
 - g. Located so as to minimize conflict with changes in channel location over time and the need to intervene with such changes; and,
 - h. Required to locate any fuel storage tanks (as needed to serve an existing building in the Special Flood Hazard Zone) a minimum of one foot above the base flood elevation and be securely anchored to prevent flotation; or storage tanks may be placed underground, if securely anchored as certified by a qualified professional.
2. In Zones AE, AH, and A1 – A30 *where base flood elevations and/or floodway limits have not been determined*, development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 1.00 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer.
3. *New, substantially improved or replacement primary structures in the special flood hazard area* must not increase base flood elevations or flood velocities. Such development shall not be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated encroachment, will not increase the base flood elevation more than 0.1 foot at any point within the community. The demonstration must be supported by technical data that conforms to standard hydraulic engineering principles and certified by a licensed professional engineer; or,
 - a. the proposal provides compensatory storage for floodwater (in the same reach and at elevations up to one foot above the base flood elevation) to offset the impacts of the proposal. A volumetric analysis and supporting data must be provided by the applicant and certified by a registered professional engineer; or,
 - b. The volumetric analysis will be waived for replacement or relocated primary structures where the proposal indicates no increase in the structure's footprint; or for new structures proposing a lowest floor elevation of at least two feet above the base flood elevation, an open foundation design, and no new fill.
4. *New, substantially improved, rebuilt or relocated structures* in Zones A, A1-30, AE, and AH shall be located such that the lowest floor is at least one foot above base flood elevation, this must be documented, in as-built condition, with a FEMA Elevation Certificate;
5. *New or substantially-improved non-residential structures* shall:
 - a. Meet the standards in 5.7.6(A)(4); or,
 - b. Have the lowest floor, including basement, together with attendant utility and sanitary facilities be designed so that two feet above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy; A permit for flood proofing shall not be issued until a licensed professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.

6. *Fully enclosed areas below grade* on all sides (including below grade crawlspaces and basements) are prohibited.
7. *Fully enclosed areas that are above grade*, below the lowest floor, below BFE and subject to flooding, shall
 - a. Be solely used for parking of vehicles, storage, or building access, and such a condition shall clearly be stated on any permits; and,
 - b. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Such designs must be certified by a licensed professional engineer or architect, or meet or exceed the following minimum criteria: A minimum of two openings on two walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
7. *Recreational vehicles* must be registered and ready for highway use;
8. A *small accessory* structure of 500 square feet or less that represents a minimal investment need not be elevated to the base flood elevation in this area, provided the structure is placed on the building site so as to offer the minimum resistance to the flow of floodwaters and shall meet the criteria in 5.7.6(A)(6) above.
9. *Water supply systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems.
10. *Sanitary sewage systems* shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
11. *On-site waste disposal systems* shall be located to avoid impairment to them or contamination from them during flooding.
12. *The flood carrying and sediment transport capacity* within the altered or relocated portion of any watercourse shall be maintained, and any alteration or relocation shall not result in any decrease of stream stability;
13. *Bridges and culverts*, which by their nature must be placed in or over the stream, must have a stream alteration permit from the Agency of Natural Resources where applicable.
14. *Subdivisions and Planned Unit Developments must be accessible by dry land access* outside the special flood hazard area.
15. *Existing buildings, including manufactured homes, to be substantially improved in Zone AO* shall have the lowest floor, including basement, elevated above the highest adjacent grade, at least as high as the depth number specified on the community's FIRM, or at least two feet if no depth number is specified.
16. Minor above-ground improvements outside of the floodway, such as poles or fences that minimally displace or divert floodwaters, do not require compensatory storage.

B. Floodway Areas

1. New encroachments within the regulatory floodway, except for minor improvements to existing structures or relating to bridges, culverts, roads, stabilization projects, access to water, public utilities or health and safety measures, are prohibited.

2. Encroachments or development above grade and less than one foot above the base flood elevation, are prohibited unless hydrologic and hydraulic analyses are performed in accordance with standard engineering practice, by a licensed professional engineer, certifying that the proposed development will:
 - a) Not result in any increase in flood levels (0.00 feet) during the occurrence of the base flood;
 - b) Not increase flood velocities; and
 - c) Not increase flood or erosion risk to surrounding properties, facilities, or structures.
3. Public utilities may be placed underground, and the analyses may be waived, where a licensed professional engineer certifies that there will be no change in grade and the utilities will be adequately protected from scour.
4. For any proposed encroachment within the regulatory floodway where hydrologic and hydraulic analyses are required, the applicant should provide a FEMA Conditional Letter of Map Revision (CLOMR) as proof to demonstrate that the proposed activity, if completed as proposed, will not result in any increase in flood levels (0.00') during the occurrence of the base flood.

