

TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment Agenda Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030 Remote option – Zoom details below Tuesday, February 28, 2023 – 6:30 PM

- 1. Call to order
- 2. Agenda review
- 3. Comments from citizens regarding items not on the agenda
- 4. Approval of meeting minutes January 24, 2023
- 5. <u>Public Hearing</u>: Application 23.02.08.ZBA.1 by SUSAN KISSEL for the USE DETERMINATION at LOT 4 HARVEST PARK ROAD, (Parcel: 5A-01-41). The parcel is located in the HIGHWAY COMMERCIAL zoning district.
- 6. Meeting date change
- 7. Recruitment of new board members
- 8. Discussion of items for future agendas
- 9. Adjourn

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.

AGENDA ITEM

Zoning Board of Adjustment

January 24, 2023

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger and David Gulbrandsen. Willis Wood and deForest Bearse participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

There were no audience members.

2. Call to order

Todd Hindinger called the meeting to order at 6:35 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – January 10, 2023

Todd Hindinger made a motion to approve the minutes of January 10, 2023 as corrected. Todd Hindinger seconded it. David Gulbrandsen abstained. The motion passed.

6. Regular meeting date change

The Board discussed moving the day of their meetings to possibly the first and third Tuesday of each month. Todd Hindinger will email members not present at the meeting to see if that would work.

7. Recruitment of Board members

The Board discussed how to recruit new members and why each one of them joined the Board. Todd Hindinger stated that soon some Board members' terms will be up. They might want to leave to pursue other things. Willis Wood stated that he is fine being an alternate. If enough new members joined, he would be fine stepping down.. He does not want to have the whole Board resign and have all new Board members though. Todd Hindinger read a document that he had written in regards to expectations for being on the Board and added some humor to it. The Board members made comments/suggestions about the document. Todd Hindinger will take everyone's comments/suggestions and make a clean copy. He will send it out to the Board members. Ryan Gumbart stated that according to the Town manager, no community members have expressed interest in joining the Board. Once this document is completed, he could post it on the Town's website.

Each Board member will try and recruit some people. Todd Hindinger stated that it would be great to have a technical person to write decisions. The Board would do the deliberative session and come up with the decision, but another person would type it up. The person needs to be knowledgeable. deForest Bearse mentioned that when she was the Administrator, she wrote the decisions for the Board. Previous Zoning Administrators wrote them too. Maybe Ryan Gumbart could write the decisions. Ryan Gumbart stated that he might be getting some extra hours in the future. He knows that zoning needs more hours, but not sure if the Select Board knows that.

8. Past projects and lessons learned

The Board discussed different challenges that they have faced in the past. They agreed that the applicant needs to have a complete application prior to a hearing. Todd Hindinger mentioned how in the past some applications have been missing pertinent information. Once, there was a hearing where there was a language barrier with the applicant and the Board.

Willis Wood wanted to know if the Board should offer the applicant ways for it to fit, or how it could fit. David Gulbrandsen disagrees that the Board should offer advice to the applicant. The Zoning Administrator should know what the application is missing and needs. At a Planning Commission meeting that he attended, there were some people there about a subdivision. He offered some suggestions to them as part of the public. When the application came before the Zoning Board, he recused himself. He mentioned how there have been a couple of times when previous Zoning Administrators have offered advice that went against the Bylaws. Todd Hindinger agreed that the Zoning Administrator should educate and inform the applicant when he/she is completing the application. deForest Bearse referred to the Zoning Administrator as the gatekeeper to go over the application. The application can come to the Board even if it is not complete. It is not up to the Board to build the application. The Board needs to remain objective.

