



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, March 13, 2023 – 6:30 PM

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1. Call to Order
 2. Agenda Review
 3. **Board Reorganization:** Election of Officers, Select Regular Meeting Dates & Times
 4. Comments from the Chair and Land Use Administrator
 5. Comment from citizens regarding items not on the agenda
 6. Approval of Meeting Minutes – February 27, 2023

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7. **PUBLIC HEARING – Town Plan Amendment – Energy Section:** No update
 8. **PUBLIC HEARING – Final Plat Review – Arrison:** Close hearing
 9. **Bylaws – PUD Review:** No update
 10. **Bylaws – Table of Districts and Uses:** Review Rev. 4 – 03.08.2023

New Business

11. **Sketch Plan Review – Ascutney Market:** New application
12. **Decommissioning Renewable Energy Facilities:** Handout from Brian Bosenberg
13. **Subdivision Regulations – Article II:** Subdivision Application Procedures

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14. Discussion of items for future agendas
 15. Any other business that can be legally discussed
 16. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, March 27, 2023 - 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.

AGENDA ITEM

6

REGULAR MEETING OF THE PLANNING COMMISSION
6:30 PM, Monday, February 27th, 2023
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT
5459 Rt 5

DRAFT MINUTES

Members in attendance:

Howard Beach
Michael Todd
Joseph Bublat

Ryan Gumbart – Land Use Administrator
Brandon Gulnick – Town Manager (online)

Members Not in attendance:

Paul Tillman

Attendees:

Ken Blum
Colby Hodgdon

Online Attendees:

Hank Ainley
Maureen Bogosian

1. Meeting was called to order by **Howard Beach** at 6:30 P.M.
2. Agenda Review – No changes at the start of the meeting.
3. Comments from the Chair and land Use Administrator – No comments either the Vice Chair or the LUA.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – February 12, 2023 –
Mike Todd made a motion to accept the minutes from February 12th, 2023.

Seconded by Joseph Bublat, Motion Passed 3-0

Mike Todd made a motion to move up agenda item 8 under old business “Sketch plan review – Hodgdon” to item 6.

Seconded by Joseph Buble, Motion Passed 3-0

6. Sketch Plan Review – Hodgdon: Continuation – Discussion had about the subdivided 5 acres having no frontage but needing an easement agreement. Two preexisting entrances are already on the lots. Talk was had about trees in the right of way. Primary entrance will be in from Laurence Farm Road. Checking on water and wastewater permit and if they exist. Talk about a right away agreement and if that exists. Talk about a cul-de-sac for clean out of snow. Looked at setback outline, and the board would like a building envelope if available. The front of the property would be where the road entrance would be if there is not enough road frontage. Questions about where the power will be supplied to the property. The following check list will be needed for final review:

- Show the septic locations.
- Show utilities power and water.
- Approving of 10 feet contour lines.
- Show all Deeds for parcels and deadlines.
- Show water rights if there are any.
- If right of way show on map and add reference number.
- Add final Plat recording title block. 1:55:27

Mike Todd made a motion to hold Hodgdon Subdivision Final Plat Hearing for on March 27th, 2023 at 6:30PM.

Seconded by Howard Beach, Motion Passed 3-0

7. Public Hearing – Final Plat Review – Arrison Continuation from January 9th, 2023 – No action. He would like to have his application removed from the agenda.
8. Public Hearing – Town Plan Amendment – Energy Section: Review draft 2/15/2023 – Discussion about energy visual standards and wind power. Mike read the state statute for public hearing on standards changes. The Legislative body would have to write a report and submit it if we changed anything at this point. The other neighboring towns would not see and changes, so if there were any major changes then Mike Todd recommended sending another report to the surrounding Towns. Further talk about items that could have more clarity and or adding wind energy and Hydro into general standards. Ryan will modify and return to the board for further review. Ryan will also send any changes to the neighboring Towns for review. Ryan presented the

document reorganization of 7.1 – 7.6. No information was removed or changed, just a reorganization of information. Hearing will stay open and continue to the next meeting. Ryan will supply a clean copy for vote of adoption.

9. Sketch Plan Review – Fairbrother: Continuation from January 9th, 2023 – No discussion or action.
10. Bylaws – PUD Review Section: No actions from last meeting. Ryan looking at other Towns Bylaws and will send out more information for next meeting. Discussion was had about density structures and usage tables.
11. Bylaws – Table of Districts and Uses: Amendments discussion (Rev. 3 – 2023.01.18) – Discussion about the district’s tables and items with Hamlets. Will continue to review the next meeting and look at a cleaner copy of the tables.
12. New Business – None.
13. Discussion of items for future agendas – Decommissioning solar panels.
14. Any other business that can be legally discussed – No other business was discussed.
15. Adjourn – Meeting adjourned at 9:00 P.M.

Mike Todd made a motion to adjourn at 9:00 P.M.

Seconded by Joseph Bublat, Motion Passed 3-0

Respectably submitted by,
Paul Tillman (Chair)

AGENDA ITEM

7

PUBLIC HEARING

Town Plan Amendment – Energy Chapter

February 13, 2023

Item 1: Notice of Public Hearing

Item 2: Town Plan Amendment Reporting Form

Item 3: Weathersfield Town Plan - Energy Chapter 2/15/2023

HEARING ITEM

1



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

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Planning Commission

NOTICE OF PUBLIC HEARING

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

Remote option – Zoom details below

Monday, February 13, 2023– 6:30 PM

A public hearing before the Weathersfield Planning Commission will be held at the Town Office in Ascutney on Monday, February 13, 2023, at 6:30 PM to consider the adoption of the following proposed amendments to the Weathersfield Town Plan:

Statement of Purpose

The purpose of these amendments is to clarify and expand upon the existing Energy Section of the Weathersfield Town Plan to guide the Public Utilities Commission when ruling on proposed energy projects and to update the Town's goals.

Geographic Areas Affected

All lands within the Town of Weathersfield are affected by these amendments.

Sections Headings

Section 7: Energy

The above application is available for inspection at the Town Office in Ascutney. Persons wishing to be heard and participate in the hearing may do so in person or be represented by an agent or attorney. Communications about the above amendments may be filed in writing with the Land Use Administrator or at the hearing.

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HEARING ITEM

2

Planning Commission Reporting Form for Municipal Plan Amendments

This report is in accordance with 24 V.S.A. §4384(c) which states:

*“When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. **The report shall address the extent to which the plan, as amended, is consistent with the goals established in §4302 of this title.**”*

If the proposal would alter the designation of any land area, the report should cover the following points:

- 1. The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.*

The proposed amendments do not alter the designation of any land area. The proposed amendments address concerns related to protection of the Town’s natural, scenic, and historic resources by establishing energy policies and facility siting standards and criteria. The amendments are proposed to encourage the traditional Vermont land use pattern of mixed-use villages and concentrated development surrounded by rural lands in between.

- 2. The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:*
 - (A) the municipal tax base; and*

The proposed amendments support the development of renewable energy generation facilities while protecting the values of private lands and scenic areas. Balancing these resources will have a beneficial effect on the municipal tax base by allowing for appropriate economic development without spoiling the resources that add value to the Town and State.

- (B) the need for public facilities;*

The proposed amendments are not expected to significantly impact the need for public facilities and services. The amendments are not expected to affect the rate of population growth nor the complexity of administering the current municipal services.

- 3. The amount of vacant land which is:*
 - (A) already subject to the proposed new designation; and*

The proposed amendments would not affect land that is already designated for energy generation facilities.

- (B) actually available for that purpose, and the need for additional land for that purpose.*

The proposed amendments would affect certain vacant land pursuing the establishment of energy generation facilities. The amendment is designed to guide the Public Utilities Commission in their review of energy generation facilities. The proposed amendments identify conditions where such facilities are not in compliance with the broader Town Plan.

4. *The suitability of the area in question for the proposed purpose, after consideration of:*
- (A) *appropriate alternative locations;*

The proposed amendments do not identify appropriate locations for energy generation facilities. The amendments identify circumstances, resources, and values that must be considered when granting approval for energy generation facilities.

- (B) *alternative uses for the area under consideration; and*

The proposed amendments do identify alternative land uses that must be considered when granting approval for energy facilities. Specifically, intact forests, active agricultural land, scenic vistas, and other significant natural resources are valued alternative uses to energy generation facilities. However, due to the impermanent nature of renewable energy facilities (specifically solar) conversion to such use is not seen as detrimental to these alternative uses when applied in appropriate locations.

- (C) *the probable impact of the proposed change on other areas similarly designated*

Areas adjacent to energy generation facilities are subject to the greatest impacts. Whether adjoining lands are used for things like public roads or private residences, the proposed amendments attempt to protect the Town and its residents from undue adverse impacts from energy generation facilities while allowing appropriate development of such facilities in balance to meet the local and broader energy needs and desires.

5. *The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability and existing development in the area.”*

The proposed amendments necessarily apply to the whole town. No specific areas are proposed for a change in land use designation. Rather, a series of conditions and standards have been outlined for review on a case-by-case basis.

Please Note:

- ❖ The planning commission must hold at least one public hearing within the municipality after public notice on any proposed plan or amendment.
- ❖ At least **30** days prior to the first hearing, a copy of the proposed plan or amendment and the written report must be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:
 1. the chairperson of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;

3. the Department of Economics, Housing and Community Development within the Agency of Commerce and Community Development; and
 4. business, conservation, low income advocacy and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.
- ❖ The planning commission may make revisions to the proposed plan or amendment and to any written report, and must thereafter submit the proposed plan or amendment and any written report to the legislative body of the municipality.
 - ❖ If the legislative body changes any part of the proposed plan, the planning commission must submit to the legislative body, at or prior to the public hearing, a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals established in 24 V.S.A. §4302.
 - ❖ Simultaneously with the submission, the planning commission must file with the clerk of the municipality a copy of the proposed plan or amendment, and any written report, for public review.

HEARING ITEM

3

Weathersfield Planning Commission
Amendment to the Weathersfield Town Plan

ENERGY

7.1 Introduction

We all use energy in many forms to conduct our daily lives. That energy may come from local sources or be imported from outside the town. Either source may be renewable or non-renewable. Renewable energy comes from sources that are naturally replenished and include biomass (wood, corn, grasses, and vegetable oil), the sun (solar), wind, the earth (geothermal), water (hydro), or manure (methane digesters - “cow power”). Non-renewable energy is produced from sources that cannot be renewed by human activity or within the human time scale. These include oil, natural gas, uranium, and coal.

Weathersfield is heavily dependent upon imported, non-renewable sources to meet its energy needs. This chapter provides an analysis of our energy resources and needs, as well as energy scarcity, conservation, costs, and problems in our community.