C. River Corridors

1. *All development* in River Corridors is subject to the following standards:
 - a. Development shall not increase the susceptibility of that or other properties to fluvial erosion damage;
 - b. Development shall not increase the potential of materials being swept onto other lands or into the stream and causing damage to other properties from fluvial erosion; and,
 - c. Development shall not cause an undue burden on public services and facilities including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
2. Except as provided for in Section 5.7.5 and Section 5.7.6(C)(3), new development shall not be allowed within the river corridor.
3. The following types of development are allowable within the River Corridor subject to the applicable standards:
 - a. The replacement of structures within a comparable footprint of legally existing structures or immediately adjacent to an existing structure, provided that the replacement structure is no closer to the river than the structure that is being removed.
 - b. Redevelopment and infill development within State-Designated Village Centers is subject to conditional use review by the ZBA, and shall meet the performance standards in subsection d below provided that the distance between the redevelopment or infill development and the river or stream is no less than the shortest distance between immediately adjacent existing above ground development and such river or stream.
 - c. Development within or adjacent to areas of existing development is subject to conditional use review by the ZBA, and shall meet the performance standards in subsection d below provided that the proposed development will not cause or contribute to fluvial erosion hazards.

d. One of the following performance standards must be met for all developments under Sections 5.7.6(C)(3) (b) and (c):

1) **In-Fill Between Existing Development:**

Development must be located no closer to the channel than the average of the adjacent existing primary structures, within a gap that is no more than 300 feet, or 50 feet from top of bank, whichever is greater (see Figure 1).

Appendix A of the *Vermont DEC Flood Hazard and River Corridor Procedures* shall be used as guidance to meet this performance standard; or,

2) **Down-River Shadow:**

New development that is proposed adjacent to existing structures shall be located in the shadow area directly behind and further from the channel than the existing structure, or within 50 feet to the downstream side and no closer to the top of bank; below-ground utilities may be placed within the same shadow dimensions of an existing below-ground system (see Figure 2). Appendix B of the *Vermont DEC Flood Hazard and River Corridor Procedures* shall be used as guidance to meet this performance standard.

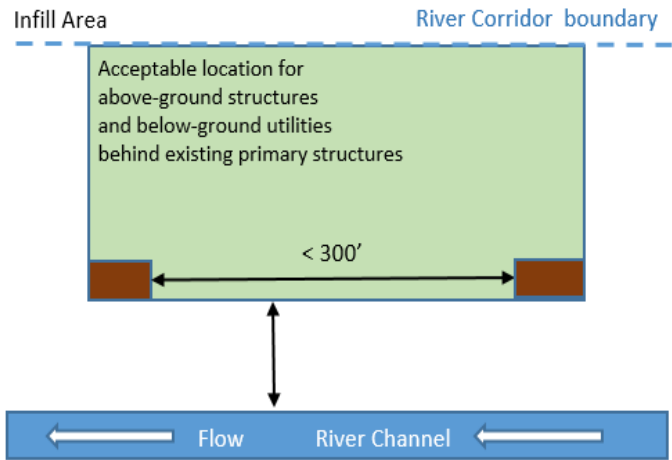


Figure 1: In-fill Development Standard

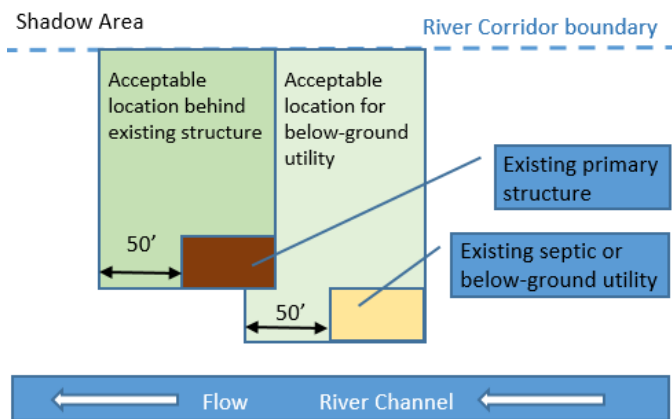


Figure 2: Shadow Area Development Standard

e. Accessory structures may be located within 50 feet of the existing primary building provided that the location does not decrease the distance between the existing primary structure and the top of bank.