Willis Wood stated that the Board needs to be careful with exparte communication. Board members agreed with this. Todd Hindinger stated that the Board needs to know how to manage conflict during hearings. Board members should let the chair know when the meeting gets to be too much. Willis Wood stated that the meeting then could be continued. The Board discussed time limits for interested/non-interested parties. In the Rules of Procedure, there is a time limit mentioned which is 3 minutes. The Board members could agree to more time. David Gulbrandsen mentioned that when he ran a meeting, he read the Rules of Procedure prior to each meeting.

deForest Bearse wanted to know if there was a copy of the updated Bylaws. Ryan Gumbart stated that the website has the most updated one (April 5, 2021). He will make copies of the Bylaws for any Board member that would like one. The Zoning Map was last updated April 1, 2011. Todd Hindinger stated that the Board received the most updated ones (July 1, 2022).

9. Compliance with existing permits and process for suspected violations

The Board wanted to know what resources the Zoning Administrator can bring. Ryan Gumbart stated that there is no set process, other than a certificate of occupancy. He is trying to complete the old enforcement issues, but there are a lot of enforcement projects. He only has so much time available in his day. The Board mentioned how most of Ryan's time has been spent on the Bylaws for the Planning Commission. They would like more time spent on the enforcement part. Ryan Gumbart stated that he is trying to straighten up last year's and establish procedures for the future. He would like to provide more time. He mentioned that one issue that has come up is cleaning up of abandoned/collapsed buildings. This is not mentioned in the Bylaws. The Town's attorney said that it needs to be an ordinance.

David Gulbrandsen wanted to know what to do for people that have done things without a permit. Ryan Gumbart stated that he is new, so he does not know what is new or not. He has a running list that has not decreased. There needs to be a procedure for this and it has not been a top priority. deForest Bearse stated that it is brought to the Zoning Administrator, or he notices it. Then he checks on it. He tries to contact the person/person to voluntarily fix it. If he can't, then there is a violation. The Board writes conditions that can be enforced. Ryan Gumbart follows up on the conditions. deForest Bearse recommended to him that he put it on a calendar for follow up (6 months, 1 year, etc.).

10. Land use projects update

a. Bylaws - PUD review

The Planning Commission has not met yet. Ryan Gumbart did some research on PUD's. He gave the Board members copies of it. It could be a site plan review, or a subdivision review. They discussed how the Planning Commission could review it and the Zoning

Board could do the approval for it. Planning Commission could say how many units, but the Board looks at the rules and site plan. The Board mentioned how the PUD could happen in one meeting with Zoning and Planning.

b. Bylaws - Table of Districts and Uses

The Board went over a few recommendations for this section.

c. Town Plan - Energy section

Ryan Gumbart received the comments from the Board members. He stated that red means remove, black is same, green is additions, and yellow means new since last review. The Planning Commission will see the Board's comments at their meeting on February 13, 2023. The Board discussed that cemeteries are a permitted use in highway residential areas and how they have not seen a new cemetery for quite a few years. The Board discussed the language for residents at campgrounds. They would not like to see permanent residents, but language to allow traveling nurses, immigrant workers, and short term housing.

Todd Hindinger stated that inn/small hotel has up to 6 temporary guest rooms and large motel/hotel has 7 or more guest rooms. It should specify highway commercial.

11. Discussion of Items for Future Agendas

The Board's next meeting is February 28, 2023 at 6:30 PM.

12. Adjournment

Willis Wood made a motion to adjourn at 9:15PM. David Gulbrandsen seconded it. All were in favor.

Respectfully submitted,

Diana Stillson

AGENDA ITEM

PUBLIC HEARING

Kissel Veterinary Clinic – Use Determination February 28, 2023

Item 1: Project Memo

Item 2: Notice of Public Hearing

Item 3: Certification of Posting

Item 4: Abutters Map and List

Item 5: Kissel Application

Item 6: Letter from Dave Fuller



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

To: Zoning Board of Adjustment

From: Land Use Office

Date: March 21, 2023

Re: Public Hearing March 10, 2022

Kissel: Use Determination – Veterinary Clinic

Applicant: Susan Kissel **Landowner:** Carl Wyman

Zoning District: Highway Commercial - HC

Parcel ID: 5A-01-41

Lot size: 87.5

Address: Lot 4 Harvest Park Road

Project summary: Seeking determination on whether a veterinary clinic will be a permitted use or a conditional use in the Highway Commercial district.