Community: The primary energy problems in Weathersfield are less efficient older homes and dependence on energy from outside the Town. [\(Section 7.6 in draft 12/14/2022\)](#)

Government: To provide a complete or accurate analysis of Town energy costs, the town government must establish a baseline of energy costs from municipal buildings, vehicles, and operations and diligently maintain the database to determine where energy costs may be stabilized or reduced. [\(Section 7.5 in draft 12/14/2022\)](#)

7.1.1 This plan seeks to:

- 7.1.1.1 Help the town identify ways to conserve energy,
- 7.1.1.2 Encourage renewable or lower-emission energy sources for electricity, heat and transportation,
- 7.1.1.3 Encourage a pattern of development that likely results in the conservation of energy,
- 7.1.1.4 Encourage development of appropriately scaled renewable energy resources,
- 7.1.1.5 Reduce greenhouse gas emissions, and
- 7.1.1.6 Reduce transportation energy demand and single-occupant vehicle use.

7.2 Non-Renewable Energy Usage in Weathersfield

7.2.1 Weathersfield does not have any local sources of non-renewable energy. The scarcity or abundance of non-renewable sources is entirely dependent on factors beyond the town. [\(Section 7.4.1 in draft 12/14/2022\)](#).

- 7.2.2 Fuel oil and propane for home heating, cooking, and hot water are delivered to Weathersfield residents from commercial sources outside the Town. The only reserves for home heating fuel in the Town are the storage tanks on municipal and private properties. (Section 7.3 in draft 12/14/2022).
- 7.2.3 Transportation is fueled primarily with gasoline or diesel fuel that is likewise imported to the Town by various distributors in the area. The only storage facilities in Town for any of these energy resources are the ~~gasoline~~-storage tanks at the gas stations in Town, the storage tanks at the Town Highway Garage, and some at commercial and residential locations. (Section 7.3 in draft 12/14/2022).
- 7.2.4 Electricity is brought to the majority of Weathersfield homes and businesses via the “grid.” The electricity traveling in the grid is produced from both renewable and non-renewable sources. The Town is crisscrossed by numerous distribution and transmission lines belonging to both Vermont Electric Power Company (VELCO) and Green Mountain Power (GMP). The substation in Ascutney was upgraded to a newer design in 2013 that will be more reliable than the previous design. (Section 7.3 in draft 12/14/2022).
- 7.2.5 Weathersfield residents, like many Vermonters, are highly dependent on non-renewable energy, although each year residents and business owners invest in more renewable systems. Many are encouraged to do so with existing incentives through Efficiency Vermont or Green Mountain Power. Additional incentives are needed to encourage more residents to invest in energy efficiency improvements and renewable energy systems, especially for retirees and lower-income residents. (Section 7.4.2 in draft 12/14/2022).

7.3 Renewable Energy Usage in Weathersfield

- 7.3.1 ~~In summary, it appears that t~~There are several ways that Weathersfield residents and the town government could reduce their non-renewable, imported energy dependencies through the development and use of locally produced, renewable energy fuels. (Section 7.2.6 in draft 12/14/2022). All development of renewable energy in Weathersfield should be consistent with land use, conservation, and other goals described elsewhere in this plan. (Section 7.2.7 in draft 12/14/2022). Weathersfield has a variety of local sources of renewable energy, ~~as discussed in detail in Section 1.2 above~~. The potential of renewable energy at each specific site will depend on site conditions (e.g. solar access) and other. ~~Environmental~~ factors, such as droughts, which may limit micro-hydro opportunities. (Section 7.4.1 in draft 12/14/2022).

~~Weathersfield has significant potential to generate additional renewable energy from biomass, geothermal, hydro, solar, and wind sources. (Section 7.2 in draft 12/14/2022)~~

7.3.2 Solar: Solar energy may be used to generate electricity or thermal heat. It may be stored on-site using batteries or sent to the grid via net-metering. Solar hot water does not require batteries or net-metering. There are an increasing number of net-metering sites in Weathersfield. (Section 7.2.4 in draft 12/14/2022).

7.3.3 Wind: State wind resource data was analyzed, and it shows only limited potential for utility-scale (70 meters or 230 feet tall at the hub) or commercial-scale (50 meters or 164 feet tall) wind power in town. Residential-scale (30 meters or 98 feet tall) wind appears to be the only reasonable option given prevailing wind speeds, land ownership, and proximity to three phase power lines. (Section 7.2.5 in draft 12/14/2022).

7.3.4 Hydro: There are three potential sites in Weathersfield for hydroelectric power - Stoughton Pond, Springfield Reservoir, and the Soapstone Dam on the Black River. The Vermont Energy Atlas estimates they have the potential to produce a total of 207 kW of power.

With the abundance of streams in Weathersfield, micro hydro-power (run-of-river) is another alternative that should be considered. Micro hydro-power generation requires as little as two gallons per minute of stream flow and does not require the usual reservoir associated with standard hydro-power projects. Peak power production is in the winter when electricity demands are high. Installation costs and maintenance fees are relatively small in comparison to other technologies. (Section 7.2.3 in draft 12/14/2022).

7.3.5 Biomass: The term “biomass” includes bio-diesel, perennial grasses, methane digesters, waste to energy, firewood, and woody biomass.

7.3.5.1 *Bio-diesel*: Bio-diesel is a type of fuel made from vegetable oils, animal fats, or waste cooking oil. It may be used in its purest form or combined with petroleum diesel. It is biodegradable, nontoxic, far less polluting than fossil fuels and may be used in ordinary diesel engines with little or no modification. Bio-diesel may also be produced from waste cooking oil. There are several restaurants in Weathersfield that could provide small amounts of waste cooking oil for conversion to bio-diesel. Any biodiesel use in Weathersfield is by private users; no figures are readily available.

7.3.5.2 *Vegetable oils*: Vegetable oils are derived from oilseed crops such as mustard, rapeseed, or sunflowers. There are no oilseed crops being produced in Weathersfield nor are there the facilities within a reasonable distance to convert the seeds to bio-diesel.

7.3.5.3 *Woody Biomass*: Wood is used in a variety of forms to provide heat or to generate electricity. In the simplest form, wood from trees is split and ~~sold~~ used for firewood for wood- burning stoves and furnaces in home heating.

The Weathersfield School uses wood chips to heat the school. Wood pellets are also a popular way to provide home heating.

Studies show that burning woody biomass to generate heat is far more efficient than burning it to generate electricity. Additional challenges to using woody biomass for energy production on a large scale are truck traffic (large logging trucks), waste heat (if the biomass is used for electricity production), and carbon dioxide emissions.

7.3.5.4 *Perennial Grasses:* There are problems associated with the burning of perennial grasses that must be taken into consideration when considering this fuel source. No perennial grasses are currently being grown in Weathersfield for energy use.

7.3.5.5 *Methane Digesters:* With Cow Power, ~~a~~ According to Green Mountain Power (GMP), ~~Cow Power,~~ “one cow can produce about 30 gallons of manure a day which, in turn, can generate enough electricity to power two 100-watt incandescent light bulbs for 24 hours. The waste from 4-6 cows will generate about 1 kw of electricity” (VT Renewable Energy Atlas). Weathersfield has a number of various types of livestock in town, but no working dairy farms. There are currently no methane digesters in town. (Section 7.2.1 in draft 12/14/2022).

7.3.6 Geothermal: Geothermal, or ground source heating, is the direct use of energy absorbed from the sun at the earth’s surface, and supplemented from the earth’s core. Modern geothermal heating and cooling systems rely on the stable temperature of the earth (55 degrees Fahrenheit), or groundwater in a well, along with an electric heat pump. This technology is not currently financially feasible in Weathersfield. (Section 7.2.2 in draft 12/14/2022).

7.4 Energy Concerns

7.4.1 Problems could arise in the future as a result of energy projects, such as funding for decommissioning of solar projects. The Town should promote future energy projects, but also carefully review the current and potential impacts of energy projects on costs, aesthetics, natural resources, and the environment. (Section 7.6 in draft 12/14/2022).

7.4.2 There are specific areas where the Town’s residents would not like to see overhead transmission lines or energy projects (other than roof-mounted solar) that have an undue adverse impact on important scenic resources. They are listed in the Scenic Resources section in the Town Plan. (Section 7.6 in draft 12/14/2022).

7.5 Energy Goals

- 7.5.1 To make efficient use of energy the Town seeks to:
- 7.5.1.1 Provide for the development of renewable energy resources,
 - 7.5.1.2 Encourage weatherization,
 - 7.5.1.3 Reduce emissions of greenhouse gases,
 - 7.5.1.4 Prioritize energy efficient forms of transportation, and
 - 7.5.1.5 Promote land use policies that are likely to result in energy conservation.
(Section 7.7.1 in draft 12/14/2022)

7.6 Energy Policies

- 7.6.1 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 Biological 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 Biological 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 installed at farms, residences or small businesses, up to 100 KW, are encouraged 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 or scenic resource.
- 7.6.2 The Town particularly encourages solar energy development, of any scale, on building rooftops as well as other types of renewables including methane digesters and micro-hydro.
- 7.6.3 The Town strongly supports the development of residential-scale (up to 15 KW capacity ground-mounted) electricity generation from solar energy at homes, businesses, schools, and other institutions.
- 7.6.4 The Town also supports 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.

7.6.5 Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following policies and standards.

7.6.6 **Solar Electricity Facility Siting Standards**

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 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.

7.6.6.1 **Community Standards**

The following community standards are to be considered in undertaking ~~municipal~~ all 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 all 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.

7.6.6.2 **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 Section of this Plan, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Plan including: 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 shall be minimized during project design.
- b) **Preferred Areas:** The following areas are identified as preferred areas for solar facilities, and they must also meet the Town's Preferred Siting Checklist:

- Roof-mounted systems;
 - Parking lot canopies;
 - 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 previously disturbed areas, such as gravel pits, closed landfills, or former quarries;
- 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);
 - Class I or II wetlands;
 - Riparian buffers and setbacks as defined in Weathersfield's Zoning Bylaws;
 - Rare, threatened, or endangered species habitat or communities as mapped or identified through site investigation, and core habitat areas, migratory routes and travel corridors;
 - Elevations of 1,500 feet in elevation or higher;
 - Steep slopes (>25%);
 - Habitat blocks of 500 acres or greater in size;
 - A site in proximity to and interfering with a significant viewshed identified in the Scenic Resources sections of the Town Plan (see ~~Section 7.6 and~~ Section 5.3);
 - 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.

- 7.6.7 Energy audits should be conducted prior to undertaking major improvements to Town-owned buildings, and the Town should invest in priority energy efficiency upgrades as called for in energy audit.
- 7.6.8 All applicable new and renovated buildings are subject to the Vermont Residential Building Energy Standards or Vermont Commercial Building Energy Standards.
- 7.6.9 The Town encourages other methods to exceed the state energy code, such as through passive solar building orientation to take advantage of heating from the sun, landscaping to shade buildings and reduce summer temperatures, or using the “Energy Star” building performance rating system.
- 7.6.10 The current land use pattern requires people to drive to work and to other amenities. The Town encourages new housing, businesses, and other amenities in walkable/centralized areas. The reduction of sprawl and low-density development not only reduces energy consumption, but also can improve the local and regional economy. Refer to Future Land Use Map.

