



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 27, 2023 – 6:30 PM

-
1. Call to Order
 2. Agenda Review
 3. Comments from the Chair and Land Use Administrator
 4. Comment from citizens regarding items not on the agenda
 5. Approval of Meeting Minutes – March 13, 2023
-
6. **PUBLIC HEARING – Final Plat Review – Hodgdon:** Open hearing for review
 7. **Sketch Plan Review – Ascutney Market:** Review
 8. **PUBLIC HEARING – Town Plan Amendment – Energy Section:** No update – Rev. 8 – 03.08.2023
 9. **Bylaws – PUD Review:** No update – Rev. 5 – 02.22.2023
 10. **Bylaws – Table of Districts and Uses:** Review clean draft – Rev. 5 – 03.23.2023
 11. **Bylaws – Definitions (Related to Tables):** Review clean draft – Rev. 4 – 03.23.2023
 12. **Vermont Planners Association – Legislative Report:** 03.2032023
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13. Discussion of items for future agendas
 14. Any other business that can be legally discussed
 15. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, April 10, 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

5

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
DRAFT Monday, March 13, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Michael Todd
Joseph Bublat
David (Hank) Ainley
Brandon Gulnick, Town Manager

Ryan Gumbart, Land Use Administrator

Attendees: Ken Blum, Julie Levy, Beth Gorton, Scott Rogers

Online Attendees:

1. Call to Order made by Brandon Gulnick, Town Manager at 7:03 pm.
2. Agenda Review
No Changes
3. Board Reorganization: Election of Officers, Select Regular Meeting Dates & Times

Michael Todd made a motion to elect Paul Tillman as Chair.

Paul Tillman made a motion to elect Joseph Bublat as Chair, Joseph Bublat respectfully declined.

Vote for Paul Tillman to be elected as Chair

4 aye

1 abstain

Paul Tillman took over the meeting from Brandon Gulnick, Town Manager.

Michael Todd made a motion to elect Joseph Bublat as Vice-Chair.

Vote – unanimous

Michael Todd made a motion to elect Howard Beach as Clerk.

Vote:

4 aye

1 abstain

Paul Tillman nominated Chauncie Tillman for Recording Secretary.

Vote – unanimous

Made a motion to continue to keep meetings on the 2nd and 4th Mondays of the month at 6:30 pm.

4. Comments from the Chair and Land Use Administrator

Paul Tillman welcomed the new Planning Commission member, Hank Ainsley.

Ryan Gumbart let the Planning Commission know that Scott Rogers was present at the meeting to discuss his Sketch Plan Review. The Planning Commission moved Item #11 Sketch Plan Review – Ascutney Market: New Application to Agenda Item #5.

5. Sketch Plan Review – Ascutney Market: New Application

The Planning Commission review the Sketch Plan for the Ascutney Market. Scott Rogers would like to divide the property into 2 lots, one for the house and garage, which would still be non-conforming due to the acreage size in the zoned district.

Scott will work with Ryan Gumbart, Land Use Administrator to measure the distance between the 2 preexisting buildings, the garage, the store and the new proposed property line and come back to the Planning Commission.

6. Comments from Citizens regarding items not on the agenda.

None

7. Approval of Meeting Minutes – February 27, 2023

Michael Todd made a motion to approve the minutes from 2-27-23.

Howard Beach – 2nd

Discussion:

Ryan Gumbart asked what the 1:55:27 is under agenda item #6 at the end of “Add final Plat recording title block.” Paul Tillman explained that is the time on the recording where it stopped and was listed in error. He will remove it from the meeting minutes.

Ryan Gumbart also noted that the “w” was missing from “review” under agenda item #7 in Final Plat Review. Paul Tillman will make the corrections as noted.

Vote – unanimous

8. Public Hearing – Town Plan Amendment – Energy Section: No Update

9. Public Hearing – Final Plat Review – Arrison: Close Hearing

Paul Tillman, Chair closed the public hearing for John Arrison at the request of Mr. Arrison. Mr. Arrison understands that they will have to start the process over at this point.

10. Bylaws - PUD Review: No Update

11. Bylaws – Table of Districts and Uses: Review Rev. 4 – 03.08.2023

Joseph Bublat suggested that the Planning Commission look at non-conforming lots and the definitions as they have come up a lot recently in meetings.

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

2.1.1 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.~~
- c) 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.~~

2.1.2 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.

2.1.3 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.

2.1.4 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.

2.1.5 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.

2.1.6 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 Cemetery (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 Athletic courts
- Bed and ~~B~~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 Sswimming 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^{1,3}
- Family child care facility^{1,2,3}, Section 4.2.1^{1,3}
- 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
- Industrial
- 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
- Industrial
- 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 C~~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 A~~athletic courts
- Bed and ~~B~~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 Pponds, Section 3.2.5
- 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}
- 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 ~~C~~ommunication ~~F~~acilities^{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 ~~C~~ommercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- [Residential](#), Multi-family ~~dwelling or PRD~~
- [Residential](#), Two -family ~~dwelling~~ (new construction)
- Non-highway ~~C~~ommercial

- 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~~ permitsubdivision.
- 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 C~~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 A~~athletic courts
- Bed and ~~B~~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 P~~ponds
- 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}
- ~~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 ~~C~~ommunication ~~F~~acilities^{2,3}, Section 4.19

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

- Gasoline/service station
- Highway ~~C~~ommercial
- ~~Industrial~~
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family ~~dwelling or PRD~~
- Non-highway ~~C~~ommercial
- Small enterprise
- Self-~~S~~torage ~~F~~acility ~~(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 Athletic structures/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}
 - Public Cemetery (private cemeteries refer to...)
 - ~~Church (see Semi-Public)^{superscript 2}~~
 - 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](#)

2.1.7 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~~y~~ia^{1,3}
- Self-~~S~~torage ~~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~~breakfast (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 ≤10,000 sq ft of gross floor area **1,2,3,4**
- Signs, ~~permanent~~Section 3.8 (some exemptions apply)
- Residential Sswimming 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~~al~~ 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~~ Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family dwelling or PRD
- Non-highway ~~C~~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~~

2.1.8 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 sodeveloped 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

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

12. Decommissioning Renewable Energy Facilities: Handout from Brian Bosenberg

See full handout in Planning Commission Packet dated 3-13-23

13. Subdivision Regulations – Article II: Subdivision Application Procedures

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.

271 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.

14. Discussion of items for future agendas

- Town Plan – Energy Section
- PUD Review
- Table of Districts and Uses continuation
- Subdivision Application Procedures

15. Any other business that can be legally discussed.

16. Adjourn

Howard Beach made a motion to adjourn at 8:49 pm
Michael Todd – 2nd
No discussion
Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, March 27, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

DRAFT

AGENDA ITEM

6

PUBLIC HEARING

Hodgdon Subdivision – Final Plat Review

March 23, 2023

Item 1: Public Hearing Notice

Item 2: Certification of Posting & Distribution

Item 3: Abutters Map & List

Item 4: Final Plat Review Application

Item 5: Community Facilities Sign-off Sheet

Item 6: Property Deeds

Item 7: Wastewater Permit

Item 8: Permit Navigator Results

Item 9: Wetland & RTE Species Map

HEARING ITEM

1



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Planning Commission

NOTICE OF PUBLIC HEARING

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

Remote option – Zoom details below

Monday, March 27, 2023 – 6:30 PM

A public hearing before the Weathersfield Planning Commission will be held at the Town Office in Ascutney on Monday, March 27, 2023, at 6:30 PM to consider the following application:

Application 2023.03.08.FP by Colby Hodgdon for the Final Plat Review at 00 US Route 5 (Parcel: 05-03-40). The parcel is located in the Industrial & Rural Residential zoning district.

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

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.

HEARING ITEM

2

Certification of Posting and Distribution

Notice of Public Hearing

Hearing Date March 27, 2023 Site Visit NA

I hereby certify that I have posted the attached "Notice of Public Hearing" in the following public places and mailed, faxed or emailed as noted said "Notice of Public Hearing" to the following parties on March 27, 2023 as required by the Vermont Statutes Annotated, Chapter 117, §4464


Ryan Gumbart, Land Use Administrator

Application # 2023.03.08.FP

Applicant's Name: Colby Hodgdon

For ZBA: Send copy of Rules of Procedure re public hearings with the hearing notice

- Vault _____
- Applicant's File _____
- Applicant (paper copy/mailed) 3/8/2023
- Applicant (cardboard copy for posting) 3/8/2023
- Landowner (mailed) 3/8/2023
- Agent (mailed) _____
- Newspaper (notice emailed to paper) 3/8/2023
- Publication in newspaper 3/11/2023
- Abutters* (mailed) 3/8/2023
- Board Members (mailed) 3/8/2023
- Board Secretary (mailed) 3/8/2023
- Town Website (posted) 3/8/2023
- 3 Public Places
 - Town Hall 3/8/2023
 - Ascutney Post Office 3/8/2023
 - Perkinsville Post Office 3/8/2023
- WWFD (placed in mailbox) _____
- AVFD (placed in mailbox) Signed CFSS
- Other _____
- VT Secretary of Transportation** _____