Reasons for hearing: The current zoning bylaws dated April 5, 2021, do not specifically list "veterinary clinic" in the Highway Commercial district use table (section 2.5.6). Further, veterinary clinic is not listed in the definition for "Highway-Commercial Use", which is a Permitted Use in the district and is defined as:

Highway-Commercial: The use of a structure and/or lot for the following purposes:

- 1. motel or large hotel;
- 2. shopping plaza;
- 3. wholesale or retail sales;
- 4. drive-in theater;
- 5. restaurant;
- 6. drive-in food service:
- 7. drive-in bank;
- 8. lumber yard;
- 9. sales and service of automobiles, mobile homes, large boats or recreational vehicles;
- 10. dry cleaner;
- 11. bar; nightclub; or
- 12. any other purpose deemed by the Zoning Board of Adjustment to be similar in nature to those listed.



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Per zoning bylaws section 2.5.6, the ZBA has the authority to determine "Other Conditional Uses" that meet the purpose and character of the district, following a duly warned public hearing.

If the ZBA should determine that a veterinary clinic fits the character and purpose of the district, the board shall determine whether it fits the definition of "Highway-Commercial" use or if it will be a Conditional Use.

Attached please find documents relating to the above referenced hearing. The following bylaws are among those which relate to this hearing:

-	2.5	Table of Districts and Uses
-	2.5.6	Highway Commercial (HC)
-	6.1.3	Board of Adjustment
-	6.3	Public Hearings
-	6.8	Appeals
_	7	Definitions

Respectfully,

Ryan Gumbart Land Use Administrator Weathersfield, Vermont



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P.O. BOX 550 ASCUTNEY, VT 05030

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Zoning Board of Adjustment

NOTICE OF PUBLIC HEARING

Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030 Remote option – Zoom details below Tuesday, February 28, 2023 – 6:30 PM

A public hearing before the Weathersfield Zoning Board of Adjustment will be held at the Town Office in Ascutney on Tuesday, February 28, 2023, at 6:30 PM to consider the following application:

Application 23.02.08.ZBA.1 by SUSAN KISSEL for the USE DETERMINATION at LOT 4 HARVEST PARK ROAD, (Parcel: 5A-01-41). The parcel is located in the HIGHWAY COMMERCIAL zoning district.

The above application is available for inspection at the Town Office in Ascutney. Persons wishing to appeal and be heard may do so in person or be represented by an agent or attorney. Participation in this proceeding is required in order to ensure your ability to appeal the Zoning Board's decision. Communications about the above application may be filed in writing with the Zoning Board of Adjustment or at the hearing.