f. Additions to existing structures shall not decrease the distance between the existing primary building and the top of bank.

g. Any improvements to existing buildings or the associated fill as needed to comply with elevation requirements in the Special Flood Hazard Area shall not decrease the distance between the existing primary building and the top of bank.

h. Public recreation facilities that represent a minor investment, such as soccer fields, snowmobile trails, hiking or mountain bicycling trails, or multi-use paths, as long as they meet the standards in subsection (C)(1) above. Recreational-related structures such as public bathrooms, stadiums, concession stands and similar buildings must meet the same standards for structures.

4. Bridge, culvert, roadway and utility crossings, and channel management projects are allowed as authorized by a Stream Alteration Permit from the Agency of Natural Resources. A copy of the Stream Alteration Permit shall be provided as part of a complete

application in order to demonstrate that the project meets the applicable standards.

5.7.7 Administration

A. Application Submission Requirements

Applications for development shall include:

1. Where applicable, a site plan that depicts the proposed development, all water bodies, special flood hazard areas, floodways, river corridors, the shortest horizontal distance from the proposed development to the top of bank of any stream, any existing and proposed drainage, any proposed fill, and pre and post development grades, and the elevation of the proposed lowest floor, as referenced to the same vertical datum as the elevation on the current Flood Insurance Rate Maps;
2. A Vermont Agency of Natural Resources Project Review Sheet for the proposal. The Project Review Sheet shall identify all State and Federal agencies from which permit approval is required for the proposal, and shall be filed as a required attachment to the municipal permit application. The identified permits, or letters indicating that such permits are not required, shall be submitted to the ZA and attached to the permit before work can begin;

B. Referrals

1. Upon receipt of a complete application for new construction, a substantial improvement or development in the floodway, the ZA shall submit a copy of the application and supporting information to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, in accordance with 24 V.S.A. § 4424. A permit may be issued only following receipt of comments from the Agency, or the expiration of 30 days from the date the application was mailed to the Agency, whichever is sooner.
2. If the applicant is seeking a permit for the alteration or relocation of a watercourse, copies of the application shall also be submitted to the adjacent communities, the Stream Alteration Engineer at the Vermont Agency of Natural Resources, and the Army Corps of Engineers. Copies of such notice shall be provided to the State National Flood Insurance Program (NFIP) Coordinator at the Vermont Agency of Natural Resources, Department of Environmental Conservation. A permit may be issued only following receipt of comments from the Vermont Agency of Natural Resources, or the expiration of 30 days from the date the application was mailed to the Vermont Agency of Natural Resources, whichever is sooner. The Board should consider comments from the NFIP Coordinator at ANR.

C. Decisions

The ZBA shall consider comments from the NFIP Coordinator at ANR. The ZBA may recess the proceedings on any application pending submission of additional information.

D. Records

The Administrative Officer shall properly file and maintain a record of:

1. All permits issued in areas covered by this bylaw;
2. An Elevation Certificate with the as-built elevation (consistent with the datum of the elevation on the current Flood Insurance Rate Maps for the community) of the lowest floor, including basement, of all new, substantially improved, or flood proofed buildings (not including accessory buildings) in the Special Flood Hazard Area;
3. All flood proofing and other certifications required under this regulation;
4. All determinations related to Substantial Damage and Substantial Improvement; and,
5. All decisions of the ZBA (including variances and violations) with the supporting findings of fact, conclusions and conditions.

5.7.8 Certificate of Occupancy

In accordance with Chapter 117 §4449, it shall be unlawful to use or occupy, or permit the use or occupancy of any land or structure, or part thereof, created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure within Special Flood Hazard Area or River Corridors until a certificate of occupancy is issued therefore by the Administrative Officer, stating that the proposed use of the structure or land conforms to the requirements of these bylaws. A certificate of occupancy is not required for structures that were built in compliance with the bylaws at the time of construction and have not been improved since the adoption of this bylaw. Within 14 days of the receipt of the application for a certificate of occupancy, the ZA shall inspect the premises to ensure that all permits identified on the Project Review Sheet have been acquired and all that all work has been completed in conformance with the zoning permit and associated approvals. If the ZA fails to grant or deny the certificate of occupancy within 14 days of the submission of the application, the certificate shall be deemed issued on the 15th day. If a Certificate of Occupancy cannot be issued, notice will be sent to the owner and copied to the lender.