* Abutters - see attached list

** when application for variance of setback from state highway (§4464(a)(1)(C))

HEARING ITEM

3



Hodgdon Abutters Map

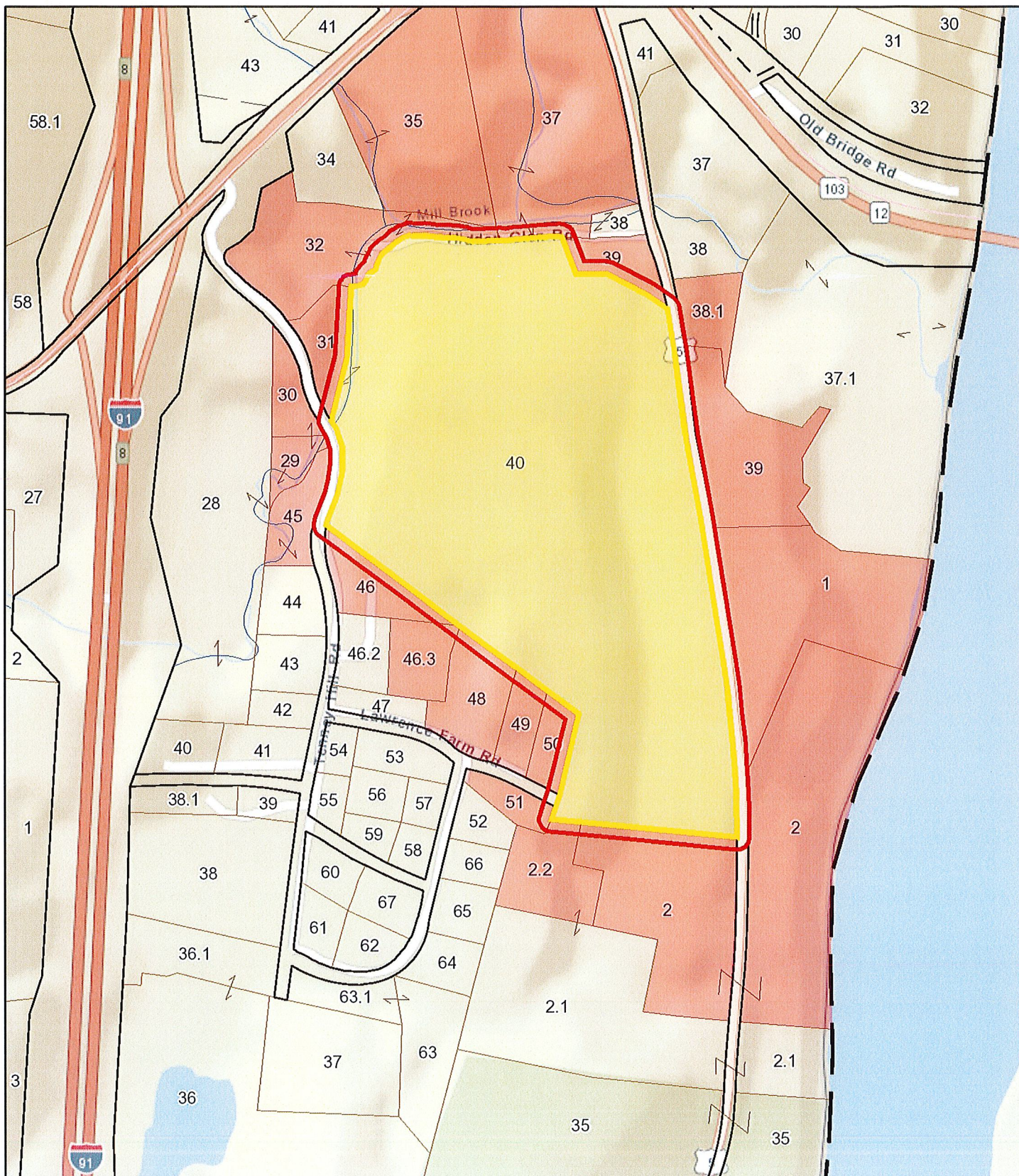
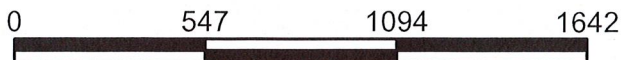
Weathersfield, VT



March 8, 2023

1 inch = 547 Feet

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.



50 foot Abutters List Report

Weathersfield, VT
March 08, 2023

Subject Properties:

Parcel Number:	05-03-40.000	Mailing Address:	HODGDON BROTHERS INC
CAMA Number:	05-03-40.000-000		PO BOX 136
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0136

Parcel Number:	05-03-40.000	Mailing Address:	HODGDON DARCY JR & DIANE
CAMA Number:	05-03-40.00A-000		PO BOX 79
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0079

Abutters:

Parcel Number:	05-03-29.000	Mailing Address:	WILLIAMS EUGENA M
CAMA Number:	05-03-29.000-000		PO BOX 5
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030

Parcel Number:	05-03-30.000	Mailing Address:	WILLIAMS EUGENA M
CAMA Number:	05-03-30.000-000		PO BOX 5
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030

Parcel Number:	05-03-31.000	Mailing Address:	HODGDON DANIELLE A GUIOU
CAMA Number:	05-03-31.000-000		BRANDON
Property Address:	LAND & BUILDINGS		156 TENNEY HILL ROAD
			ASCUTNEY, VT 05030

Parcel Number:	05-03-32.000	Mailing Address:	PARTRIDGE HOLLY L
CAMA Number:	05-03-32.000-000		PO BOX 543
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030

Parcel Number:	05-03-35.000	Mailing Address:	SIDDIQY PROPERTIES LLC
CAMA Number:	05-03-35.000-000		10 ROYCE STREET
Property Address:	LAND & BUILDINGS - STORE, REST. ETC		CLAREMONT, NH 03743

Parcel Number:	05-03-37.000	Mailing Address:	STROBEL CHARLES H III
CAMA Number:	05-03-37.000-000		207 MAIN ST
Property Address:	LAND & BUILDINGS-GAS STATION		CLAREMONT, NH 03743

Parcel Number:	05-03-37.000	Mailing Address:	SBA TOWERS V LLC ATTN: TAX
CAMA Number:	05-03-37.00A-000		DEPT/VT15084
Property Address:	WIRELESS TOWER & EQUIPMENT SHELTER		8051 CONGRESS AVE
			BOCA RATON, FL 33487

Parcel Number:	05-03-39.000	Mailing Address:	GRAY IRENE E
CAMA Number:	05-03-39.000-000		PO BOX 75
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0075

Parcel Number:	06-00-38.001	Mailing Address:	WILLIAMS WILBUR II & FRANCES
CAMA Number:	06-00-38.001-000		PO BOX 312
Property Address:	LAND & BUILDINGS		ASCUTNEY, VT 05030-0312



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50 foot Abutters List Report

Weathersfield, VT
March 08, 2023

Parcel Number: 06-00-39.000 CAMA Number: 06-00-39.000-000 Property Address: LAND & BUILDINGS	Mailing Address: PETERMANN JUDY M PO BOX 271 ASCUTNEY, VT 05030-0271
Parcel Number: 09-02-45.000 CAMA Number: 09-02-45.000-000 Property Address: LAND & MOBILE HOME	Mailing Address: DEROBERTIS CHANTELE PO BOX 32 ASCUTNEY, VT 05030-0032
Parcel Number: 09-02-46.000 CAMA Number: 09-02-46.000-000 Property Address: LAND & MOBILE HOME	Mailing Address: HAYWARD VICTOR R & MERRILY E 27 GREENLEAF AVE WINDSOR, VT 05089
Parcel Number: 09-02-46.003 CAMA Number: 09-02-46.003-000 Property Address: LAND & BUILDINGS	Mailing Address: GALBREATH STEPHEN W JR GALBREATH KIMBERLY PO BOX 269 ASCUTNEY, VT 05030-0269
Parcel Number: 09-02-48.000 CAMA Number: 09-02-48.000-000 Property Address: LAND & BUILDINGS	Mailing Address: KIDDER NANCY J PO BOX 504 ASCUTNEY, VT 05030-0504
Parcel Number: 09-02-49.000 CAMA Number: 09-02-49.000-000 Property Address: LAND & BUILDINGS	Mailing Address: SMITH GRIFFIN H & KAREN RICH-SMITH PO BOX 302 ASCUTNEY, VT 05030-0302
Parcel Number: 09-02-50.000 CAMA Number: 09-02-50.000-000 Property Address: LAND & BUILDINGS	Mailing Address: FITZHERBERT AARON J PO BOX 68 ASCUTNEY, VT 05030-0068
Parcel Number: 09-02-51.000 CAMA Number: 09-02-51.000-000 Property Address: LAND & BUILDINGS	Mailing Address: SURRELL JEANNIE M PO BOX 7 ASCUTNEY, VT 05030
Parcel Number: 10-00-01.000 CAMA Number: 10-00-01.000-000 Property Address: LAND & BUILDINGS	Mailing Address: MCNABB ALAN PO BOX 248 ASCUTNEY, VT 05030-0248
Parcel Number: 10-00-02.000 CAMA Number: 10-00-02.000-000 Property Address: LAND & BUILDINGS	Mailing Address: DANIELS NEIL H INC PO BOX 246 ASCUTNEY, VT 05030-0246
Parcel Number: 10-00-02.002 CAMA Number: 10-00-02.002-000 Property Address: LAND	Mailing Address: VERMONT TRANSCO LLC 366 PINNACLE RIDGE RD RUTLAND, VT 05701



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HEARING ITEM

4

Town of Weathersfield

Subdivision Application

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

Property Information	
Address	4792 US Route 5
Town, State, Zip	Ascutney VT 05030
Parcel ID & Zoning District	050340.A
Lot Size (acres)	53.13
- Road Frontage (ft)	
- Existing Principal Use of Land	Residential (Wood lot) (wood lot)

Subdivision Details	
Total Number of Parcels to be Created: <u>2</u>	
Parcel 1: <u>48.13+-</u> acres	Parcel 7: _____ acres
Parcel 2: <u>5+-</u> acres	Parcel 8: _____ acres
Parcel 3: _____ acres	Parcel 9: _____ acres
Parcel 4: _____ acres	Parcel 10: _____ acres
Parcel 5: _____ acres	Parcel 11: _____ acres
Parcel 6: _____ acres	Parcel 12: _____ acres
If more than 12 parcels, attach information on separate sheet	

Applicant	
Name(s)	Colby Hodgdon
Name(s)	
Mailing Address	1 Meadow Lane
Town, State, Zip	Windsor VT 05089
Telephone #	802-674-6202 DAYS-WORK
Mobile #	802-291-1289
- E-mail Address	chodgdon26@gmail.com