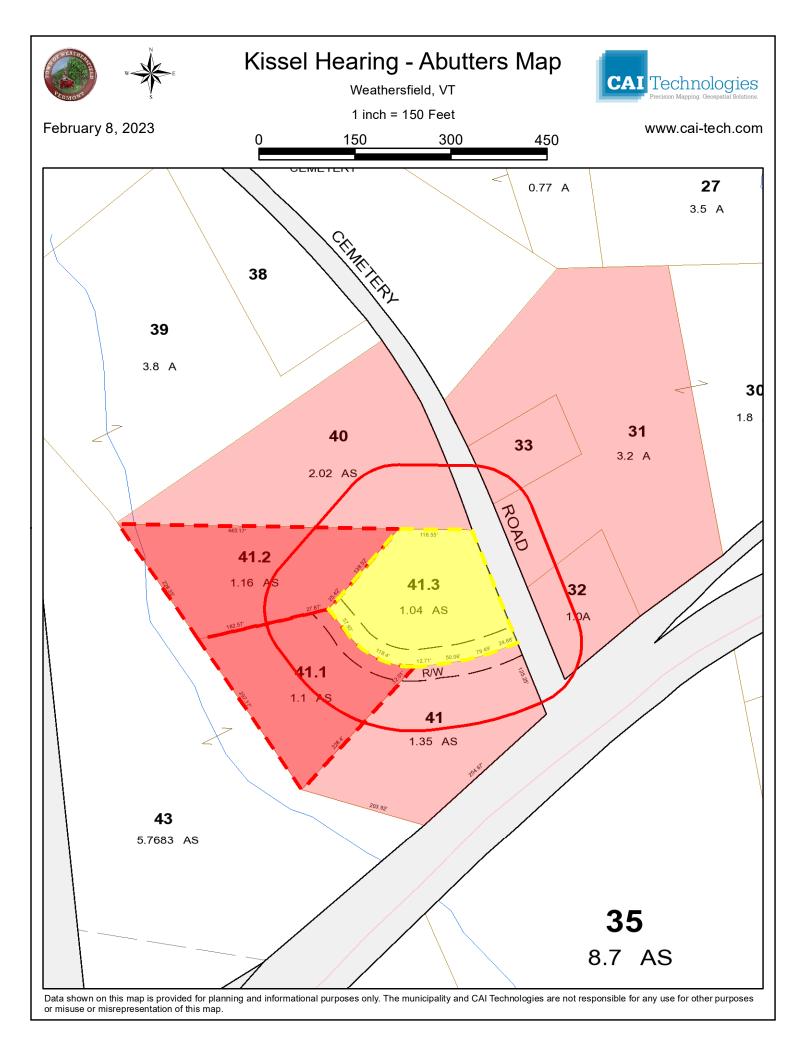
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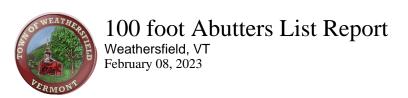
To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

Certification of Posting and Distribution

Notice	of Public Hearing	
Hearing	Date February 28, 2023 Site	Visit
faxed o		Notice of Public Hearing" in the following public places and mailed, Hearing" to the following parties on February 8, 2023 as required as required Ryan Gumbart, Land Use Administrator
Applic	eation # 23.02.08.ZBA.1	Ryan Gumbart, Land Ose Administrator
	cant's Name: Susan Kissel	
	Vault Applicant's File Applicant (paper copy/mailed) Applicant (cardboard copy for posting) Landowner (mailed) Agent (mailed) Newspaper (notice emailed to pa Publication in newspaper Abutters* (mailed) Board Members (mailed) Board Secretary (mailed) Town Website (posted) 3 Public Places Town Hall Ascutney Post Office Perkinsville Post Office WWFD (placed in mailbox) AVFD (placed in mailbox) Other VT Secretary of Transportation*	February 10, 2023

^{*} Abutters - see attached list ** when application for variance of setback from state highway (\$4464(a)(1)(C)





Subject Property:

Abutters:

Parcel Number: 5A-01-31.000 Mailing Address: HEISER THOMAS P JR & ELSIE A C/O

CAMA Number: 5A-01-31.000-000 PATRICIA HEISER
Property Address: LAND & BUILDINGS 1022 HOLLINS AVENUE
HELENA, MT 59601

Parcel Number: 5A-01-32.000 Mailing Address: DUFRESNE ROBERT E

CAMA Number: 5A-01-32.000-000 181 MONUMENT HILL RD Property Address: LAND SPRINGFIELD, VT 05156