5.7.9 Enforcement and Penalties

A. This bylaw shall be enforced under the municipal zoning bylaw in accordance with 24 VSA Chapter 117 § 4451, § 4452. A copy of the notice of violation will be mailed the State NFIP Coordinator.

B. If any appeals have been resolved, but the violation remains, the ZA shall submit a declaration to the Administrator of the National Flood Insurance Program requesting a denial of flood insurance to the property pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

C. Violations of the Accepted Agricultural Practices shall be enforced under this Section as violations of this bylaw. Such violations shall also be immediately reported to the Secretary of Agriculture for enforcement under 6 V.S.A. Section 4812.

Article 6: Administration and Enforcement

6.2 Permit Requirements

6.2.2 Exemptions

No zoning permit shall be required for the following activities:

- a) Required Agricultural Practices (RAPs), including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)] and Section 6. Written notification, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Administrative Officer prior to any construction, as required for RAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.
- b) Accepted Silvicultural Practices (ASPs) for forestry as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§4413(d)].
- c) Power generation and transmission facilities, which are regulated under 30 V.S.A. §248 by the Vermont Public Service Board. Such facilities, however, should conform to policies and objectives specified for such development in the Municipal Plan.
- d) Hunting, fishing, and trapping as specified under 24 V.S.A §2295 on private or public land. This does not include facilities supporting such activities, such as firing ranges or rod and gun clubs, which for the purposes of these regulations are defined as outdoor recreation facilities.

- e) Subdivisions of land that require subdivision approval under Section 6.1.
- f) Normal maintenance and repair of an existing structure which do not result in a change of the footprint or a change of use.
- g) Interior alterations or repairs to a structure which do not result in exterior alterations or expansion or a change in use.
- h) Exterior alterations to structures which are not located within designated design review districts and which do not result in any change to the footprint or height of the structure or a change in use.
- i) Residential entry stairs (excluding decks and porches), handicap access ramps, walkways, and fences or walls less than four (4) feet in height which do not extend into or obstruct public rights-of-way, or interfere with corner visibilities or sight distances for vehicular traffic.
- j) Minor grading and excavation associated with road and driveway maintenance (e.g., including culvert replacement and resurfacing), and lawn and yard maintenance (e.g., for gardening or landscaping), or which is otherwise incidental to an approved use. This specifically does not include extraction and quarrying activities regulated under Section 7.10.
- k) Outdoor recreational trails (e.g., walking, hiking, cross-country skiing and snow mobile trails) which do not require the installation of structures or parking areas.
- l) Minor Structures (*Amended April 10, 2012*)
 - 1) Any new, single-story, non-residential structure of 150 square feet or less;
 - 2) said structure must be accessory to an existing primary structure on the same lot as the proposed minor structure;
 - 3) 150 total square feet of such structures are allowed per acre of lot size up to a maximum of 500 square feet of total structure area. (Lots that are less than one acre in size are allowed a single 150 sq. ft. structure.);
 - 4) No single structure may be greater than 150 square feet;
 - 5) 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;
- m) Garage sales, yard sales, auctions, or similar home-based activities that do not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year.
- n) **Agricultural Structures:** Pursuant to 24 V.S.A. §4413(d) the following are exempt from local permitting requirements:
 - 1. farm structures (excluding dwellings);
 - 2. required agricultural practices; and,
 - 3. accepted silvicultural practices.

However, farmers intending to erect a farm structure, as part of a farming operation as defined by Section 6001(22) of Title 10, must:

- 1. notify the municipality of the intent to build a farm structure, and
- 2. abide by setbacks contained within the zoning bylaws, unless they provide an approval of lesser setbacks by the Commissioner of Agriculture, Food and Markets.

The notification must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way.

Additionally, all farm structures within the Flood Hazard Overlay District must comply with the National Flood Insurance Program.

Lastly, the municipality may report violations of Required Agricultural Practices or Accepted Silvicultural Practices to the appropriate state authorities.