Landowner (if different)	
Name(s)	Darcy Hodgdon JR.
Name(s)	Diane Hodgdon
Mailing Address	PO Box 79
Town, State, Zip	Ascutney VT 05030
Telephone #	802-674-5575
Mobile #	802-291-0026 / 802-291-3594
E-mail Address	dandelsservices@yahoo.com

Road Access Information – by Parcel

	EXISTING			NON-EXISTING		
	State	Local	Easement/Right-of-way	State	Local	Easement/Right-of-way
- Parcel 1:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
- Parcel 2:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Parcel 3:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 4:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 5:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 6:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 7:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 8:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 9:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 10:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 11:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parcel 12:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Permit Details – by Agency (if multiple, list all)

- Wastewater Permit # : WW-2-6163
 (ALWAYS applicable, call Regional Permit Specialist, (802) 279-4747 or john.fay@vermont.gov)

Act 250 Permit # : N-A
 (IF applicable, call Act 250 District Coordinator, (802) 289-0597 or stephanie.gile@vermont.gov)

Is the subdivision for **ten lots or more, or cumulatively ten lots of more in a five year period?** Yes No

If yes, you must obtain an Act 250 permit for the subdivision. Contact Stephanie Gile, Natural Resources Board, Act 250 District Coordinator, District 2 at stephanie.gile@vermont.gov or (802) 289-0597

Description

In the space provided below, please provide a description of how the proposed subdivision will likely reflect the district settlement pattern where it is located (see Section 330 of the Subdivision Regulations for district settlement pattern descriptions), and how the proposed subdivision will reflect the goals and objectives set forth in the Town Plan, with particular emphasis on the Land Use section. If additional space is required, attach additional sheets to this page.

The proposed subdivision is for a single family dwelling on a 5 acre lot. We do not feel this will have any adverse effect on the district settlement pattern or goals of the Town plan, as abutting property is for same use. The dwelling will be within zoning's set back regulations & will not pose any interference with existing use or change the character of the surrounding area.

Landowner & Applicant Acknowledgements

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

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

Landowner Signature

Date 3/9/23

Applicant Signature

Date

1

Sketch Plan Drawing

Draw an aerial view of the property described in this application showing the actual shape, property lines, and dimensions of land. Include the shape, size and location of all **existing and proposed structures** (principal and accessory) on the property with measurements to the front, side and rear property boundary lines (setbacks) and distances between each structure. Identify the existing and intended uses and areas of the use of and all buildings, and the existing and intended location of **septic/sewer, electric, telephone, cable and water utilities**. It is strongly recommended that you review all of Article III: Subdivision Standards from the Subdivision Regulations prior to completing this sketch.



Land Use Administrator Signature

Applicant Signature

Town of Weathersfield

Date: 03/20/2023 Time: 13:01:26

Clerk: payroll

Account: 050340-A

Name: HODGDON DARCY JR &

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	185.00

TOTAL 200.00

Check 1384

Thank you

HEARING ITEM

5

Application # 22.03.30, 1

Applicant Name Colby Hodgdon

Community Facility Project Review and Sign-Off Sheet

Please present this sheet to each of the department heads listed below. Explain your project fully to each department and request their signature on the appropriate line(s). Return it to the Zoning Administrator as part of your application. Contact information is on the last page.

Highway Department

- I certify that the proposed project will not have an undue adverse impact on the:
- town's roads or
 - the transfer station.

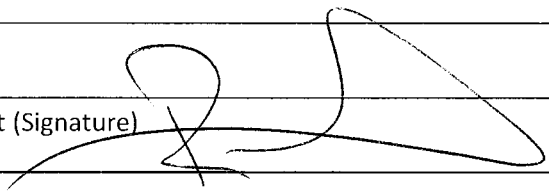
The proposed project will have an undue adverse impact on the:

- town's roads
- the transfer station.

The impact will be _____

I recommend the following condition(s) to mitigate the impact: _____

Highway Superintendent (Signature)



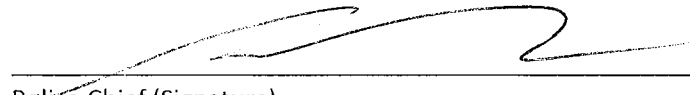
Date

10/4/22

Police Department

- I certify that the proposed project will not have an undue adverse impact on the Weathersfield Police Department.
- I find that the proposed project will have an undue adverse impact on the Weathersfield Police Department. The impact will be _____

I recommend the following condition(s) to mitigate the impact: _____



Police Chief (Signature)

10/5/22
Date

Ascutney/West Weathersfield Volunteer Fire Department

- I certify that the proposed project will not have an undue adverse impact on the Ascutney/West Weathersfield Volunteer Fire Department.

I find that the proposed project will have and undue adverse impact. The impact will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

Chief Darrin R. Frankly 10/5/22
Chief (Signature) Date

School Services

I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.
 I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

Weathersfield School Official (Signature) Date

Ascutney Water District (Community Water System)

I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.
 I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

[Signature] 10/5/22
Ascutney Water District (Signature) Date

I find that the proposed project will have and undue adverse impact. The impact will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

Chief Darrin R. Frankel
Chief (Signature) 10/5/22
Date

School Services

I certify that the proposed project will not have an undue adverse impact on the Weathersfield School.

I find that the proposed project will have and undue adverse impact on the Weathersfield School. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

[Signature]
Weathersfield School Official (Signature) 10/6/2022
Date

Ascutney Water District (Community Water System)

I certify that the proposed project will not have an undue adverse impact on the Ascutney Water District.

I find that the proposed project will have and undue adverse impact on the Ascutney Water District. The impact(s) will be _____

I recommend the following condition(s) to mitigate the impact(s): _____

[Signature]
Ascutney Water District (Signature) 10/5/22
Date

Contact names and numbers for Department Heads

Department	Contact Person	Contact Information
Highway Department	Ray Stapleton	263-5272 (Highway Garage) highway@weathersfield.org
Police Department	William Daniels (Chief)	674-2185 (State Police Dispatch) William.daniels@state.vt.us
Ascutney Volunteer Fire Association	Darrin Spaulding (Chief)	802-296-1888 (cell) M_d_electric@yahoo.com
West Weathersfield Volunteer Fire Department	Josh Dauphin (Chief)	802-356-0623 (cell) jashdauphin@comcast.net
Weathersfield School	BJ Esty	674-5400 (School) bjesty@wsesu.net
Ascutney Water District	Brandon Gulnick (Manager)	674-2626 (Town office) 802-230-6262 (cell) townmanager@weathersfield.org

T:\Departments\Land Use and Zoning\CHECKLISTS\Conditional Use Worksheets\Community Facility Sign_Off.docx

HEARING ITEM

6

Estate of Darcy G. Hodgdon
Diane C. Hodgdon, Co-Executor
Darcy G. Hodgdon, Jr., Co-Executor

TO Darcy G. Hodgdon, Jr.

STATE OF VERMONT

SUPERIOR COURT
WINDSOR UNIT

PROBATE DIVISION
DOCKET NO. 14329

IN RE ESTATE OF DARCY G. HODGDON

FINAL DECREE OF DISTRIBUTION - REAL PROPERTY

Diane C. Hodgdon and Darcy G. Hodgdon, Jr., Co-Executors, have submitted a final account and Motion for Decree of Final Distribution. The Court finds that:

1. Due notice has been given to the interested persons pursuant to statutes and the rules of probate procedures.
2. Debts and funeral charges of the decedent, taxes, and expenses of administration have been paid.

Therefore, the Court **DECREEES** that the remaining property be distributed as follows:

TO: DARCY G. HODGDON, JR.

Meaning and intending to convey any and all right, title and interest that Darcy Hodgdon, Sr. may have in and to all property located in the Town of Weathersfield.

Being Darcy Hodgdon Sr's. one-third interest in and to all and the same lands as were conveyed to Darcy Hodgdon, Porter Hodgdon and Albert Hodgdon, d/b/a Hodgdon Brothers by Warranty Deed of Norman G. Fair and Sigrid E. Fair, dated August 1, 1973 and recorded in the Weathersfield Land Records at Book 50 Page 120-22 and in said deed described as follows:

"Being a portion of the premises conveyed to Leon M. and Anne K. Cleveland by warranty deed from William J. Wilgus, dated June 7, 1946 and recorded in Book 31, Pages 135-7 of the Weathersfield Land Records and more particularly described as follows:

"Beginning at an iron pin on the westerly edge of U.S. Route #5, which point is approximately 100' southerly of a stone monument at the base of a 12" maple tree also on the westerly edge; thence N 50 degrees 26' W approximately 87' more or less to an iron pin; thence N 79 degrees 40' W approximately 292' more or less, to an iron pin; thence S 60 degrees 57' W approximately 842.8' more or less, to an iron pin; thence S 81 degrees E approximately 392', more or less, to an iron pin, which line is approximately 5' parallel to a cluster of pines; thence northerly along the westerly edge of Route #5 to the place of beginning.

"This conveyance is made subject to the following restrictions and limitation, which shall run with the land, that there shall be no commercial development of the above described premises, no trailers, no mobile homes nor tarpaper shacks permitted on the above described premises. However, this shall not prohibit the operation of an antique shop or similar "home businesses".

"The within grantors agree, as further consideration for this transfer, not to cut the northerly row of pines on the boundary of premises now or formerly of Hodgdon.

"In the event of the within grantees, their heirs or assigns shall receive a bona fide offer to purchase said premises and such offer of purchase shall be satisfactory to the grantees, their heirs and assigns, then the grantees, their heirs and assigns agree to give the within grantor, his heirs and assigns the privilege of purchasing the premises and on the terms of the offer so made. Said privilege is to be given by a notice sent to the within grantor at his Ascutney address, requiring him to accept it in writing and to sign a suitable form of contract of purchase within a period of 15 days after the mailing of such notice.