Parcel Number: 5A-01-33.000 Mailing Address: PETSCHKE TODD E

CAMA Number: 5A-01-33.000-000 73 CEMETERY RD

Property Address: LAND & BUILDINGS WINDSOR, VT 05089-9102

Parcel Number: 5A-01-40.000 Mailing Address: LECLAIR PETER R & WEONA N LECLAIR

CAMA Number: 5A-01-40.000-000 MINOR'S TRUST 2

Property Address: LAND & BUILDINGS PO BOX 239
ASCUTNEY, VT 05030

Parcel Number: 5A-01-41.000 Mailing Address: WYMAN CARL E

CAMA Number: 5A-01-41.000-000 7409 ROUTE 131

Property Address: LAND & OFFICE BUILDING WEATHERSFIELD, VT 05151

Town of Weathersfield

Land Use Permit Application / Notification

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

	Landowner (if diff	<u>erent)</u>								
Susan Kissel	Name	Carl Wyman								
	Name									
P.O. Box 376	Mailing Address	473 Plains Road								
Brownsville, VT 05037	_	Perkinsville, VT 05151								
607-229-8781	_	802-738-5343								
skissel77@aol.com	E-mail	wymanfarm@gmail.com								
t <u>ion</u>	Project Information	<u>n</u>								
Lot 4 Harvest Park Road	Proposed Use	Veterinary clinic								
5A-01-41	Area of Developme	nt (sq. ft.) 2,432								
1.04	Height of Structure	20								
192	Zoning District	Highway Commercial								
Land										
n - Development Type		npt from Permitting								
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	1	☐ Agricultural Structure								
	☐ Residential Care	☐ Residential Care or Group Home								
Structure										
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1	P.O. Box 376 Brownsville, VT 05037 607-229-8781 skissel77@aol.com Lot 4 Harvest Park Road 5A-01-41 1.04 192 Land 1 - Development Type e in Zoning Bylaws ipal Use tructure Use	P.O. Box 376 Mailing Address Town, ST, Zip Telephone E-mail								

Required Reviews, Forms, and Fees

Review by Planning Commission – PC

To be filled out by Land Use Administrator

Review by Zoning Board of Adjustment – ZBA

Permit Fee Total: \$215.00

Clerk Recording Fee	\$15	
☐ Appeal by Interested Party	\$95	
	FREE	
	\$200	
• ☐ Amendment:	\$100	
• □ New:	\$170	
Site Plan Review		
☐ Flood Hazard Review	\$200	
☐ Variance Hearing	\$200	
		truction
Board of Adjustment Review For	·m	
☐ Final Plat Review - PC:	\$100 + \$50 per lot	
☐ See applicable ZBA Reviews	below	
☐ Sketch Plan Review - PC:	\$100	
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ay Access Form:	\$30	
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☐ Permit Amendment:	\$100 or \$30 + \$0.05 x	_sq.ft. new construction
☐ After-the-fact:	(Standard fees) x 2	
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	☐ Permit Amendment: ☐ Permit Renewal: ay Access Form: ary Line Adjustment Form ☐ Administrative Review: ☐ Access Approval - PC: ision Review Form - PC ☐ Sketch Plan Review: ☐ Final Plat Review: d Unit Development Review Form ☐ Sketch Plan Review - PC: ☐ See applicable ZBA Reviews ☐ Final Plat Review - PC: ☐ See applicable ZBA Reviews ☐ Final Plat Review - PC:	□ Principal Use: \$100 + \$0.05 x sq.ft. new constitution of Adjustment Review Form □ Conditional Use Review: \$200 x sq.ft new constitution of Adjustment Review Form □ Conditional Use Review: \$200 x sq.ft new constitution of Adpeal by Pinterested Party \$95