7.7 Energy Recommendations

- 7.7.1 Broadly, ~~C~~cost savings may be realized from:
- 7.7.1.1 Weatherization of buildings
 - 7.7.1.2 Energy efficient lighting
 - 7.7.1.3 Heating and air conditioning changes to more efficient mechanisms, such as air-source cold climate heat pumps
 - 7.7.1.4 Reduction in use ~~Conservation measures (reduction in use)~~
 - 7.7.1.5 Fuel-efficient vehicles
 - 7.7.1.6 Analysis of town vehicle operations. (Section 7.5 in draft 12/14/2022).

WEATHERSFIELD TOWN PLAN

- 7.7.2 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).
- 7.7.3 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.
- 7.7.4 The Planning Commission, in consultation with the Select Board, should develop guidelines to direct local participation in Section 248 proceedings related to solar facilities located in Weathersfield or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.
- 7.7.5 Inform residents about Efficiency Excellence Network (EEN) contractors by providing links to EEN information through a municipal website or through other means.
- 7.7.6 Participating in the Safe Routes to School program will help reduce reliance on vehicle transport.
- 7.7.7 Inform residents and business owners about existing energy efficiency programs and incentives, especially weatherization services and financing options for low-to-moderate income household.
- 7.7.8 Appoint an Energy Coordinator or establish an Energy Committee to help implement recommendations in this Chapter.
- 7.7.9 Hold an information forum such as Button Up, and invite residents to speak about the energy improvements that they have made to their homes. Provide data that demonstrates why these improvements make sense for residents.
- 7.7.10 Assess the life cycle costs of potential energy improvements during design and construction planning. For example, investment in a new, efficient heating system may be more expensive up front, but more economical to operate over time.
- 7.7.11 Promote the use of cold climate heat pumps (aka air-source heat pumps, mini-splits or ductless heat pumps) as a highly efficient source of heat and air conditioning with education/presentations in coordination with the EEU's/electric utilities. These systems are a good option to retrofit existing houses, and can be used to supplement

the existing heating system. They also provide air conditioning during the warmer months. Ground source (geothermal) heat pumps may also be suitable option. Heat pump water heaters are also an energy efficient option.

- 7.7.12 Promote the Go Vermont webpage, which provides rideshare, vanpool, public transit and park-and-ride options.
- 7.7.13 Seek grants and partnerships to fund the installation of electric vehicle -charging infrastructure at the park and ride lot, school or other town-owned properties.
- 7.7.14 Coordinate with MARC and Local Motion to promote the planned electric-bicycle lending library to help promote e-bikes as a viable form of travel.
- 7.7.15 Continue to financially support The Moover public transportation services, such as the commuter bus that serves the I-91 Exit 8 park and ride lot, to provide access to jobs for residents and encourage less single-occupant vehicle use.
- 7.7.16 The Town should work with electric and utility contractors to assist homeowners with switching to alternative heating systems such as wood pellet stove and air source heat pumps. Woody biomass can be sourced locally.
- 7.7.17 If renewable energy systems are not practicable, encourage homeowners to replace old furnaces or boilers with a high-efficiency model.
- 7.7.18 Promote wood stove change-out programs that take older non-EPA certified stoves out of service and replace them with more efficient and lower emitting cordwood or pellet stove.

WEATHERSFIELD TOWN PLAN

The foregoing amendments shall be effective immediately upon signing.

Dated at Weathersfield, Windsor County, Vermont this 27th day of February, 2023.

Paul Tillman, Chairperson

Howard Beach, Vice-Chairperson

Joseph Bublat, Board Clerk

Mike Todd, Board Member

ATTEST:

Received at the Town of Weathersfield

this ___ day of March, 2023.

Flora Ann Dango, Town Clerk

AGENDA ITEM

8

Re: Planning Commission Hearing

John Arrison <wattsup@tds.net>

Wed 2/22/2023 2:37 PM

To: Land Use <Landuse@weathersfield.org>

Please take our sub div off . It is not going forward

From: "Land Use" <Landuse@weathersfield.org>

To: wattsup@tds.net

Sent: Wednesday, February 22, 2023 8:52:37 AM

Subject: Planning Commission Hearing

Hi John,

I just wanted to get an update for the PC as they do have a hearing open for your subdivision project. Also, I still have not received an application and fee payment for the Final Plat Review hearing.

Let me know when you get a chance.

Thanks,
Ryan

--

John Arrison

Ascutney, VT 05030

AGENDA ITEM

9

Key

Black: Original remaining text

~~Red stricken: Original removed text~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

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 PUD Review Application

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

- 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) of these bylaws.
- c) **Project Narrative:** A description of the proposed project shall be required as part of a complete application. Also required is a narrative that is clear and succinct and includes:
 1. SUMMARY: A brief summary of the project and how it meets the PUD standards in this section;
 2. EXCEPTIONS: A statement describing all proposed modifications, changes, or supplements to requirements in the Zoning Bylaws. 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;
 3. MANAGEMENT: 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,
 4. PHASING PLAN: Projects that will take more than 24 months to complete must present a description and clear plan for the project's phasing, including the area, uses, and timing of each phase. In any case, the sketch plan shall show the complete project.
 5. 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 these Zoning Bylaws.
- d) **Application Fees:** All applicable fees must be paid as part of a complete application.
- e) PUD applications may involve single or multiple parcels and one owner or multiple owners under a common application.
- f) PUD applications are subject to approval by the Planning Commission in accordance with the requirements of Section 5.4 in these Bylaws.

5.45 Planned Unit Development

~~An applicant for PUD approval applies to the Administrative Officer, who in turn notifies the Planning Commission. The Commission has up to sixty days to hold a public hearing, and sixty after that to approve, approve with conditions, or disapprove the application based on Standards of Review in these Bylaws. Failure to act within sixty (60) days of the hearing shall be deemed approval. Prior to filing a formal application, the applicant is encouraged to meet with the Commission to discuss the project. Notice for a combined review hearing shall be made in accordance with 24 V.S.A. §4464(a)(1).~~

~~The hearing notice shall include a statement that the hearing will be a combined review of the proposed project and list each review process that will be conducted at the hearing.~~

~~As applicable, the combined review process shall be conducted in the following order:~~

- ~~a) Site Plan Review~~
- ~~b) Access by right-of-way~~
- ~~c) Requests for Waivers~~
- ~~d) Requests for Variances~~
- ~~e) PUD Review~~
- ~~f) Subdivision Review (preliminary and final)~~
- ~~g) Conditional Use Review~~

~~All hearing and decision requirements and all deadlines applicable to each review process shall apply. Separate written decisions may be issued for each review conducted as part of the combined review, but shall be coordinated where appropriate.~~

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.

5.4.1 Purpose

- a) To allow for multiple principal uses on a single parcel of land.
- b) 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.
- c) To implement the policies of the municipal plan, such as the provision of affordable housing.
- d) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- e) 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.
- f) 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.
- g) To provide for efficient use of public facilities and infrastructure.
- h) To encourage and preserve opportunities for energy-efficient development and redevelopment.

5.4.2 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.

5.4.3 PUD Review Procedures

- a) Complete applications for PUDs must include the information specified in Section 5.1.
- b) PUD applications shall be reviewed under the Subdivision Application Procedures set forth in Weathersfield's Subdivision Regulations, as most recently amended.
- c) Approval granted under this section for a PUD that involves the development of one or more uses requiring approval under conditional use review (Section 5.3) does not exempt the proposed development from both review processes, although various reviews by the ZBA for PUDs may be reviewed separately or concurrently.
- d) The order of PUD review will be:
 - 1. Planning Commission – Sketch Plan Review
 - a. Planning Commission shall determine the bylaw modifications to be used in further reviews
 - 2. Zoning Board of Adjustment – Site Plan Review, Conditional Use Review, other reviews administered by the ZBA
 - 3. Planning Commission – Preliminary Review (if required by PC)
 - 4. Planning Commission – Final Plat Review

5.45.41 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) All Site Plan Review requirements in Section 5.2~~3~~ have been met.
- c) The PUD is an appropriate and ~~unified-singular~~ treatment for the proposed development.
- d) 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.
- ~~d)e)~~ State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- ~~e)f)~~ Adequate water supply and sewage disposal facilities are provided.
- ~~f)g)~~ The development will not place an undue burden on municipal services.

5.4.5 Standards for Non-residential PUDs

- a) DENSITY: The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations.
 - 1. For PUDs not requiring a subdivision, the number of uses or units of the same use will be equal to the number of subdividable lots pursuant to 5.4.5(a) of these bylaws.
- b) USE: All compatible uses allowed in the sites district are allowed as part of a non-

residential PUD. The ZBA may determine if any proposed uses are not compatible. A non-residential PUD may include residential dwelling units.

- c) OPEN SPACE: At least 1 acre of open space shall be dedicated for the use of the residents, owners or employees.

5.4.6 Standards for Residential PUDs

- a) DENSITY: The total number of dwelling units in any Residential PUD must not exceed 125% of the number of lots into which the parcel could be legally subdivided and developed based upon minimum lot size requirements and all other applicable bylaws.
- b) USE: Only residential and residential accessory uses shall be permitted within a Residential PUD.
- c) DEVELOPMENT: 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.
- d) OPEN SPACE: A minimum of 33% of the total applicable property shall be designated for open space or community facilities.
 - 1. Open space shall be designated as private (for the benefit of the residents of the PUD), or public (for the benefit of the municipality and its citizens).
 - 2. Land set aside as open space shall be of a size, type and location to meet its intended use.
 - 3. Open space should be contiguous to other existing or potential open space areas.
 - 4. Ownership of open space should be consistent with the best means of maintaining the resources on site.

5.5.2 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.

BLANK

Town of Calais - Land Use & Development Regulations

brian.bosenberg@gmail.com <brian.bosenberg@gmail.com>

Tue 2/21/2023 7:40 AM

To: Land Use <Landuse@weathersfield.org>

Cc: Beth Hunton <eah3891@gmail.com>

 1 attachments (753 KB)

Calais VT Land Use & Development Regulations 2022-02-21.pdf;

Hello Ryan,

Attached is the Calais VT Land Use & Development Regulations. There is much to like about these regulations. The table of contents lets you quickly find the information you are looking for and is well organized. It set the requirements for each zoning district in a simple format, including a table of standards for a PUD with minimum lot size, impervious coverage, setbacks, etc.