"In the event of the failure of the within grantor to accept such offer or sign such contract of purchase within said period of time, then and in that event, the privilege of the within grantor shall be thereupon null and void, and the grantees, their heirs and assigns shall be at liberty to sell the premises to another.

"As further consideration, the within Grantors agree to give the within grantees the right of first refusal over the following described parcel, subject to the terms and conditions recited above.

"Being all and the same land and premises conveyed to Leon M. and Anne K. Cleveland by Allen C. Young, administrator of the Naomi H. Ingalls Estate dated April 4, 1969 and recorded in Book 45, Page 33 of the Weathersfield Land Records.

"As further consideration, the within Grantors agree to give the within grantees the right of first refusal over the remainder of the premises conveyed to Leon M. and Anne K. Cleveland by William J. Wilgus subject to the terms and conditions recited above.

"The within grantors also mean to convey their rights to take water from the reservoir on premises now or formerly of Donner Carr subject to the terms and conditions of the agreement between the within grantors and Carr.

"The above described conveyance is subject to highway rights in the State of Vermont.

"Being the same land and premises received from Leon M. C. Cleveland and Anne K. Cleveland by warranty deed dated September 21, 1971, recorded in Book 47, pages 353-55 in the Weathersfield Land Records.

Being Darcy Hodgdon Sr's. one-third interest in and to all and the same lands as were conveyed to Darcy Hodgdon, Porter Hodgdon and Albert Hodgdon by Warranty Deed of Clarence B. Croft and Nellie Croft, dated October 2, 1967 and recorded in the Weathersfield Land Records at Book 42, Page 292, and in said deed described as follows:

"Beginning at a stone post set on the westerly side of the River Road in Ascutney and running thence North Eighty-seven and one-fourth (87 1/4) degrees West eight (8) rods to a stone bound; thence South Thirty-Eight and one-half (38 1/2) degrees West turning an angle on the left of One Hundred Twenty-Five (125) degrees Forty (40') feet with the last mentioned line Ten (10) rods to a stone

bound; thence North Eighty-one and one-half (81 1/2) degrees West turning an angle on the right of One Hundred Twenty-Nine (129) degrees Thirty-One (31') feet Thirteen (13) rods Twenty (20) links to a stone bound; thence South Thirty (30) degrees West Twelve and one-half (12 1/2) rods to a yellow birch tree in a fence corner; thence South Fifty-two and three eighths (52 3/8) degrees East along an old stump fence ten (10) rods to a stone bound; thence Northerly Eight (8) rods to a stone bound; thence South Eighty-two and three-fourths (82 3/4) degrees East Twenty and one-half (20 1/2) rods to a stone bound on the Westerly side of the above-mentioned River Road; thence Northerly along said road Eighteen (18) rods to the point of beginning. Being part of the William Lewis Farm, so-called.

"Being all of the same land and premises as conveyed to Frank W. Plumb by Clarence H. Martin by his Warranty Deed dated October 2, 1918, recorded in Volume 25, Page 354 of the Town of Weathersfield Land Records, to which deed and the deeds and records therein mentioned reference is hereby made.'

"Parcel #2

"Bounded on the North by other land of Frank Plumb Estate; on the East by the highway known as the "River Road"; on the South by land of Orville Ingalls, land on the West by land of Leon M. Cleveland.'

"Being all of the same land and premises as was conveyed to Frank W. Plumb by Clarence H. Martin, by his Warranty Deed, dated December 6, 1920, recorded in Volume 26, Page 237, of the Town of Weathersfield Land Records, to which Deed and the Deeds and Records therein, reference is hereby made."

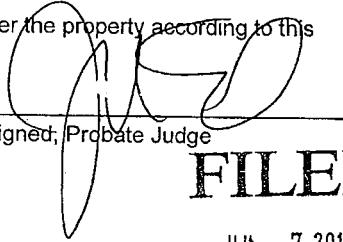
TO HAVE AND TO HOLD the same to him, his heirs, successors and assigns forever.

The Fiduciary is ordered to pay over and deliver the property according to this decree.

Dated

7/6/15

Signed, Probate Judge



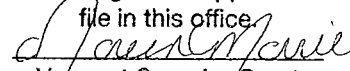
FILED

JUL 7 2015

VERMONT SUPERIOR COURT
WINDSOR UNIT

Date July 7, 2015

Certified to be a true copy
of the original as appears on
file in this office


Vermont Superior Court
Windsor Unit

Weathersfield, Vermont Town Clerk's Office, July 21, A.D. 2015 at 1:00 PM
received Decree of Distribution of which the foregoing is a true record.

Attest:  Assistant Town Clerk

BLANK

Porter Hodgdon TO Darcy Hodgdon, Jr. & Diane Hodgdon

QUIT CLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS that I, Porter Hodgdon of Swanton, in the County of Franklin and State of Vermont, Grantor, in the consideration of One Dollar and other valuable considerations paid to my full satisfaction by Darcy Hodgdon, Jr. and Diane Hodgdon, husband and wife, of Weathersfield in the County of Windsor and State of Vermont, Grantee, have REMISED, RELEASED, AND FOREVER QUITCLAIMED unto the said Darcy Hodgdon, Jr. and Diane Hodgdon, husband and wife, and their successors and assigns, all right and title which I, Porter Hodgdon, or my heirs have in, and to a certain piece of land in Weathersfield, in the county of Windsor and State of Vermont, described as follows, viz:

All and the same lands and premises as were conveyed to Porter Hodgdon by Quitclaim Deed of John Arrison dated June 28, 2000, and recorded in the Weathersfield Land Records at Book 108, Pages 495-97.

Excepting and subject to any rights or easements that the records may show.

By their acceptance of this deed, the Grantees expressly agree to hold the Grantor harmless from any liability associated with any pollutants which may be present on the quitclaimed premises; and the Grantees further covenant with the Grantor that they will not bring suit against him for any matter related to the presence of such pollutants.

To have and to hold all my right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Darcy Hodgdon, Jr. and Diane Hodgdon, their successors and assigns forever, AND FURTHERMORE I, the said Porter Hodgdon, do for my heirs, executors and administrators, covenant with the said Darcy Hodgdon, Jr. and Diane Hodgdon, their successors and assigns, that from and after the ensembling of these presents I, the said Porter Hodgdon, will have and claim no right in, or to the said quit-claimed premises.

IN WITNESS WHEREOF I hereunto set my hand and seal this 13 day of Oct, 2001.

Porter P. Hodgdon

In presence of:
Elmer Hodgdon
Richard Hodgdon

STATE OF VERMONT
WINDSOR COUNTY, SS.

at Weathersfield, Vermont, this 13 day of Oct, 2001, Porter Hodgdon personally appeared, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed.

Before me Cindy Morrill exp 2-10-03
Notary Public

Weathersfield, Vermont Town Clerk's Office, August 14, A.D. 2003 at 2:35 P.M. received Quit Claim Deed of which the foregoing is a true record.

Attest: Anna J. Colomatti Assistant Town Clerk

HEARING ITEM

7

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMITLAWS/REGULATIONS INVOLVED10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit
Wastewater System and Potable Water Supply Rules, Effective April 12, 2019**Permittee(s): Darcy & Dianne Hodgdon**
PO Box 79
Ascutney, VT 05030**Permit Number: WW-2-6163-1**

This permit affects the following properties in Weathersfield, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
1 (existing)	05-03-40.0A	705-224-10721	57.02 ^{+/-}	Book:177 Page(s):584-586
1 (proposed)			52.02 ^{+/-}	
3 (proposed)			5.00 ^{+/-}	

This application consisting of a 2-lot “re-subdivision” of the previously subdivided parcel located at 4792 US Route 5 in Weathersfield, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions. Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.

1. GENERAL

- 1.1 The permittee is responsible to record this permit in the Weathersfield Land Records within 30 days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.2 The permittee is responsible to record the design and installation certifications and other documents that are required to be filed under these Rules or under a permit condition in the Weathersfield Land Records.
- 1.3 Each assign or successor in interest shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s) prior to the conveyance of a lot.
- 1.4 By acceptance of this permit, the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.5 This permit does not relieve the landowner from obtaining all other approvals and permits from other State Agencies or Departments, or local officials prior to construction.
- 1.6 The Drinking Water and Groundwater Protection Division relied in part, upon the Vermont Licensed Designer’s certification that the design-related information submitted is true and correct and complies with the Wastewater System and Potable Water Supply Rules. This permit may be revoked if it is determined the design of the wastewater system or potable water supply does not comply with these rules.
- 1.7 *All conditions set forth in **WW-2-6263** shall remain in effect except as amended or modified herein.*

2. SUBDIVISION AND CONSTRUCTION

- 2.1 Subdivision and construction shall be completed as shown on the plans and/or documents prepared by Jason E Waysville, with the stamped plans listed as follows:

Title	Sheet #	Plan Date	Revision



Hodgdon Subdivision	L3	11/20/2020
----------------------------	----	------------

2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.

2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

3. INSPECTIONS

3.1 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) on a Secretary-approved form that states:

“I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests”

or which satisfies the requirements of §1-311 of the referenced rules.

3.2 Prior to the use of the potable water supply, the permittee shall test the water for Arsenic, Escherichia coli (E. coli), Fluoride, Lead, Manganese, Nitrate as N, Nitrite as N, Total Coliform Bacteria, Uranium, Adjusted Gross Alpha Particle Activity, Chloride, Sodium, Iron, Odor and pH. All water quality tests shall be conducted at a laboratory certified by the Vermont Department of Health (a list of which can be found on the VDH website). Results of the water tests shall be submitted to the Vermont Department of Health prior to use.