Town of Weathersfield

Zoning Board of Adjustment Review Form

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

Staff Use Only			
Permit #: 23.02.08. ZBA			
Fee Collected:			
Completion Date:			
Zoning Board of Adjustment Re	views:		
☐ Site Plan Review	Review Date:	Decision: Approved □ Denied □	
☐ Conditional Use Review	Review Date:	Decision: Approved □ Denied □	
☐ Variance Review	Review Date:	Decision: Approved □ Denied □	
☐ Flood Hazard Review	Review Date:	Decision: Approved □ Denied □	
"Other Use" Determination	Review Date:	Decision: Conditional □, Admin. □	Not Allowed □
Appeal by/ Effective Date: Zoning Bylaw - 6.2.7 Permit Exp Permits expire one year from the eff project has been started but not con	ntil the time for appeal und a of the appeal. piration fective date if the permitted appleted, unless other longer than one year shall require than one year shall require the properties of the permitted appears that the properties of the propert	der Section 6.8 has passed, or in the event that a notice of project has not been started and five years from the er times have been approved in the permit. Permits manendments to these Bylaws. Reactivation of a previoure the issuance of a new permit. Troject has not been started. Troject has been started. The the issuance of a new permit.	effective date if the ay be renewed, but
If yes, you must record a Vermont Is to receiving your Certificate of Comyou need to follow these standards. Does your project involve any	Residential/Commercial Enpliance/Occupancy. Cont 		✓ Yes □ No and Records prior 3 to determine if □ Yes ✓ No
If yes, you must contact the Lead an	d Asbestos Regulatory Pro	ogram at (800) 439-8550 prior to demo/renovation.	
	IUD Form 309. Installatio	al of a new manufactured/mobile home? on must comply with the HUD Permanent Foundation he Weathersfield Town Clerk.	☐ Yes ☑ No
Does your project involve word If yes, you must obtain Highway Act (802) 279-1152.		State right of way? the Town of Weathersfield and/or Vermont Agency o	☐ Yes ☑ No f Transportation at
Will your project involve constitutes, you must contact the Town M			✓ Yes □ No

Does your project involve construction of / change of use to or from being a public building ? If yes, you must contact the Vermont Department of Public Safety, Division of Fire Safety. A public building is any public has the occasion to enter EXCEPT for owner-occupied, single-family dwellings, registered home day cares, but INCLUDING single family homes becoming rentals.	
Does your project involve a new home / business, change in # of bedrooms / change in use? If yes, contact the local Water/Wastewater Permit Specialist at (802) 279-4747, or the State Water/Wastewater Div Office at (802) 289-0603.	✓ Yes ☐ No ision, Springfield

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Landowner & Applicant Acknowledgements

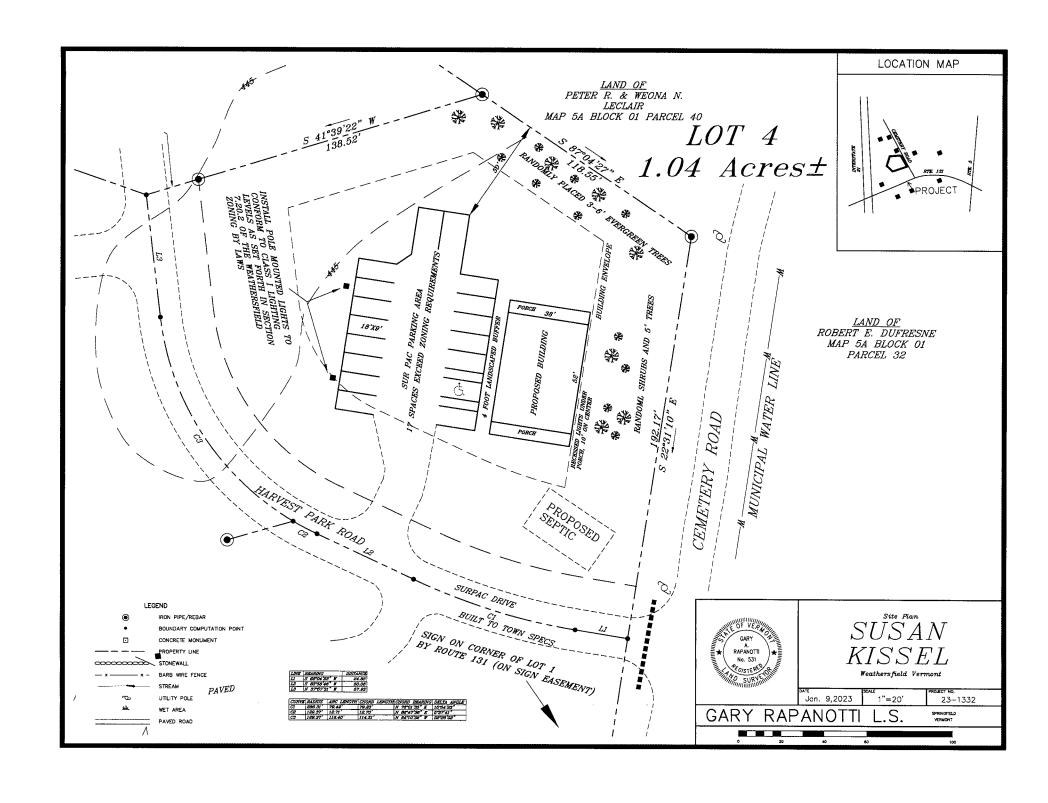
By signing this form, the landowner(s) and applicant(s) described in this application (and their agents, assigns, and successors in interest) hereby apply for a permit to develop the project described in this application and accept the following:

- Applications will not be considered properly filed and vested for rights to review under any applicable laws until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- Vermont law allows the Land Use Administrator 30 days to act on this application;
- All submissions are public record available for inspection and copy;
- All representations made in this application and the materials accompanying it are true and accurate to the best of my knowledge. Omission or misstatement of any material fact on this application (which would warrant refusing the permit or approval) shall be grounds for revoking the permit or approval;
- Private agreements (such as covenants, deed restrictions and easements) may apply, be more or less restrictive than Weathersfield's bylaws and may affect this project. By signing, I acknowledge that it is my responsibility to disclose and comply with these agreements;
- State and Federal regulations may apply, be more or less restrictive than Weathersfield's bylaws, and may affect this project. By signing, I acknowledge that it is my responsibility to obtain all required State and Federal permits;
- No development or work may commence until receipt of all applicable permits and approvals;
- If this application is approved, I must post the Zoning Permit within view of the public right-of-way most nearly adjacent to the subject property until the period in which an appeal may be filed has expired; and
- Reasonable access to the subject property is to be granted to the Land Use Administrator, designees, and the Listers Office for the purpose of establishing compliance with this permit and for the purpose of determining what, if any consequence the development will have on the property's assessment.

Date: 2/2/3

Applicant Signature:

Date: 2883



Fwd: Town Zoning Board 2/28/2023

ryan gumbart <ryangumbart@gmail.com>

Fri 2/10/2023 9:35 AM

To: Land Use <Landuse@weathersfield.org>

----- Forwarded message -----

From: **Email Services** < dtfullerfarminc@hotmail.com>

Date: Thu, Feb 9, 2023 at 7:27 AM Subject: Town Zoning Board 2/28/2023

To: ryan gumbart < Ryangumbart@gmail.com>

Ryan,

Please pass this letter on to the Zoning Board for the Feb 28 2023 meeting. re: application for a veternarian clinic/office in Town Zoning Board Members,

I write to ask your support for a permit to construct a veterinarian clinic/office at the site noted. Farming has long been important to the Town Plan and all of us who have a variety of animals. As all of us know from time to time, they require help beyond our abilities. An added supporting business of this type would be beneficial to all.

Thank you, David T. Fuller AGENDA ITEM

Februa 2023	ary			February 2023 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	March 2023 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31	S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	May 2023 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
29	30	31	1	2	3	4	Notes:
			P+R	Groundhog Day		MMH Rental	
5	6	7	8	9	10	11	
40	Selectboard	44	1.5			101, 211	
12	13	14	15	16	17	18	
Lincoln's Birthday (US)	Planning Commission 20	Valentine's Day 21	Prodential Committee 22	23	24	MMH Rental	
	Selectboard Presidents' Day (US)		Ash Wednesday, Washington's Birthday (US)	Conservation			
26	27	28	1	2	3	4	
(f) (g)	Planning Complision	Eastern Orthodox Lent begins					