A good example is page 16, Table 2.1 Village District: The permitted and conditional uses are shown side by side on the same page, and the standards for a PUD are established at the bottom. So again, straightforward, easy to read, and very quickly the user can determine the requirements.

It would be reasonably easy to reformat our bylaws to resemble the attached. However, I am happy to discuss this before the Planning Commission Meeting if that is helpful.

Thanks,

Brian

802-369-9518

G

AGENDA ITEM

10

Key

Black: Original remaining text

~~Red stricken: Original text removed~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

Article 2: Zoning Districts and District Standards

2.1 Introduction and Table of Districts and Uses

The tables on pages 7 through 20 are a major part of these Bylaws and illustrate the following information:

- a) The seven types of zoning districts located in the Town of Weathersfield.
- ~~b) For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.~~
- e)b) _____ Brief description and purpose of each district.
- c) Which uses may be permitted in each district type under certain conditions and with what additional requirements.
- ~~d) Basic minimum requirements in each district.~~
- ~~e) All uses permitted within the Town of Weathersfield.~~
- ~~f) Which uses may be permitted in each district type under certain conditions and with what additional requirements.~~

For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

~~In addition, a~~All uses must comply with any applicable General Provisions (Article 3) and Special Provisions-Specific Use Standards (Article 4)~~as listed in Sections 6 and 7 of this document.~~

After holding a public hearing, the Zoning Board of Adjustment may deem other uses similar in nature to those listed in the Definitions section.

Definitions of words and terms used in these Bylaws appear in ~~Section 8~~Article 7~~after the section regarding Special Provisions.~~

2.2 Zoning Map and Interpretation

The locations and boundaries of zoning districts are established as shown on the Official Zoning Districts Map located in the Town Office.

The Official Zoning Districts Map is hereby made a part of these regulations and a part of all future amendments to these regulations.

The Conservation District boundaries shown on the map are necessarily approximate. Actual conditions of the land shall prevail over any markings on the map.

If uncertainty exists with respect to the boundary of any zoning district on the Official Zoning Districts Map, the Zoning Board of Adjustment shall have the authority to determine the exact location of such boundary, after consultation with the Planning Commission.

2.3 Lot in Two Districts

Where a zoning district boundary line divides a lot of record in single ownership at the time of the adoption of the district line, permitted uses for each of the divided parts shall be as required within the district in which the land is located with the following exception:

- a) **Exception:** When the result of the adopted district boundary line produces an area of land within each district insufficient to meet the requirements for that district, the Board of Adjustment may grant a conditional use permit to extend the regulations for the less restricted part of such a lot into the more restricted part.

2.4 Expansion of Minimum Lot Size

- a) For a Conditional Use: The Board of Adjustment may expand the lot size requirements for resorts, bed and breakfasts, hotels, other paying guest or multi-family complexes by one acre per guest room or per family above the minimum lot size.
- b) For a Permitted Use: When the physical characteristics of the lot and/or the nature of the proposed use are such that larger lots are advisable, all parties are encouraged to consider lot sizes larger than the minimum.

2.5 Table of Districts and Uses

For the purpose of these Bylaws, the following Zoning Districts are hereby established for the Town of Weathersfield:

<u>District Type</u>	<u>District Designations</u>
Village	(V)
Hamlet	(H)
Rural Residential	(RR 1)
Rural Residential Reserve	(RRR 3-5)
Conservation	(C)
Highway Commercial	(HC)
Industrial	(I)

Description and Purpose of Each District

Village (V):

- Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a rural village setting;
- intensive land use with some multi-family housing;
- efficient location for a limited number of compatible commercial activities.
- The Village District can absorb growth without greatly increasing demand for roads and school bus services.
- Central water and possibly sewer services may need to be provided to accommodate growth.

Hamlet (H):

- Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting;
- Reasonable location for neighborhood general stores.
- The Hamlet District is capable of absorbing limited growth without increasing demand for roads and school bus route, though school bus capacity would increase.

Rural Residential (RR 1):

- Residential growth areas surrounding villages and hamlets;
- Somewhat convenient to their amenities;
- Intended to always retain some large lots to add variety and rural scenery.
- Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

Rural Residential Reserve (RRR 3-5):

- Rural areas that give Weathersfield its valued rural atmosphere;
- A mix of open and wooded lands, agriculture, and residences, accessible and remote.
- Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Conservation (C10):

- Areas in which sparse development is wise for one or more of the following reasons:
- Remote from roads or utility services;
- Location of scarce mineral resources;
- Prime agricultural or forested land;
- Significant or irreplaceable natural, historic, recreational or scenic resources;
- Slope elevations exceeding 25%;
- Land over 1,500 feet in elevation;
- Severe soil limitations;
- Risk of flooding or floodways need.

Highway Commercial (HC):

- Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public.
- Serves local residents and transients;
- Provides some local employment and
- Helps to broaden the tax base.
- Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

Industrial (I):

- Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers.
- Provides employment for local residents and
- Broadens the Town tax base.

- Currently located in areas partially so developed and considered to be appropriate for such use.

Use Requirements by District Type

The following information describes how uses are permitted and the area, land and structural requirements for each District.

2.5.1 Village (v)

Purpose: Established dense residential centers for sociability, convenient shopping and other public and private community services compatible with a small village setting; intensive land use with some multi-family housing; efficient location for compatible commercial activities. The Village District can absorb growth without greatly increasing demand for roads and school bus services. A public water system serves the Village, but public sewer services may need to be provided to accommodate growth.

USES THAT DO NOT REQUIRE A ZONING PERMIT: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting services~~
- ~~▪ Minor structures~~
- Temporary signs

PERMITTED USES: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public cCemetery (private cemeteries refer to...)
- ~~▪ Group homes~~
- Residential, Single-family dwelling
- Small enterprise^{1,2,3} (in keeping with the Village residential/commercial mix)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential aAthletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

CONDITIONAL USES: The following uses are permitted upon granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{4,3}
- Family child care facility^{1,2,3}, Section 4.2.1^{4,3}
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel ^{1,3}
- Medical facility^{1,2,3}
- Residential, Multi-family ~~dwelling~~^{1,2,3} (three to six units)
- Public water, sewage treatment plant ^{1,2,3}
- ~~Residential care home~~
- School^{1,2,3}
- Semi-public ^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Two-family ~~dwelling~~ (new construction)
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.)

Conditional Accessory Uses:

- Docks (for water access)
- ~~Home industry~~
- ~~Home-based business - level 2~~^{1,2}, Section 4.5.4
- Wireless communication facilities^{2,3}, Section 4.19^{2,3}

USES NOT PERMITTED: The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry ~~ial~~
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Non-highway commercial
- Self-storage facility (~~effective July 9, 2012~~)

AREA, LAND & STRUCTURAL REQUIREMENTS:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot area minimum: 1 acre

Lot frontage and setbacks:

Frontage	80 feet
Front Setback	40 feet
Rear Setback	20 feet
Side Setback	20 feet

Building Height:

Maximum Building Height: 35 feet (~~Amended 6/11/2012~~)

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

2.5.2 Hamlet (H)

Purpose: Sparse residential centers for limited sociability with very limited shopping and community services, compatible with a rural setting; reasonable location for neighborhood general stores. The Hamlet District is capable of absorbing limited growth without increasing demands for roads and school bus routes, though school bus capacity would increase.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Small enterprise^{1,2,3} (in keeping with the character of the hamlet of a neighborhood trade character; may include one apartment)
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; not new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based Business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5 -
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2^{1,3}
- Family child care facility^{1,2,3}, Section 4.2.1^{1,3}
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,3}~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District.)

Conditional Accessory Uses:

- Docks (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities^{2,3}, Section 4.19^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Campground, resort, children's camp
- Contractor's storage yard (materials, machinery, heavy equipment)
- Gasoline/service station
- Highway commercial
- Industry ial
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling~~
- Non-highway commercial
- Self-Storage facility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: ~~Basic minimum~~ 1 acre

Two family dwelling: 1 acre (1½ acre if no public water or if altered single family dwelling)

Lot Frontage and Setbacks:

Frontage 150 feet

Front Setback 40 feet

Rear Setback 25 feet

Side Setback 25 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

1 Site Plan Review required, [Article 5](#)

2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)

3 Certificate of Occupancy required, [Section 6.7](#)

2.5.3 Rural Residential (RR-1)

Purpose: Residential growth areas surrounding villages and hamlets; somewhat convenient to their amenities; intended to always retain some large lots to add variety and rural scenery. Growth in the Rural Residential District will increase demand for roads and school bus service slowly and at a small rate per family.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds, Section 3.2.5-
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)~~
- Family child care facility^{1,2,3} - Section 4.2.1
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3} , Section 4.3
- Mobile Home Park^{1,2} , Section 4.9-
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Docks (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless communication facilities^{2,3} , Section 4.19

Uses Not Permitted: The following uses are not permitted within this District:

- Contractor's storage yard (of materials, machinery, heavy equip.)
- Gasoline/service station
- Highway commercial
- Industry ial
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Residential, Two-family ~~dwelling~~ (new construction)
- Non-highway commercial
- Small enterprise
- Self-sStorage facility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a PUD permit subdivision.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public

health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 1 acre

Lot Frontage and Setbacks:

Frontage	150 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Heights:

Maximum Building Height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, [Article 5](#)
- 2 ~~General/Special Provisions~~ [Specific Use Standards](#) apply, [Article 4](#)
- 3 Certificate of Occupancy required, [Section 6.7](#)

2.5.4 Rural Residential Reserve (RRR 3-5)

Purpose: Rural areas that give Weathersfield its valued rural atmosphere; a mix of open and wooded lands, agriculture, and residences, accessible and remote. Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public Cemetery (private cemeteries refer to...)
- ~~▪ Group home~~
- Residential, Single-family dwelling
- Residential, Two-family dwelling (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural Ponds
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential, Swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3-}, Section 4.2.2

- Campground, resort, children's camp^{1,3}
- ~~Church (see Semi-Public)^{superscript?}~~
- Contractor's storage yard^{1,3} (of materials, machinery heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,2,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile home park^{1,2}, Section 4.9
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- ~~Single family PRD^{1,2,3}~~
- **Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)**

Conditional Accessory Uses:

- Dock (for water access)
- **Home-based business - level 2^{1,2}, Section 4.5.4**
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3}, Section 4.19

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- ~~Industry^{ial}~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway Commercial
- Small enterprise
- Self-Storage Facility ~~(effective July 9, 2012)~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 3 acres

Lot Frontage and Setbacks:

Frontage 200 feet

Front Setback 40 feet

Rear Setback 50 feet

Side Setback 50 feet

Building Heights:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

1 Site Plan Review required, Article 5

2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4

3 Certificate of Occupancy required, Section 6.7

2.5.5 Conservation (C-10)

Purpose: Areas in which sparse development is wise for one or more of the following reasons: remote from roads or utility services; location of scarce mineral resources, prime agricultural or forested land, significant or irreplaceable natural, historic, recreational or scenic resources; slope elevations exceeding 25%; land over 1,500 feet in elevation; severe soil limitations; risk of flooding; or flood ways need.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- ~~▪ Group home~~
- Residential, Single-family ~~dwelling~~ (must not defeat purpose of the District)
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single-family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit², Section 4.1-
- Accessory use or structure
- Adult day care service², Section 4.2.2-
- Residential, ~~A~~athletic ~~structures~~ courts
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Home-based business - level 1², Section 4.5.3
- Non-agricultural ~~P~~onds
- Seasonal roadside stand, Section 4.12
- Signs, ~~permanent~~ Section 3.8 (some exemptions apply)
- Residential ~~S~~swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3-}, Section 4.2.2
- Campground, resort, children's camp^{1,3}

- Public Cemetery (private cemeteries refer to...)
- ~~Church (see Semi-Public)~~^{superscript?}
- Contractor's storage yard^{1,3} (materials, machinery, heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1
- Inn/small hotel^{1,3} (must not defeat purpose of the District)
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Outdoor recreation facility^{1,2,3} (must not defeat the purpose of the District)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Wireless Communication Facilities^{2,3}, Section 4.19
- ~~Single family PRD~~^{1,2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family dwelling (new construction)
- Residential, Multi-family dwelling or PRD
- Non-highway Commercial
- Small enterprise
- Self-Storage Facility (~~effective July 9, 2012~~)

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses on a single parcel of land requires a PUD-permit subdivision.