4. DESIGN FLOW

4.1 Lot use and design flows (gpd) shall correspond to the following:

Lot	Building	Building Use / Design Flow Basis	Wastewater	Water
3	Residence	4-bedroom single family residence/7-person maximum occupancy	490	490

5. WASTEWATER SYSTEM

5.1 Prior to construction or site work, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.

5.2 Should the wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.


5.3 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

6. POTABLE WATER SUPPLY

6.1 Prior to construction or site work, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.

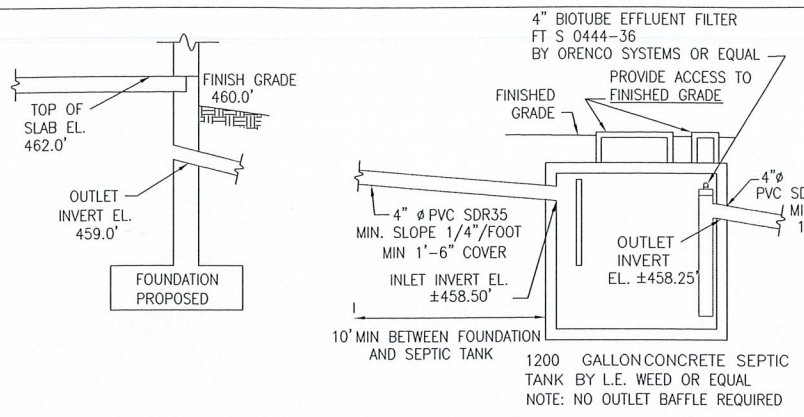
6.2 Should the potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Peter Walke, Commissioner
Department of Environmental Conservation

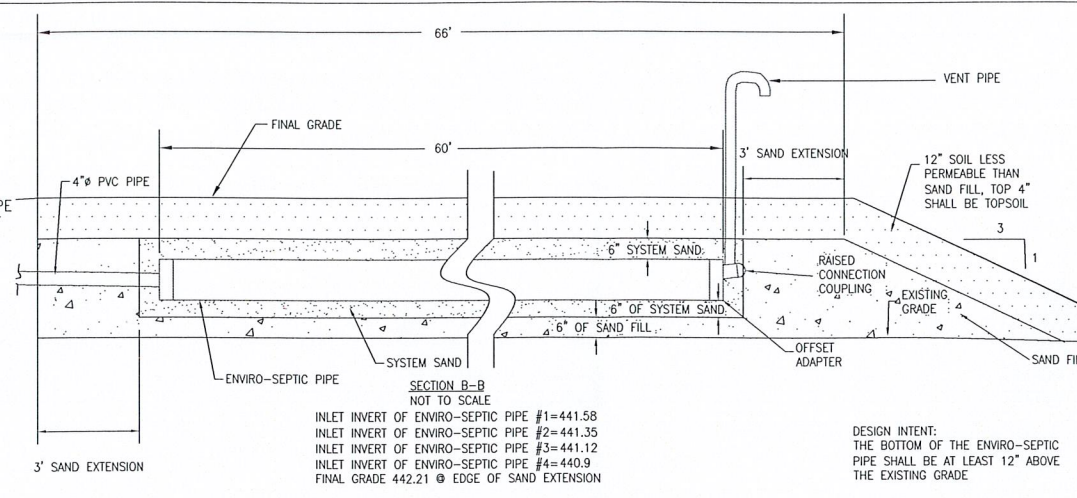
By 
Terry Shearer
Environmental Analyst VI
Springfield Regional Office
Drinking Water and Groundwater Protection Division

Dated May 27, 2021

cc: Jason E Waysville
Weathersfield Planning Commission

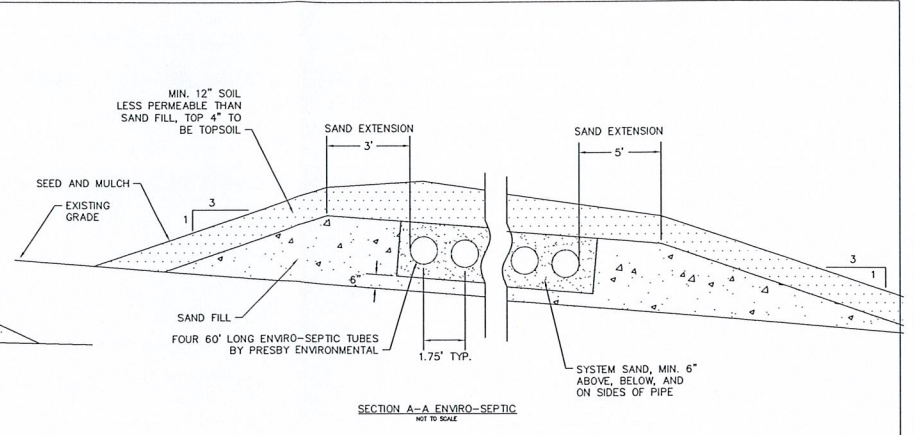


PARTIAL SYSTEM PROFILE
NOT TO SCALE



SECTION B-B
NOT TO SCALE
INLET INVERT OF ENVIRO-SEPTIC PIPE #1=441.58
INLET INVERT OF ENVIRO-SEPTIC PIPE #2=441.35
INLET INVERT OF ENVIRO-SEPTIC PIPE #3=441.12
INLET INVERT OF ENVIRO-SEPTIC PIPE #4=440.9
FINAL GRADE 442.21 @ EDGE OF SAND EXTENSION

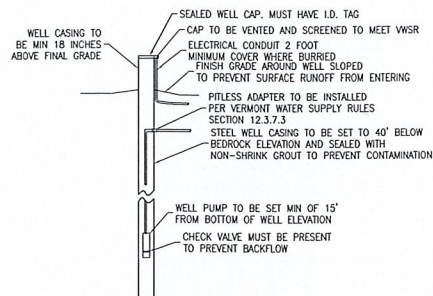
DESIGN INTENT:
THE BOTTOM OF THE ENVIRO-SEPTIC PIPE SHALL BE AT LEAST 12" ABOVE THE EXISTING GRADE



SECTION A-A ENVIRO-SEPTIC
NOT TO SCALE

DESIGN CRITERIA:

SIZE OF LEACHFIELD: PERFORMANCE BASED APPROACH
4 BEDROOMS @ (70 GPD x 2 PERSONS x 3 BEDROOMS) + 1 BEDROOM x 70 GPD x 1 PERSON = 490 GPD
FOR PRESBY ENVIRO-SEPTIC
PERCOLATION RATE = 12 MIN/IN
220 FT ENVIRO-SEPTIC PIPE REQUIRED
SLOPE LESS THAN 13%
MINIMUM CENTER-TO-CENTER SPACING = 1.75'
PIPE LENGTH REQUIRED = 60 FT PER PIPE
4 LINES OF PIPE REQUIRED
SYSTEM WIDTH = 6.25 FT OUTER PIPE SURFACE
MINIMUM SAND AREA REQUIRED = 451 SFT
ACTUAL SAND AREA = (6.25+6) x (60+6) = 808.5 SFT
808.5 SFT > (50% OF 451 SFT), THEREFORE OK
1000 GALLON SEPTIC TANK REQUIRED
1000 GALLON SEPTIC TANK PROVIDED
THIS SYSTEM IS NOT DESIGNED FOR OVERSIZED BATH TUBS OR GARBAGE DISPOSALS



EXISTING DRILLED WELL DETAIL
N.T.S.

WELL PUMP TO BE GOULD MODEL 356S 50 OR EQUAL

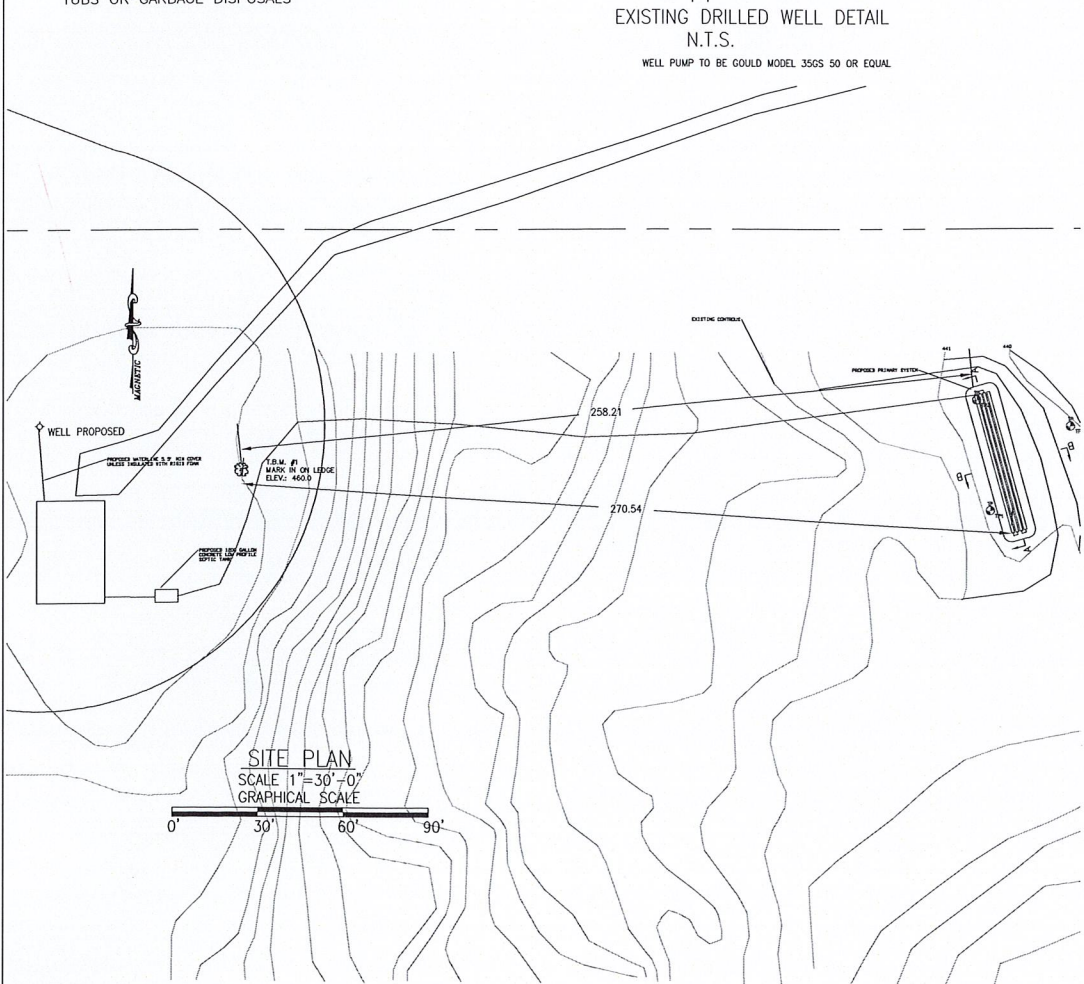
GENERAL PROJECT NOTES:

- 1) TEMPORARY BENCH MARK ELEVATIONS ARE ASSUMED.
- 2) REFERENCE TAX MAP FOR LOT INFORMATION AND SITE LOCUS.
- 3) CONTOURS SHOWN FOR WELL ISOLATION ZONES ARE INTERPOLATED FROM USGS MAP.
- 4) THE PROPERTY LINES, EASEMENTS, AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED IN THIS PERMIT APPLICATION ARE FOR THE USE OF THE ANR ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN 26 V.S.A. SECTION 2502(4), AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
- 5) DJG SAFE SHALL BE CONTACTED BEFORE EXCAVATING IN ANY PUBLICLY OWNED LANDS.
- 6) WATER SAMPLES SHALL BE TAKEN UPON COMPLETION OF THE WELL AND SHALL MEET ALL OF VERMONT DRINKING WATER QUALITY STANDARDS.

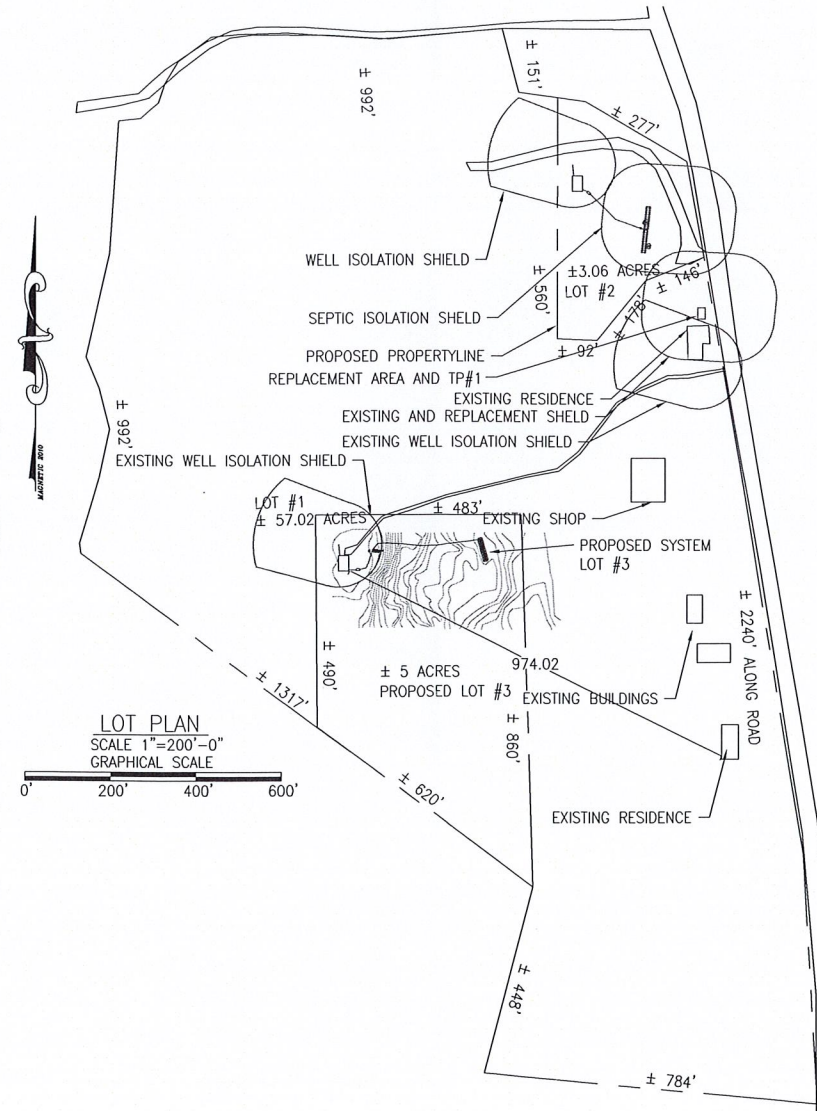
SOILS INFORMATION

TP#2 EXCAVATED ON 9-15-2020 BY WAYSVILLE ENGINEERING

- 0"-3" 10YR 2/1 LOAMY, VERY FRIABLE, WEAK SUBANGULAR BLOCKY
 - 3"-26" 7.5YR 4/6 FINE SANDY LOAM, FRIABLE, WEAK FINE GRANULAR
 - 26"-48" 2.5Y 4/3 FINE SANDY LOAM, FIRM, MED FINE GRANULAR
- TP#1, TP#3 SIMILAR
TP#1 48" BEDROCK ENCOUNTERED
ESTIMATED SEASONAL HIGH WATER TABLE @ 26" TP#2
ESHW @ 27" IN TP#1 @ 26" IN TP#3



SITE PLAN
SCALE 1"=30'-0"
GRAPHICAL SCALE



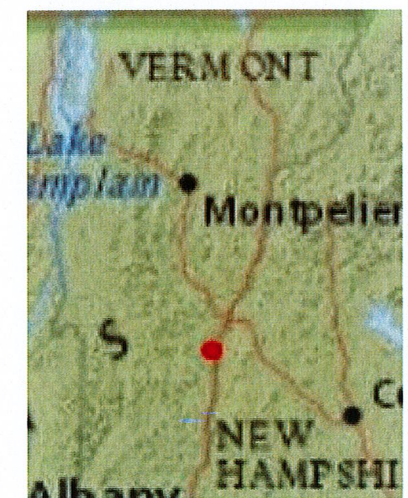
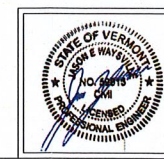
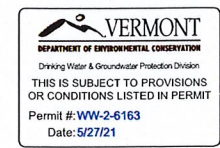
LOT PLAN
SCALE 1"=200'-0"
GRAPHICAL SCALE

ENVIRO-SEPTIC CONSTRUCTION NOTES:

- 1) PRESBY ENVIRONMENTAL, INC. REQUIRES ALL INSTALLERS TO BE CERTIFIED. CERTIFICATION IS OBTAINED BY ATTENDING THE "ENVIRO-SEPTIC DESIGNER AND INSTALLER CERTIFICATION COURSE" PRESENTED BY PRESBY ENVIRONMENTAL, INC.
- 2) ALL TREES AND SHRUBS SHALL BE CUT FLUSH WITH GROUND IN LEACHFIELD AREA AND WITHIN TEN FEET OF THE TOE OF THE LEACHFIELD.
- 3) ANY SURFACE STONES LARGER THAN 12" SHALL BE REMOVED FROM LEACHFIELD AREA.
- 4) PRIOR TO PLOWING, THE FORCE MAIN SHALL BE INSTALLED.
- 5) THE LEACHFIELD AREA SHALL BE PLOWED, PARALLEL TO CONTOURS, THROWING SOIL UP HILL. ONCE PLOWED, NO EQUIPMENT SHALL BE ALLOWED TO COMPACT NATIVE SOIL.
- 6) SAND FILL SHALL BE INSTALLED IN 12" LEVEL LIFTS, UNTIL THE TOP OF BED IS REACHED.
- 7) THE AREA OF SYSTEM SAND SHALL BE EXCAVATED OUT OF THE SAND FILL AND 6" OF SYSTEM SAND SHALL BE PLACED.
- 8) 4" PVC PIPE AND ENVIRO-SEPTIC PIPE SHALL BE INSTALLED, ENVIRO-SEPTIC PIPE SHALL BE LEVEL.
- 9) SYSTEM SAND SHALL BE PLACED BETWEEN ENVIRO-SEPTIC PIPE, THEN A MINIMUM OF 6" OF SYSTEM SAND SHALL BE PLACED ON TOP OF ENVIRO-SEPTIC PIPE.
- 10) NO HEAVY EQUIPMENT SHALL BE ALLOWED ON FIELD AFTER PIPES ARE INSTALLED.
- 11) ALL PIPE PENETRATIONS WITHOUT MANUFACTURED RUBBER BOOT SHALL BE SEALED WITH NON-SHRINK GROUT.
- 12) THE AREA SURROUNDING THE LEACHFIELD SHALL BE GRADED TO PROVIDE DIVERSION OF SURFACE WATER.
- 13) ALL DISTURBED AREAS SHALL BE SEEDED AND MULCHED, THIS GRASS COVER SHALL BE MAINTAINED AND MOWED AT LEAST ANNUALLY.
- 14) INSPECT THE SEPTIC TANK YEARLY, PUMP AS REQUIRED.
- 15) EACH TIME THE SEPTIC TANK IS PUMPED, THE BIOTUBE FILTER SHOULD BE WASHED OFF WITH A GARDEN HOSE.
- 16) LEAK TEST OF ALL TANKAGE REQUIRED AFTER ALL DISTRIBUTION PIPES ARE IN PLACE. LEAK TEST TO TOP OF TANK, NO LEAKAGE IS ACCEPTABLE.
- 17) ALL JOINTS AND CONNECTIONS SHALL BE SOLVENT WELDED UNLESS USED FOR ACCESS.
- 18) ALL RISERS SHALL BE TIGHT FITTING AND FASTENED TO PREVENT ENTRY BY CHILDREN.
- 19) ALL UNUSED ACCESSES SHALL BE SEALED TO PREVENT GROUNDWATER INFILTRATION.
- 20) INSTALLERS OF ENVIRO-SEPTIC SYSTEMS MUST PROVIDE PRESBY ENVIRONMENTAL WITH A COPY OF A COMPLETED "SYSTEM INSTALLATION FORM" FOR EACH NEW OR REPLACEMENT SYSTEM INSTALLED.
- 21) THERE SHALL BE NO DISTURBANCE WITHIN TWENTY-FIVE FEET OF THE LEACHFIELD TOE, EXCEPT CUTTING TREES FLUSH WITH GROUND SURFACE WITHIN TEN FEET OF THE TOE.