- o) **Residential Care and Group Homes:** A group home, to be operated under state licensing or registration, serving not more than eight (8) persons who have a handicap or disability as defined in 9 V.S.A. §4501, shall be considered to constitute a permitted single family residential use of property, except that no such home shall be so considered if it locates within 1,000 feet of another existing or permitted home. A residential care home, to be operated under state licensing or registration, serving nine or more who have a handicap or disability as defined in 9 V.S.A. §4501, shall be reviewed as a multi-family dwelling and shall be subject to conditional use and site plan review.
- p) Regulate the installation, operation, and maintenance, on a flat roof of an otherwise complying structure, of a solar energy device that heats water or space or generates electricity. For the purpose of this subdivision, "flat roof" means a roof having a slope less than or equal to five degrees.
- q) Prohibit or have the effect of prohibiting the installation of solar collectors not exempted from regulation under subdivision (p) of this subsection, clotheslines, or other energy devices based on renewable resources.
- r) **Home-Based Occupations:** A home-based occupation shall be considered a permitted use in all districts where a residential structure is a permitted or conditional use. No zoning permit is required for a home-based occupation as long as the use does not exceed following conditions:
 - 1. Placed within an existing residence;
 - 2. Employs only those who reside at the private residence;
 - 3. Placed entirely within the existing private residence;
 - 4. Generates a maximum of 20 average daily vehicle trips (defined as double the traffic generated by a private residence);
 - 5. Does not have displays, storage, lights, heavy commercial vehicles, or any other exterior evidence of a home occupation that is viewable from the public right-of-way or by abutting landowners;
 - 6. Does not generate noise, vibration, odor, glare, or other nuisances outside the residential or accessory outbuilding;
 - 7. May display one non-illuminated, non-reflective building or free standing mounted sign, a maximum of three square feet in size; and,
 - 8. Parking may include a 1-2 vehicle enlargement of an existing driveway. Separate on-site parking can be provided if fully screened from the public right-of-way or abutting properties.

6.2.3 Limitations

The following uses are allowed as conditional uses in the districts specified in Section 4.3. However, they may be regulated only with respect to location, Size, Height, Building Bulk, Yards, Courts, Setbacks, density of buildings, off-street parking, loading facilities, Traffic, Noise, Lighting, Landscaping, screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

- a) Public Facilities
 - 1. State- or community-owned and operated institutions and facilities
 - 2. Public and private schools and other educational institutions certified by the state department of education
 - 3. Churches and other places of worship, convents, and parish houses

4. Public and private hospitals
5. Regional solid waste management facilities certified under 10 V.S.A. chapter 159
6. Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. §6606a.

b) Flood Permits for State-Owned and –Operated Institutions and Facilities

1. State-owned and –operated institutions and facilities are exempt from a permit issued under Section 5.6; however, such uses are subject to a flood permit issued by the Vermont Department of Environmental Conservation.

c) Except as necessary to ensure compliance with the National Flood Insurance Program, a bylaw under this chapter shall not regulate any of the following:

1. An ancillary improvement that does not exceed a footprint of 300 square feet and a height of 10 feet.
2. The following improvements associated with the construction or installation of a communications line:
 - a. The attachment of a new or replacement cable or wire to an existing electrical distribution or communications distribution pole.
 - b. The replacement of an existing electrical distribution or communications distribution pole with a new pole, so long as the new pole is not more than 10 feet taller than the pole it replaces.

6.9 Waivers

6.9.1 Purpose

The intent of this section is to provide flexibility in the setback requirements for existing structures within the Village Zoning District in order to enable the continued viability of these structures while also maintaining the character of the area.

6.9.2 Allowable Waivers

- a) In accordance with 24. V.S.A. 4414(8), waivers of dimensional setbacks are limited to no greater than a 10% reduction of any required front, side and/or rear setbacks for legally existing primary structures within the Village Zoning District in order to accommodate:
 1. ADA accessibility improvements;
 2. Life safety improvements;
 3. Unheated, open-sided additions (e.g. decks, stairways, entryways, etc.);
 4. Building systems (e.g. air conditioning, generators); or,
 5. Renewable energy structures that could not be reasonably developed without a waiver.
- b) Waivers shall not be granted for any of the other requirements in the Zoning Bylaws.