4.3. _____ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 10 acres

~~Basic District Requirement: 10 acres~~ *(The owner(s) of record prior to January 4, 1994, of a lot containing at least 6 acres and less than 20 acres and which lot, under the prior bylaws was in RRR 3-5 District, shall be permitted to subdivide said lot into 2 lots, provided both lots meet the town subdivision and zoning requirements.)

Lot frontage and setbacks: Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7

2.5.6 Highway Commercial (HC)

Purpose: Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public. Serves local residents and transients, provides some local employment and helps to broaden the Town tax base. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Highway ~~C~~ommercial^{1,2,3}
- Light industry~~ial~~^{1,3}
- Self-~~S~~storage ~~F~~acility ≤10,000 sq ft of gross floor area^{1,2,3,4}

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2-
- ~~▪ Athletic courts~~
- Bed and ~~B~~reakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1-
- ~~▪ Home occupations~~
- Non-agricultural Ponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility ≤10,000 sq ft of gross floor area **1,2,3,4**
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential Swimming pool (in ground or aboveground)

Conditional Uses: The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2-
- ~~▪ Church (see Semi-Public)^{superscript?}~~
- Contractor's storage yard^{1,3} (materials, machinery, heavy equip.)

- Family child care facility^{1,2,3}, Section 4.2.1
- Gasoline/service station^{1,2,3}
- ~~Group home~~
- Indoor or outdoor recreational facility^{1,3}
- Inn/small hotel^{1,3}
- ~~Outdoor recreation facility^{1,2,3}~~
- Public water, sewage treatment plant^{1,2,3}
- Semi-public^{1,2,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area^{1,2,3,4}
- Residential, Single-family ~~dwelling~~
- Residential, Two-family ~~dwelling~~ (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Accessory Dwelling Unit
- Dock
- Home-based business - level 1², Section 4.5.3
- Home-based business - level 2^{1,2}, Section 4.5.4
- ~~Home Industry~~
- Residential athletic courts
- Wireless Communication Facilities^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Campground, resort, children's camp
- Public Cemetery (private cemeteries refer to...)
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (~~see definitions~~)
- ~~Mineral e~~Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway Commercial
- School
- ~~Single family PRD~~
- Planned Unit Development, Residential

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit subdivision.~~
- ~~4.3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.~~

Lot Area Minimum: 1 acre

~~Basic District Requirement: 1 acre~~

~~*Residential, Single-Family Dwelling: 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

~~*Residential, Two-Family Dwelling (altered from pre-existing single family dwelling): 3 acres Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.~~

Lot Frontage and Setbacks:

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Height:

Maximum building height: 35 feet ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- ~~4 Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

2.5.7 Industrial (I)

Purpose: Areas suitable in terrain and proximity to transportation facilities to be desirable by industry and those commercial activities that do not depend on highway traffic for customers. Provides employment for local residents and broadens the Town tax base. Currently located in areas partially so developed and considered to be appropriate for such use.

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations. ~~The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:~~

- ~~▪ Agriculture/Forestry~~
- ~~▪ Baby sitting service~~
- ~~▪ Minor structures~~
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Public water, sewage treatment plant^{1,2,3}
- Self-Storage Facility^{1,2,3,4}
- Small office ~~space~~

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- ~~▪ Athletic Courts~~
- Bed and ~~B~~breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- ~~▪ Home occupations~~
- Non-agricultural Pponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility^{1,2,3,4}
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)

Conditional Uses:

The following uses are permitted upon the granting of Conditional Use Approval by the Board of Adjustment:

Conditional Principal Uses:

- Contractor's storage yard^{1,3} (materials, machinery, heavy equip)
- Extraction of earth resources^{1,2,3}, Section 4.3
- Family ~~day~~child care facility^{1,2,3}, Section 4.2.1

- Highway ~~C~~commercial
- ~~Home Industry~~
- Junkyard, landfill, recycling facility (privately owned)^{1,2,3}
- Industrial^{1,2,3}
- Non-highway ~~C~~commercial^{1,2,3}
- ~~Outdoor recreation facility (only as facilities for use by employees during lunch, etc. on same basis as primary industrial commercial facility)~~
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Wireless ~~C~~ommunication ~~F~~acilities^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Adult day care facility, Section 4.2.2
- Campground, resort, children’s camp
- Cemetery
- Gasoline/service station
- Indoor recreational facility
- Inn/small hotel
- Medical facility
- Mobile home park, Section 4.9
- Residential, Multi-family ~~dwelling or PRD~~
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family ~~dwelling~~
- Planned Unit Development, Residential ~~Single family PRD~~
- Residential, Two-family ~~dwelling (new construction~~

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
- ~~2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.~~
- ~~3.2.~~ Establishment of multiple principal uses ~~on a single parcel of land~~ requires a subdivision PUD permit.
- ~~4.3.~~ Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 1 acre

~~Basic District requirement: 1 acre~~

Lot Frontage and Setbacks:

Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	25 feet
Side Setback	25 feet

Building Height: 35 feet

~~Maximum building height: 35 feet with the following exception:~~ *In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit.

Unless increased by the ~~Planning Commission~~ Zoning Board of Adjustment during Site Plan Review, a minimum of 50' buffer with natural screening is required between industrial and residential zones. ~~(Amended 6/11/2012)~~

Notes:

- 1 Site Plan Review required, Article 5
- 2 ~~General/Special Provisions~~ Specific Use Standards apply, Article 4
- 3 Certificate of Occupancy required, Section 6.7
- 4 ~~Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw~~

BLANK

Fwd: Zoning bylaws

ryan gumbart <ryangumbart@gmail.com>

Tue 2/28/2023 7:42 PM

To: Land Use <Landuse@weathersfield.org>

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

From: **Elizabeth Hunton** <eah3891@gmail.com>

Date: Sun, Feb 26, 2023 at 4:02 PM

Subject: Zoning bylaws

To: <ryangumbart@gmail.com>

Dear Ryan:

Would you kindly pass this along to the Selectboard? I messaged Paul Tillman on the town website, but I am not sure how efficient that system is. I don't have his direct email.

I will not be able to attend the February 27th or March 13th meeting. I am not sure if you will get to the zoning bylaws changes during those meetings so I'm writing to express my opinion on the proposed changes.

The proposed changes allow home based Business Level 1 as permitted accessory use in Village, Hamlet, RR1, RR3, and C10

The proposed changes allow home based Business Level 2 as a conditional accessory use in Village, Hamlet, RR1, RR3, and C10.

I totally support home occupation and Business Level 1 in all districts. However, It is my opinion that home based Business Level 2 as a conditional accessory use will create problems in the town for the following reasons:

- Level two is a big leap up, 4000 sq ft, 6 employees, and 60 trips a day is a lot. Especially if they are big trucks. I would not want that next door to me and I can't imagine the majority of citizens would want this amount of disruption to their peacefully quiet neighborhood.
- Conditional uses often put neighbor against neighbor. At one meeting a select board member said that was what lawyers were for. Unfortunately many citizens of Weathersfield can barely afford their property taxes, never mind a lawyer. So in this scenario the town is allowing a potentially well financed neighbor to bulldoze a project through over the objection of a neighbor with no funds. That is elitist.
- All the extra traffic (six times normal per approved project) will impact town roads in the negative.
- It will contribute to noise, traffic, and potentially pollution in our town.

I have owned various small businesses for over 30 years; I am pro business. But put industry (Business Level 2) where it belongs. I urge the selectboard to drop the Business Level 2 as a conditional accessory use and put these industry type businesses in the highway commercial or industrial zones where they belong.

Thank you for reading this.
Sincerely, Beth Hunton

--

Elizabeth Hunton

Potluck Farm at Hoisington, LLC
Perkinsville, Vermont

AGENDA ITEM

11

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 # 2023.03.08.SD

Applicant Name SCOTT ROGERS
Address (Mailing) P.O. BOX 705 ASCUTNEY VT 05030
Telephone # 802-674-9595 Email Address ASCUTNEYMARKET@GMAIL.COM

Landowner Name SAME AS ABOVE
Address (Mailing) _____
Telephone # _____ Email Address _____

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

Name of Project Ascutney Market Subdivision
Tax Map/Parcel Number 06-00-14
Location of Subdivision _____

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

TO ZONE EXISTING LOTS. 1 LOT FOR STORE AND
1 LOT FOR SINGLE FAMILY RESIDENCE

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 _____

3/4/23
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 _____ 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.