INSPECTION REQUIREMENTS

- 1) THE DESIGNER SHALL BE INFORMED IN A TIMELY MANNER TO SCHEDULE REQUIRED INSPECTIONS THROUGHOUT THE CRITICAL STAGES OF CONSTRUCTION.
- 2) UPON COMPLETION OF EXCAVATION OF THE TRENCHES AND PRIOR TO PLACING OF BED MATERIAL THE ENGINEER SHALL BE CONTACTED TO INSPECT GROUND PREPARATION.
- 3) UPON COMPLETION OF THE DISTRIBUTION SYSTEM AND BEFORE THE LATERALS ARE COVERED THE ENGINEER SHALL BE CONTACTED TO INSPECT THE PERFORMANCE OF THE DISTRIBUTION SYSTEM.



SITE LOCATION MAP

DESIGN CERTIFICATION:
I HEREBY CERTIFY THAT THE DESIGN-RELATED INFORMATION SUBMITTED WITH THIS APPLICATION IS TRUE AND CORRECT, AND THAT, IN THE EXERCISE OF MY REASONABLE PROFESSIONAL JUDGEMENT, THE DESIGN INCLUDED IN THIS APPLICATION FOR A PERMIT COMPLIES WITH THE VERMONT WASTEWATER SYSTEM AND POTABLE WATER SUPPLY RULES AND THE VERMONT WATER SUPPLY RULES.

PROJECT: JN#0022-2020 PROPOSED SUBDIVISION PLAN LOT #3 PREPARED FOR HODGDON FAMILY US ROUTE 5	
ASCUTNEY VERMONT	VERMONT
WAYSVILLE ENGINEERING 222 BARLOW RD SPRINGFIELD, VT 05156	
DATE 11-11-20	REVISIONS:
SCALE: AS NOTED	DWG. NO. L3
DR. BY: JW	REV. 0
CHECKED BY: RAR	

HEARING ITEM

8

Your Permit Navigator Results

PNR-0000003415

On the following page, you will find the following results based on the information that you provided. If the information you provided changes, for example if you change the location or size of your project, you should start over as the results below are no longer valid

Disclaimer: The Permit Navigator Results Summary is based on the information provided, and is not intended as an official or binding permitting determination by the ANR or the NRB. The Agency and the NRB reserve the right to require additional permits and/or approvals depending on the specific details of the project.

By checking this box I confirm that I have read and understood the disclaimer.

Check here if you would like a jurisdictional opinion on whether your project requires an Act 250 permit? If you check this box you will need to provide your contact information (first name, last name, email address, and phone). Otherwise, entering your contact information here is not required, but doing so will make it easier for ANR or Act 250 staff to better assist you in the future.

Disclaimer: Although requesting an Act 250 jurisdictional opinion is not required, it is highly recommended. Commencement of construction on a project (including clearing land or demolishing structures in preparation) that requires an Act 250 permit without securing a jurisdictional opinion could result in penalties and other enforcement actions.

PROJECT INFORMATION REVIEW

Project Address

4840 US ROUTE 5. WEATHERSFIELD, 05151

Category

Business/Municipality/Government
Entity

Industry / Activity

Municipalities

New Construction or Renovation?

No

YOUR LOCATION SELECTION DATA

Latitude

43.3987

Longitude

-72.4078

SPAN

705-224-10719

Property Owner


HODGDON DARCY JR & DIANE
4840 US ROUTE 5.
WEATHERSFIELD, 05151

Location

[View map of your selection](#)
This link may contain valuable information about this parcel. We suggest clicking on this link and viewing it in the ANR Atlas to see the environmental considerations (such as wells, existing permits, and required setbacks) present.

PERMIT RESULTS

BASED ON YOUR RESPONSES, WE HAVE DETERMINED THE FOLLOWING PERMITS ARE LIKELY NEEDED FOR YOUR PROJECT:

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the program contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Fish, Wildlife, and Plants - Threatened and Endangered Species

PERMIT EXPLANATION


State law protects endangered and threatened species. No person may take or possess such species without a Threatened & Endangered Species Takings permit. Endangered species are those whose continued existence as components of the State's wild flora or fauna is determined to be in jeopardy. Threatened species are those likely within the foreseeable future to become endangered. The Vermont Fish & Wildlife Department administers the permit program for the Secretary of the Agency of Natural Resources. The Department's mission is to protect and conserve fish, wildlife, plants and their habitats for the people of Vermont. Threatened & Endangered Species Takings Permits may be granted only for the following purposes: incidental take, scientific purposes, enhancement of the propagation of a species, zoological exhibition, educational purposes, and special purposes consistent with the purposes of the Federal Endangered Species Act (ESA).

APPLICATION FEE AMOUNT

Scientific purposes, Educational purposes, Enhance the propagation or survival of the species, or Special purposes consistent with the federal Endangered Species Act: \$50.00
Zoological/Botanical Exhibition or Incidental Take: \$250.00 for each listed species taken (\$25,000 max)


PROGRAM CONTACT

Everett Marshall

 802-371-7333

 everett.marshall@vermont.gov

PROGRAM WEBSITE

 <https://vtfishandwildlife.com/conservation/conservation-planning/endangered-and-threatened-species/threatened-endangered-species-takings-permit>

PROGRAM RESOURCES

[Everett Marshall \(everett.marshall@vermont.gov 802-371-7333\)](mailto:everett.marshall@vermont.gov)

The Vermont Fish and Wildlife Department is responsible for the conservation and management of all fish, wildlife, plants, and their habitats throughout Vermont for the people of the State.



Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Industrial (Multi-Sector) Stormwater Discharge Permit

PERMIT EXPLANATION

An industrial stormwater discharge permit is required for certain sectors of industrial activity which includes but is not limited to many sectors of manufacturing, mining/extraction, and transportation industries. Sectors subject to this requirement are specifically identified in Appendix D of Multi-Sector General Permit (MSGP) 3-9003. The MSGP requires facilities develop and implement a stormwater pollution prevention plan (SWPPP) to minimize and prevent industrial pollutants from entering stormwater runoff through implementation of best management practices and “good-housekeeping.” Facilities with activities that are entirely located indoors and not exposed to rain or snow, including transportation fleet storage/fueling, may qualify for a “No exposure” conditional exclusion from permit coverage.

TIME TO ISSUE PERMIT

Approximately 60 days. (Timeframe is dependent on the completeness and accuracy of the application.)


APPLICATION FEE AMOUNT

\$240 Administrative Processing Fee + \$440 Application Review Fee + \$160 Annual Operating Fee. No fees for “No Exposure” Conditional Exclusion

[View fee table](#)

PROGRAM CONTACT

Ashley Carver

 802-490-6906

 ashley.carver@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/watershed/stormwater>

PROGRAM RESOURCES

[Stormwater Program, District Environmental Analysts:](#)

are responsible for the technical review of construction stormwater discharge permits, and may be contacted for consultation regarding permit applicability, including determinations.

Operational Stormwater Discharge Permit

PERMIT EXPLANATION

An operational stormwater permit is required for new development of 1/2 or more acres of impervious surface; for the expansion of impervious surface by 5,000 square feet when the total resulting surface (new + existing) will be 1 or more acres; for the redevelopment of 1/2 or more acres of impervious surface; and sites with impervious surfaces totaling 3 or more acres, including projects that share a previously issued stormwater permit for 3 or more acres (e.g. residential/commercial subdivisions, and other types of larger campus-type development), unless the entire site was permitted under the 2002 Vermont Stormwater Management Manual. Most projects obtain permit coverage under Stormwater General Permit 3-9050. Some projects may require an Individual Permit.

TIME TO ISSUE PERMIT

Approximately 40-60 days for general permit applications, 90 days for Individual Permit applications.


APPLICATION FEE AMOUNT

\$240 Administrative Processing Fee + \$860-1400 Application Review Fee + \$160-310 Annual Operating Fee depending on Class

[View fee table](#)

PROGRAM CONTACT

Ashley Preston

 802-490-6170

 ashley.preston@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/watershed/stormwater>

PROGRAM RESOURCES

[Stormwater Program, District Environmental Analysts:](#)

are responsible for the technical review of construction stormwater discharge permits, and may be contacted for consultation regarding permit applicability, including determinations.

Wastewater System & Potable Water Supply

PERMIT EXPLANATION

Regulates the construction or modification of potable water supplies and wastewater treatment and disposal systems in order to protect human health and the environment. Wastewater permit applications are filed by engineers and licensed designers.

TIME TO ISSUE PERMIT

Approximately 30-45 days. (Timeframe is dependent on the completeness and accuracy of the application.)


APPLICATION FEE AMOUNT

New single family residence up to four bedrooms: \$306.25. Five or more bedrooms \$870. Larger buildings range from \$3000 - \$13,500.