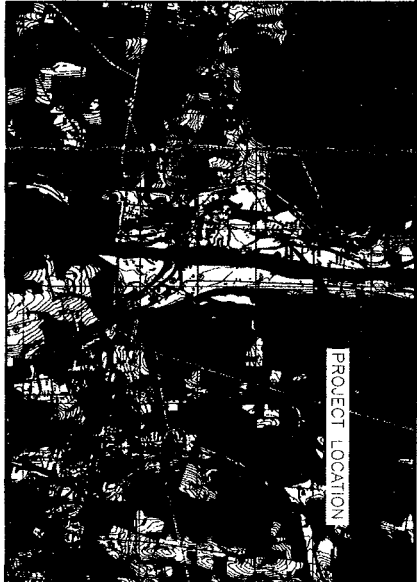
Meeting date at which you should be present: March 13, 2023

FOR OFFICE USE

Date Received March 8, 2023 Fee Paid \$100.00
 Date presented to the Planning Commission _____

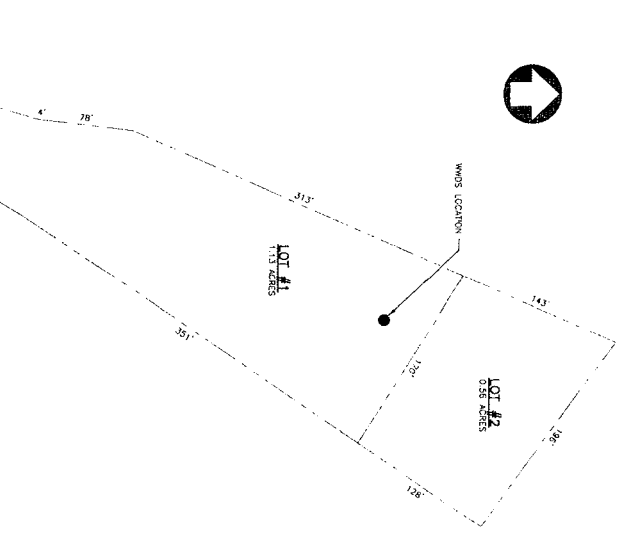
 Application No. 2023.03.08.50 Date of Notice NA
 Date received by AO March 8, 2023 Date of Hearing NA
 Fee Paid \$ 100.00 Date of Decision _____
 Date Paid March 8, 2023 Appeal granted _____ denied _____

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



PROJECT LOCATION

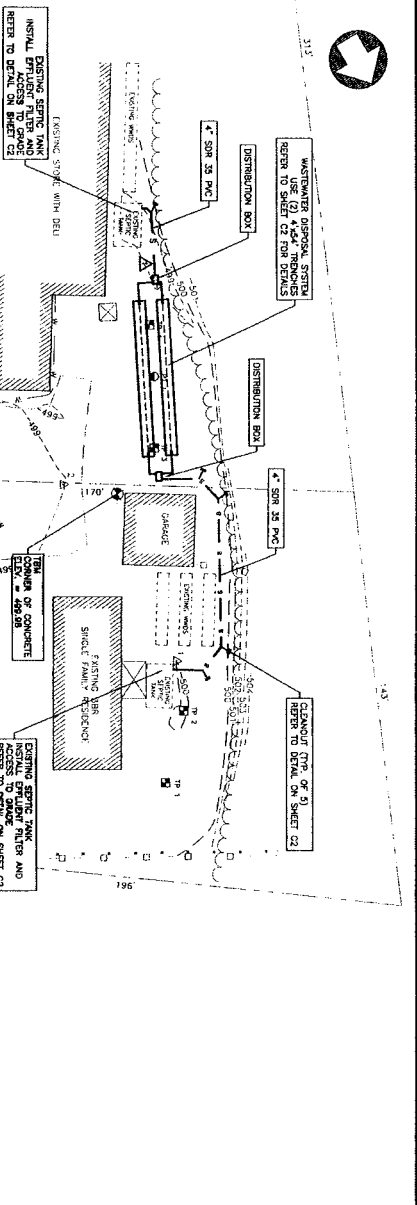
LOCATION MAP
SCALE: 1" = 1000'



THE PROPERTY LINES, DIMENSIONS, AND OTHER REAL PROPERTY DESCRIPTIONS ARE SHOWN FOR INFORMATION ONLY AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY AND ANY RIGHTS OR INTERESTS OR EVIDENCE OF ANY PROPERTY RIGHTS.

MADE FROM: Subdivision Division
CONTRACT SUBJECT TO REVISIONS ON SHEET 1 AND 2
Project Number: 2010-10-1-1

Dated: 9/10/10
ALVIA



TEST NO.	DEPTH (IN.)	DATE
PT-1	24	4.2

PERCOLATION TESTS
BY BILA ZBORIC

TEST NO.	DEPTH (IN.)	DATE
PT-1	24	4.2

TEST PIT LOG
BY BILA ZBORIC 7/23/15

TEST NO.	DEPTH (IN.)	DATE	SOIL TYPE	SOIL COLOR	SOIL MOISTURE
PT-1	0-12"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	12-24"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	24-36"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	36-48"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	48-60"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	60-72"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	72-84"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	84-96"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	96-108"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	108-120"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	120-132"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	132-144"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	144-156"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	156-168"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	168-180"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	180-192"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	192-204"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	204-216"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	216-228"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	228-240"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	240-252"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	252-264"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	264-276"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	276-288"	7/23/15	BROWN	LOAMY SAND	10%
PT-1	288-300"	7/23/15	BROWN	LOAMY SAND	10%

EXISTING	PROPOSED	LEGEND
MAJOR CONTOUR	MAJOR CONTOUR	MAJOR CONTOUR
MINOR CONTOUR	MINOR CONTOUR	MINOR CONTOUR
PAVED ROAD/DRIVE	PAVED ROAD/DRIVE	PAVED ROAD/DRIVE
GRAVEL ROAD/DRIVE	GRAVEL ROAD/DRIVE	GRAVEL ROAD/DRIVE
TRAILING	TRAILING	TRAILING
PROPERTY LINE	PROPERTY LINE	PROPERTY LINE
STONEWALL	STONEWALL	STONEWALL
WELL	WELL	WELL
IRON PIPE/PURE ROUND	IRON PIPE/PURE ROUND	IRON PIPE/PURE ROUND
TRAVELER MARKER	TRAVELER MARKER	TRAVELER MARKER
UTILITY POLE	UTILITY POLE	UTILITY POLE
SINGLE POLE SIGN	SINGLE POLE SIGN	SINGLE POLE SIGN
TEST PIT	TEST PIT	TEST PIT
WELL SHIELD	WELL SHIELD	WELL SHIELD

ABBREVIATIONS

WATER TRENCHER DISPOSAL SYSTEM

PT - TYPICAL PERCOLATION TEST

SR - SINGLE FAMILY RESIDENCE

DI - DIAMETER

NO - NO LEAK TO DEPTH

ASCUTNEY MARKET AND DELI
6014 ROUTE 5 SOUTH

SITE PLAN

ASCUTNEY, VERMONT

SEP 20 2010

REVISIONS

DATE	COMMENTS	BY
9/15/10	STORE CONNECTION	BLB

DUFRESNE GROUP
CONSULTING ENGINEERS
54 Main Street, P.O. Box 9
Dundee, Vermont 05832
(802) 338-1000
www.dufresne.com

Project: 2010-10-1-1
Date: 9/10/10
Scale: AS SHOWN

C1

SHEET 1 OF 2



Ascutney Market Subdivision

Weathersfield, VT

1 inch = 34 Feet



March 8, 2023



www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Town of Weathersfield

Date: 03/08/2023 Time: 10:03:57

Clerk: Osavage

Account: 060014-A

Name: ROGERS SCOTT & NANCY

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	85.00

TOTAL 100.00

Check 14992

Thank you

Sketch Plan Review Checklist

- Sketch is on existing survey if one exists.
- Sketch includes all parcel boundaries.
- Sketch shows existing and proposed lot lines, dimensions, parcel and lot numbers.
- Sketch shows existing and proposed driveways, roads, paths, parking areas, associated rights-of-way or easements.
- Sketch shows approximate setback distance relative to proposed development.

Property acreage: 1.9 ac.

Proposed lot acreages:

Lot 1: 1.13 ac.

Lot 2: 0.56 ac.

District: Highway Commercial

Minimum acreage: 1 ac. / 3 ac. for residence Frontage: 200'

Setbacks: Front 40', Rear 25', Side 25'

Existing non-conformities:

2 principal uses on single lot. Lot currently does not meet minimum acreage requirements for residence. Existing residence does not meet current setbacks.

Notes:

Access will either require new highway access to Route 5 or a right-of-way. A waiver may be necessary to accommodate the existing conditions regarding setbacks.

AGENDA ITEM

12

Decommissioning Solar Panel Systems

Information for local governments and landowners on the decommissioning of large-scale solar panel systems.



NYSERDA

Solar Guidebook for Local Governments
NYSERDA 17 Columbia Circle Albany, NY 12203

Section Contents

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Overview

We provide information for local governments and landowners on the decommissioning of large-scale solar panel systems through the topics of decommissioning plans and costs and financial and non-financial mechanisms in land-lease agreements.

As local governments develop solar regulations and landowners negotiate land leases, it is important to understand the options for decommissioning solar panel systems and restoring project sites to their original status.

From a land use perspective, solar panel systems are generally considered large-scale when they constitute the primary use of the land and can range from less than one acre in urban areas to 10 or more acres in rural areas. Depending on where they are sited, large-scale solar projects can have habitat, farmland, and aesthetic impacts. As a result, large-scale systems must often adhere to specific development standards.

1. Abandonment and Decommissioning

Abandonment occurs when a solar array is inactive for a certain period of time.

- Abandonment requires that solar panel systems be removed after a specified period of time if they are no longer in use. Local governments establish timeframes for the removal of abandoned systems based on aesthetics, system size and complexity, and location. For example, the Town of Geneva, NY, defines a solar panel system as abandoned if construction has not started within 18 months of site plan approval, or if the completed system has been nonoperational for more than one year.²²
- Once a local government determines a solar panel system is abandoned and has provided thirty (30) days prior written notice to the owner it can take enforcement actions, including imposing civil penalties/fines, and removing the system and imposing a lien on the property to recover associated costs.

Decommissioning is the process for removing an abandoned solar panel system and remediating the land.

- When describing requirements for decommissioning sites, it is possible to specifically require the removal of infrastructure, disposal of any components, and the stabilization and re-vegetation of the site.

1.1 Decommissioning Plans

Local governments may require having a plan in place to remove solar panel systems at the end of their lifecycle, which is typically 20-40 years. A decommissioning plan outlines required steps to remove the system, dispose of or recycle its components, and restore the land to its original state. Plans may also include an estimated cost schedule and a form of decommissioning security (see Table 1).

²² Town of Geneva, N.Y. CODE § 130-4(D)(5) (2016):

1.2 Estimated Cost of Decommissioning

Given the potential costs of decommissioning and land reclamation, it is reasonable for landowners and local governments to proactively consider system removal guarantees. A licensed professional engineer, preferably with solar development experience, can estimate decommissioning costs, which vary across the United States. Decommissioning costs will vary depending upon project size, location, and complexity. Table 1 provides an estimate of potential decommissioning costs for a ground-mounted 2-MW solar panel system. Figures are based on estimates from the Massachusetts solar market. Decommissioning costs for a New York solar installation may differ. Some materials from solar installations may be recycled, reused, or even sold resulting in no costs or compensation. Consider allowing a periodic reevaluation of decommissioning costs during the project's lifetime by a licensed professional engineer, as costs could decrease, and the required payment should be reduced accordingly.

Table 1: Sample list of decommissioning tasks and estimated costs

Tasks	Estimated Cost (\$)
Remove Rack Wiring	\$2,459
Remove Panels	\$2,450
Dismantle Racks	\$12,350
Remove Electrical Equipment	\$1,850
Breakup and Remove Concrete Pads or Ballasts	\$1,500
Remove Racks	\$7,800
Remove Cable	\$6,500
Remove Ground Screws and Power Poles	\$13,850
Remove Fence	\$4,950
Grading	\$4,000
Seed Disturbed Areas	\$250
Truck to Recycling Center	\$2,250
Current Total	\$60,200
Total After 20 Years (2.5% inflation rate)	\$98,900

2. Ensuring Decommissioning

Landowners and local governments can ensure appropriate decommissioning and reclamation by using financial and regulatory mechanisms. However, these mechanisms come with tradeoffs. Including decommissioning costs in the upfront price of solar projects increases overall project costs, which could discourage solar development. As a result, solar developers are sometimes hesitant to provide or require financial surety for decommissioning costs.

It is also important to note that many local governments choose to require a financial mechanism for decommissioning. Although similar to telecommunications installations, there is no specific authority to do so as part of a land use approval for solar projects (see Table 2). Therefore, a local government should consult their municipal attorney when evaluating financial mechanisms.

The various financial and regulatory mechanisms to decommission projects are detailed below.

Table 2: Relevant Provisions of General City, Town, and Village Laws Relating to Municipal Authority to Require Conditions, Waivers, and Financial Mechanisms

Site Plan Review	General City Law	Town Law	Village
Conditions	27-a (4)	274-a (4)	7-725-a (4)
Waivers	27-a (5)	274-a (5)	7-725-a (5)
Performance bond or other security	27-a (7)	274-a (7)	7-725-a (7)
Subdivision	General City Law	Town Law	Village Law
Waivers	33 (7)	277 (7)	7-730 (7)
Performance bond or other security	33 (8)	277 (9)	7-730 (9)
Special	General City Law	Town Law	Village Law
Conditions	27-b (4)	274-b (4)	7-725-b (4)
Waivers	27-b (5)	274-b (5)	7-725-b (5)

Source: Referenced citations may be viewed using the NYS Laws of New York Online

Excerpts from these statutes are also contained within the “Guide to Planning and Zoning Laws of New York State,” New York State Division of Local Governments Services, June 2011: https://www.dos.ny.gov/lg/publications/Guide_to_planning_and_zoning_laws.pdf

2.1 Financial mechanisms

Decommissioning Provisions in Land-Lease Agreements. If a decommission plan is required, public or private landowners should make sure a decommissioning clause is included in the land-lease agreement. This clause may depend on the decommissioning preferences of the landowner and the developer. The clause could require the solar project developer to remove all equipment and restore the land to its original condition after the end of the contract, or after generation drops below a certain level, or it could offer an option for the landowner to buy-out and continue to use the equipment to generate electricity. The decommissioning clause should also address abandonment and the possible failure of the developer to comply with the decommissioning plan. This clause could allow for the landowner to pay for removal of the system or pass the costs to the developer.

Decommissioning Trusts or Escrow Accounts. Solar developers can establish a cash account or trust fund for decommissioning purposes. The developer makes a series of payments during the project’s lifecycle until the fund reaches the estimated cost of decommissioning. Landowners or third-party financial institutions can manage these accounts. Terms on individual payment amounts and frequency can be included in the land lease.

Removal or Surety Bonds. Solar developers can provide decommissioning security in the form of bonds to guarantee the availability of funds for system removal. The bond amount equals the decommissioning and reclamation costs for the entire system. The bond must remain valid until the decommissioning obligations have been met. Therefore, the bond must be renewed or replaced if necessary to account for any changes in the total decommissioning cost.

Letters of credit. A letter of credit is a document issued by a bank that assures landowners a payment up to a specified amount, given that certain conditions have been met. In the case that the project developer fails to remove the system, the landowner can claim the specified amount to cover decommissioning costs. A letter of credit should clearly state the conditions for payment, supporting documentation landowners must provide, and an expiration date. The document must be continuously renewed or replaced to remain effective until obligations under the decommissioning plan are met.

2.2 Nonfinancial mechanisms

Local governments can establish nonfinancial decommissioning requirements as part of the law. Provisions for decommissioning large-scale solar panel systems are similar to those regulating telecommunications installations, such as cellular towers and antennas. The following options may be used separately or together.

- **Abandonment and Removal Clause.** Local governments can include in their zoning code an abandonment and removal clause for solar panel systems. These cases effectively become zoning enforcement matters where project owners can be mandated to remove the equipment via the imposition of civil penalties and fines, and/or by imposing a lien on the property to recover the associated costs. To be most effective, these regulations should be very specific about the length of time that constitutes abandonment. Establishing a timeframe for the removal of a solar panel system can be based on system aesthetics, size, location, and complexity. Local governments should include a high degree of specificity when defining “removal” to avoid ambiguity and potential conflicts
- **Special Permit Application.** A local government may also mandate through its zoning code that a decommissioning plan be submitted by the solar developer as part of a site plan or special permit application. Having such a plan in place allows the local government, in cases of noncompliance, to place a lien on the property to pay for the costs of removal and remediation.
- **Temporary Variance/Special Permit Process.** As an alternative to requiring a financial mechanism as part of a land use approval, local governments could employ a temporary variance/special permit process (effectively a re-licensing system). Under this system, the locality would issue a special permit or variance for the facility for a term of 20 or more years; once expired (and if not renewed), the site would no longer be in compliance with local zoning, and the locality could then use their regular zoning enforcement authority to require the removal of the facility.

2.3 Examples of abandonment and decommissioning provisions

The New York State Model Solar Energy Law provides model language for abandonment and decommissioning provisions in the Model Law section of this Guidebook.

The following provide further examples that are intended to be illustrative and do not confer an endorsement of content:

- Town of Geneva, N.Y., § 130-4(D): ecode360.com/28823382
- Town of Olean, N.Y., § 10.25.5: <https://www.cityofolean.org/council/minutes/ccmin2015-04-14.pdf>

2.4 Checklist for Decommissioning Plans

The following items are often addressed in decommissioning plans requirements:

- Defined conditions upon which decommissioning will be initiated (i.e., end of land lease, no operation for 12 months, prior written notice to facility owner, etc.).
- Removal of all nonutility owned equipment, conduit, structures, fencing, roads, and foundations.
- Restoration of property to condition prior to solar development.
- The timeframe for completion of decommissioning activities.
- Description of any agreement (e.g., lease) with landowner regarding decommissioning.
- The party responsible for decommissioning.
- Plans for updating the decommissioning plan.
- Before final electrical inspection, provide evidence that the decommissioning plan was recorded with the Register of Deeds.

Questions?

If you have any questions regarding the decommissioning of solar panels, please email questions to cleanenergyhelp@nyscrda.ny.gov or request free technical assistance at nyscrda.ny.gov/SolarGuidebook. The NYSERDA team looks forward to partnering with communities across the state to help them meet their solar energy goals.

AGENDA ITEM

13

ARTICLE II: SUBDIVISION APPLICATION PROCEDURES

Section 210. Applicability

210.1 Subdivision Approval Required: Whenever any subdivision of land is proposed, the land owner(s) or an authorized agent shall apply in writing to the Planning Commission for and secure final approval of the proposed subdivision. The final approval shall be in accordance with the procedures set forth in these regulations prior to:

- (1) Commencing any land clearing, land development or construction (excluding forestry, agriculture or other activities exempted from zoning permit requirements in accordance with the *Weathersfield Zoning Bylaws*);
- (2) Issuing a permit for any land development involving land to be subdivided;
- (3) Any conveyance, granting of a right-of-way, sale or lease is made of any subdivided lot; and/or,
- (4) The filing of a subdivision plat with the Town Clerk.

210.2 Subdivisions: There are two steps for all proposed subdivisions in the review process: sketch plan review and final plan review. Preliminary plan review may be required by the Planning Commission as an additional step. Each step requires a separate application and action by the Planning Commission as described in Sections 220, 230 and 240. Site visits may be required for each or all application submissions.

210.3 Boundary Adjustments:

(1) The adjustment of a boundary between two adjoining parcels which does not result in the creation of a new lot shall be subject to review and approval by the Land Use Administrator, provided that the Land Use Administrator finds the following to be true:

- a. It is a boundary realignment that does not substantially change the nature of any previous subdivision;
- b. It does not create any new lot as a result of the adjustment;
- c. It will not adversely impact access to any parcel;
- d. It will not adversely impact any significant natural resource or result in fragmentation of agricultural land or identified fragile natural feature;
- e. It will not result in the development on any portion of a parcel that has been designated as open space as the result of a prior municipal permit or approval, or allow for the acreage of any open space parcel to be applied to the maximum density or minimum lot size for another parcel; and,
- f. It will not create any nonconformities.

If any of these conditions are not clearly met to the satisfaction of the Land Use Administrator, such boundary adjustments shall be subject to approval as a subdivision. Where subdivision approval is necessary, the application is exempt from the sketch plan review phase and may proceed directly to final subdivision review.

(2) **Applications:** An application for proposed boundary adjustments must be consistent with Table 2.1 and the following provisions:

- a. The survey for a boundary adjustment cannot be recorded until it is approved and signed by either the Land Use Administrator or Planning Commission, if subject to subdivision approval;

b. Based on the proposed boundary adjustment, if at least one of the adjoining lots is either less than one acre in size or close to the required minimum lot size per the Zoning Bylaws, a full survey shall be provided. In all other instances, the survey shall show only those portions of the lots where the proposed boundary adjustment is located and any existing roads, driveways, buildings and easements.

210.4 Coordination with Planned Unit or Planned Residential Development Review:

Subdivision applications for Planned Unit or Planned Residential Development (PUDs or PRDs) shall be reviewed as a subdivision in accordance with this Article. PRD and PUD review in accordance with the *Zoning Bylaws* may occur concurrently through the Planning Commission. PRDs and PUDs shall meet the applicable standards of the *Zoning Bylaws*, respectively, unless otherwise waived by the Planning Commission.

Section 220. Application Requirements

220.1 Applications for any subdivision subject to these regulations shall submit an application consistent with Table 2.1 - Application Requirements, unless otherwise waived by the Planning Commission (see Section 470). A complete application shall include the application form with all required information, all applicable fees, and all required elements as detailed in Table 2.1. For preliminary plan and final subdivision applications, a complete application shall also include any other additional information as required by the Planning Commission as specified in the written decision from the previous review phase(s).

220.2 The Subdivider shall apply for all municipal, state and federal permits required of the proposed subdivision, and shall submit all necessary municipal permits or a Letter of Intent for a State Access Permit to complete an application. A complete application shall also include a Vermont Agency of Natural Resources Project Review Sheet.

Section 230. Sketch Plan Review (all subdivisions)

230.1 Purpose: The purpose of the sketch plan review is to have a preliminary discussion about the proposal with the subdivider. This preliminary discussion should focus on the overall project concept and its context with the surrounding neighborhood and related resources. This review phase allows the Planning Commission and developer to work together in finding the best possible design both for the applicant and Town. Sketch plan review is required of all subdivision proposals to ensure the most complete and efficient review of projects, to save resources for both the applicant and the Town, and to provide public and municipal input at the earliest stages of project development.

For large, complex subdivisions, involving road construction, extension of municipal or community facilities, or a large number of new lots, the applicant is urged to meet with municipal representatives to discuss the project prior to submitting a request for sketch plan review. The municipal representatives may include: Land Use Administrator, Highway Superintendent, a member of the Conservation Commission, Police and Fire Departments, as appropriate.

The applicant is also urged to discuss their development proposal with neighboring property owners prior to submitting an application for sketch plan review to identify issues that may arise in subsequent public hearings.

230.2 Submission of Sketch Plan: The subdivider shall submit two copies of a sketch plan application to the Land Use Administrator at least twenty-one (21) days prior to a regular meeting of the Planning Commission. The sketch plan should be sketched roughly on a survey of the property, if one is available. If not, the sketch plan should be a reasonably accurate representation of the parcel's size, shape and general location.

230.3 Application Requirements: Sketch plan review is required of all proposed subdivisions. A complete sketch plan application needs to be legible and detailed enough to accurately represent the subdivision, but *does not* need to be completed by a surveyor or engineer. A complete application shall include the information in Table 2.1.

230.4 Sketch Plan Review Meeting: The subdivider, or his/her duly authorized representative, shall attend a regular meeting of the Planning Commission to discuss the sketch plan application and requirements of these regulations for the proposed subdivision.

230.5 Action on Sketch Plan: The Planning Commission shall review the sketch plan taking into consideration the requirements of these *Subdivision Regulations*, the *Zoning Bylaws* and other ordinances and policies in effect. The Planning Commission shall also consider the sketch plan's conformity with the *Town Plan*. The sketch plan review process is outlined in Table 2.2. The Planning Commission shall take into consideration whether the sketch plan would be in conflict with developments proposed by any public agency, existing private and public development, facilities and services, and whether there are any special problems that may be encountered.

Within thirty (30) days of the final meeting with the applicant, the Planning Commission, based on the information provided in the application, shall issue recommendations in writing:

(1) A preliminary determination if the proposed subdivision generally conforms, or does not conform, to applicable planning and design standards pursuant to Article 3 of these regulations, and with the goals, objectives and policies of the Town Plan, and other municipal regulations currently in effect.

(2) Recommendations for changes in design and/or requests for additional information for the final subdivision application (see Table 2.1). Additional studies or supporting documentation may be required. The Planning Commission may require preliminary plan review for projects that are large or complex in accordance with Section 240. The Planning Commission may also require a master plan, regardless of the number of lots created, in the event that the land may support subsequent subdivisions or if public facilities are planned for the vicinity in the Capital Budget and Program and/or *Town Plan*. A master plan, if required, is intended to plan for all possible future subdivisions in accordance with these Regulations and the *Zoning Bylaws* in effect, to achieve the most efficient subdivision infrastructure plan, and not preclude the potential for future subdivisions. A master plan will help to guide the subdivider and Planning Commission in any subsequent subdivision applications for the affected lands.

230.6 Effect of Sketch Plan Recommendations: Planning Commission recommendations on sketch plan applications shall remain in effect for one (1) year from the date of written recommendations, unless otherwise approved or extended in writing by the Planning Commission. Within one (1) year of written recommendations, the applicant may apply to the Planning Commission for final subdivision approval per Section 250. Sketch plan recommendations shall not be legally binding and do not constitute an appealable decision.

Section 240. Preliminary Plan Review (if required by Planning Commission)

240.1 Purpose: The preliminary plan review phase allows the applicant and Planning Commission to evaluate draft subdivision plans before final subdivision plans are created. The intent of this process is to encourage a cost-effective subdivision process for the applicant, and to ensure that the Planning Commission works with the applicant to create a subdivision plan that is in conformance with the Town Plan and these regulations. The Planning Commission urges applicants not to develop final subdivision plans until after preliminary plan approval.

240.2 Applicability: The Planning Commission may require this preliminary plan review for projects with complexities and/or potential impacts on the community. This review phase will be

required if any one of the additional application requirements in Table 2.1(D) and/or (E) are required, or as otherwise determined by the Planning Commission.

240.3 Application Requirements: Within one (1) year of the date of written decision for a sketch plan, the applicant shall submit an application for preliminary plan review, if required in accordance with Section 240.2. If the applicant fails to do so in that time frame, s/he will be required to resubmit for a decision under sketch plan review. A complete application, in accordance with Section 220, shall be submitted to the Land Use Administrator at least twenty-eight (28) days prior to a regular monthly meeting of the Planning Commission. Temporary markers shall be installed prior to submitting a preliminary plan (if required) or final plan subdivision application. Such temporary markers shall be adequate to enable the Commission to locate readily and appraise the basic layout in the field.

240.4 Public Hearing: Upon receipt of a complete application, the Land Use Administrator shall schedule a public hearing of the Planning Commission, warned in accordance with Section 430. Public hearings will not be scheduled for nor will the Planning Commission review incomplete applications. Copies of complete applications for preliminary plan review shall be available in the Town Office for review by local officials and interested persons prior to the public hearing.

240.5 Preliminary Plan Approval: In accordance with §4464 of the Act, within 45 days after the closing of the hearing, the Planning Commission shall approve, approve with conditions, or disapprove the preliminary plan. This determination shall be based on whether or not the preliminary plan conforms to the planning and design standards under Article 3; and if they conflict with the Town Plan, other municipal regulations in effect or the objectives listed under Section 120. Failure to act within 45 days shall be deemed as approval. Approval, conditions of approval, or grounds for disapproval and the provisions for appeal under Section 450, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent within the 45-day period to the applicant and any other interested persons in accordance with §4464.

240.6 Phasing: The Planning Commission may require a subdivision to be divided into two or more phases to ensure project conformity with the *Town Plan* and Capital Budget and Program, at the time of granting preliminary plan approval. Conditions may be imposed upon final subdivision and plat application for each phase as the Planning Commission deems necessary to ensure the orderly development of the project and to avoid overburdening Town facilities and services.

240.7 Effect of Preliminary Plan Approval: Approval of a preliminary plan shall not constitute approval of the final subdivision and plat.

Section 250. Final Subdivision and Plat Review (all subdivisions)

250.1 Purpose: The purpose of the final subdivision and plat review is to ensure that:

- (1) The proposed subdivision meets the objectives listed in Section 120;
- (2) All necessary municipal certifications have been obtained;
- (3) Infrastructure has been provided for;
- (4) Legal documents are acceptable and complete;
- (5) Conditions have been or will be complied with; and,
- (6) The plat is ready for recording in the Weathersfield Land Records.

250.2 Application Requirements: Within one (1) year of the date of written decision for sketch plan or preliminary plan, unless otherwise extended by the Planning Commission, the applicant shall submit an application for final subdivision and plat review. If the applicant fails to do so in that time frame, s/he will be required to resubmit a sketch plan application. A complete

application, in accordance with Section 220, shall be submitted to the Land Use Administrator at least twenty-eight (28) days prior to a regular monthly meeting of the Planning Commission. Temporary markers shall be installed prior to submitting a final plan subdivision application. Such temporary markers shall be adequate to enable the Commission to locate readily and appraise the basic layout in the field.

250.3 Public Hearing: In accordance with §4463 and §4464 of the Act and Section 430 of these regulations, the Land Use Administrator shall warn a public hearing on a complete application. Copies of the hearing notice shall also be distributed in accordance with §4464 at least fifteen (15) days prior to the hearing date. Copies of complete applications for final subdivision and plat review shall be available for review by local officials (e.g. Road Commissioner, Highway Supervisor, emergency service providers) and interested persons prior to the public hearing.

250.4 Final Subdivision and Plat Approval: In accordance with §4464 of the Act, within 45 days after the closing of the hearing, the Planning Commission shall approve, approve with conditions, or disapprove the final subdivision and plat. This determination shall be based on whether or not the subdivision plan and associated plat conform to the planning and design standards under Article 3, and if they conflict with the *Town Plan*, other municipal regulations in effect or the objectives listed under Section 120. Failure to act within 45 days shall be deemed as approval. Approval, conditions of approval, or grounds for disapproval and the provisions for appeal under Section 450, shall be set forth in a written notice of decision. Copies of the notice of decision shall be sent within the 45-day period to the applicant and any other interested persons in accordance with §4464.

250.5 Effect of Final Subdivision and Plat Approval: Each approval for a final subdivision plan and associated plat shall contain a time limit within which all improvements shall be completed, not to exceed one (1) year unless otherwise required or extended by the Planning Commission. The subdivision approval is not final until the written decision and signed mylar plat are recorded in the Weathersfield Land Records in accordance with Section 460.

Planning Commission approval of a final subdivision plan and associated plat shall not be construed to constitute acceptance by the Town of any street, easement, utility, park, recreation area, or other open space shown on the final plat. Such acceptance can be accomplished only by formal resolution of the Selectboard in accordance with state statute.

Section 260. Coordination with Zoning Permits

Prior to issuing a zoning permit for development on any subdivided lot approved under these regulations, the Land Use Administrator will determine whether the lot and the proposed development is in compliance with all conditions of subdivision approval. The Land Use Administrator shall not issue a zoning permit for any development that is not in compliance with such approval, or for any lot that is in violation of a condition of approval under these regulations.

Section 270. Revisions to an Approved Plat

270.1 No changes, modifications or other revisions that alter the final subdivision plat or conditions of approval shall be made unless the proposed revisions are first resubmitted to the Planning Commission as a final subdivision application and the Planning Commission approves such revisions after a duly-warned public hearing.

270.2 No changes, modifications or other revisions that alter the boundary adjustment plat or conditions of approval shall be made unless the proposed revisions are first resubmitted to the Land Use Administrator as a boundary adjustment application and the Land Use Administrator approves such revisions under Section 210.3.

270.3 In the event that such plat revisions are recorded without complying with these requirements, the revisions shall be considered null and void.

Section 280. Monuments and Lot Corner Markers

Permanent monuments and corner markers shall be placed in conformance with the *Rules of the Vermont Board of Land Surveyors, Part 5, Standards for the Practice of Land Surveying*. At a minimum, monuments shall be placed at every lot corner and at street intersections and points of curvature. All permanent monuments shall be installed prior to signing the mylar.