[View fee table](#)

PROGRAM CONTACT

Jeff Svec

 802-591-0231

 jeff.svec@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/water>

PROGRAM RESOURCES

[Wastewater Systems & Potable Water Supply Permit](#)

The Regional Office Program issues water/wastewater permits (WW Permits) for soil based wastewater systems with flows of less than 6,500 gallons per day, for potable water supplies (water supplies that are not public water supplies), and for municipal water and sewer connections. Permitting staff are located in five Regional Offices. Staff also administers the licensed designer program and reviews innovative and alternative systems for potential use in the state.



Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Vermont Department of Environmental Conservation

Wetlands

PERMIT EXPLANATION

Permits are required for most activities within a wetland or its buffer zone (50-feet for Class II wetlands, 100+feet for Class I wetlands). Activities in wetlands and buffers likely needing a permit include filling, draining, cutting or removing vegetation, removing soil, or grading. The easiest way to research whether a property has jurisdictional wetlands associated with it is to use the Wetland Screening Tool. The results for a given property are listed for you to see, with explanations of each layer and recommended next steps. The link for the tool may be found in the Guidance Link below.

TIME TO ISSUE PERMIT

On average approximately 6 weeks for a General Permit; 5 months for an Individual Permit. (Timeframe is dependent on the completeness and accuracy of the application.)


APPLICATION FEE AMOUNT

Wetland fees are variable and we recommend you contact the district wetland ecologist. Here are some guidelines to the fees. Administrative Processing fee: \$240 + \$0.75/sf wetland impact & \$.25/sf buffer impact

[View fee table](#)

PROGRAM CONTACT

Rebecca Chalmers

 802-490-6192

 rebecca.chalmers@vermont.gov

PROGRAM WEBSITE

 <https://dec.vermont.gov/watershed/wetlands>


PROGRAM RESOURCES

[Wetlands Ecologists](#)

[Wetlands Contact and Inquiry Portal](#)

ENVIRONMENTAL CONSIDERATIONS BASED ON MAPPED RESULTS

ID MAP RESULT

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the program contact for this permit to receive a definitive answer.

Fish, Wildlife, and Plants - Threatened and Endangered Species

Does your project involve cutting down trees larger than 8 inches in diameter in any of the following towns?

Answer:

 NO

- (Addison, Arlington, Benson, Brandon, Bridport, Bristol, Charlotte, Cornwall, Danby, Dorset, Fair Haven, Ferrisburgh, Hinesburg, Manchester, Middlebury, Monkton, New Haven, Orwell, Panton, Pawlet, Pittsford, Rupert, Salisbury, Sandgate, Shoreham, Starksboro, St. George, Sudbury, Sunderland, Vergennes, Waltham, West Haven, Weybridge, Whiting)

Underground Injection Control

Will you have one or more floor drains or catch basins?

Answer:

 NO

Lake Encroachment Permit

Is your project located at or beyond the shoreline as established by the mean water level of: 1) a public lake or pond, 2) a boatable tributary of Lake Champlain or Lake Memphremagog upstream to the first barrier to navigation, or 3) Connecticut River impoundments and boatable tributaries of such impoundments upstream to the first barrier to navigation?

Answer:

 NO

Shoreland Protection

Does your project involve the creation of new cleared area or impervious surface (e.g. dirt road, paved road, roof, driveway, etc.) near a lake or pond?

Answer:

X NO

Residuals Management

Does your project involve a facility that produces biosolids?

Answer:

X NO

Does your project involve land applying biosolids or stabilized, domestic septage?

Answer:

X NO

Does your project involve a municipal wastewater treatment facility but your project does not produce biosolids?

Answer:

X NO

Does your project involve the distribution of short paper fiber or wood ash in Vermont?

Answer:

X NO

Stream Alteration and Stream Crossing Structures

Does your project involve any of the following:

Answer:

- movement, excavation or fill of 10 or more cubic yards of material within a perennial stream?

X NO

- construction or maintenance of a berm or additional material for landscaping adjacent to a river, stream, or floodplain?

- any crossing of a stream with utility lines?

Floodplain and River Corridor

Is your project proposing activities in or near a floodplain, river, and/or stream.

Answer:

 NO

Salvage Yards

Does your project involve storing four or more junk vehicles or scrap metal outside?

Answer:

 NO

Demolition Waste

Does your project have demolition waste that needs disposal?

Answer:

 NO

Disposal of Inert Waste, Untreated Wood & Stumps

Does your project have inert waste that needs disposal?

Answer:


 NO

Used Septic System Components/Stone

Does your project involve used septic system components or stone from a septic system that needs disposal?

Answer:

 NO

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Industrial (Multi-Sector) Stormwater Discharge Permit

Does your project involve an industrial activity associated with the Multi-Sector General Permit? (To view multi-sector general permit industrial activities, click this [link](#).)

Answer:

NO

Operational Stormwater Discharge Permit

Will your project undertake any of the following with respect to impervious surfaces:

Answer:

None of the above

Underground Storage Tanks

Does your project have an existing underground storage tank on the property?

Answer:

NO

Does your project involve you installing an underground storage tank?

Answer:

NO

Wastewater System & Potable Water Supply

Are you subdividing land?

Answer:

YES

Is the lot improved?

Answer:

YES

Are you adding land to a lot? (The addition of land to a lot does not require a permit, but subdivision of the donor lot may require a permit.)

Answer:

NO

Is it the subdivision of a lot where the subdivision results from a transfer of property for a highway or other transportation project that is authorized under the State's enacted Transportation Program or is an emergency project within the meaning of

Answer:


NO

19 V.S.A. § 10g(h) regardless of whether the State or the municipality has commenced any condemnation proceedings in connection with the project?

Is the subdivision for a boundary line adjustment? if so it may be exempt if each lot being adjusted meets one or more of the following:

Answer:

None of the above

 Your response indicates that you do not need this permit, but our information based on location or historical activities on the property indicates that you might. Please contact the permit contact for this permit to receive a definitive answer.

Wetlands

Does your project involve land that is in or near an area that has any of the following characteristics:

Answer:

 NO

o Water is present – ponds, streams, springs, seeps, water filled depressions, soggy ground under foot, trees with shallow roots or water marks?

o Wetland plants, such as cattails, ferns, sphagnum moss, willows, red maple, trees with roots growing along the ground surface, swollen trunk bases, or flat root bases when tipped over?

o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging?

Other State and Local Permit Information

In addition to environmental permitting, there are other requirements that may apply. Below are some helpful resources:

- Office of the State Fire Marshal: <https://firesafety.vermont.gov/>
- Vermont Building Energy Standards: <https://publicservice.vermont.gov/content/building-energy-standards>
- Secretary of State business registration: <https://sos.vermont.gov/corporations/registration/>
- Secretary of State professional Boards: <https://sos.vermont.gov/opr/>
- Department of Taxes: <https://tax.vermont.gov/>
- For local permits - please see your Town Clerk, Zoning Administrator, Planning Commission or Public Works

HEARING ITEM

9



Wetland and RTE Species Map

Vermont Agency of Natural Resources

vermont.gov



LEGEND

- Wetland
- Wetland Projects
- Wetlands - VSWI**
 - Class 1 Wetland
 - Class 2 Wetland
 - Buffer
- Wetlands - VSWI Advisory Lay
- Vermont Vernal Pool Atlas**
 - Confirmed
 - Potential
 - Probable
- VT List of Priority Rivers and S**
 - Part B (impaired TMDL not requirec
 - Part C (stressed needs more asses
 - Part D (impaired with approved TMI
 - Part E (altered exotic species)
 - Part F (altered flow regulation)
 - Part G (channel alteration)
- VT List of Priority Lakes and P**
 - Part B (impaired TMDL not requirec
 - Part C (stressed needs more asses
 - Part D (impaired with approved TMI
 - Part E (altered exotic species)
 - Part F (altered flow regulation)
- DFIRM Floodways
- Special Flood Hazard Areas (A Counties)**
 - AE (1-percent annual chance flood)
 - A (1-percent annual chance flood)

1: 6,839

March 23, 2023



347.0 0 174.00 347.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources

1" = 570 Ft. 1cm = 68 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

IMPORTANT!: The Wetlands Viewer is designed to help the public research wetland locations and features. Only a qualified wetland scientist may determine the absence or presence of a wetland and the boundaries. Not all wetlands are mapped. Wetlands not mapped on the Vermont Significant Wetland Inventory may still be considered significant.

AGENDA ITEM

7

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



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.



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

To: Weathersfield Planning Commission
From: Ryan Gumbart, Land Use Administrator
Date: March 23, 2023
Re: Ascutney Market Subdivision

On March 8, 2023 I received an Application for Sketch Plan Review from Scott Rogers of the Ascutney Market on Route 5 in Ascutney. The proposed subdivision is to subdivide parcel 06-00-14 located at 6014 US Route 5. The parcel is entirely located in the Highway Commercial district which requires the following for development to occur: 1 acre of lot area (3 acres for residential use), 200 feet of road frontage, a 40-foot front setback, a 25-foot rear setback, and a 25-foot side setback. The Area, Land, & Structural Requirements also state *Only one principal use is allowed per parcel of land.*

There is also an existing single-family residence on the same parcel with an address of 6046 US Route 5. This pre-existing residential use currently does not conform with the Area, Land, & Structural Use Requirements in the current Zoning Bylaws for 2 reasons.

1. There are 2 existing principal uses occurring on this parcel.
2. The lot does not meet the 3-acre minimum.

Per Bylaw 3.4.1.1, this Existing Small Lot *may be developed for the purposes permitted in the district..., even though not conforming to minimum lot size... (Full text at the bottom).* In this application the proposed development is to subdivide, which is considered development per Article 7: Definitions.

Based on this rationale it is my opinion that the proposed development is allowable under the current Zoning Bylaws. So, if a subdivision is theoretically allowable. The next question is, can this development be achieved in strict conformance with the bylaws?

The answer is no. The residential use also has an accessory structure, a detached garage. I measured by surveyor's tape, a distance of 46 feet between the buildings. This distance does not allow for the minimum setback distance of 25 feet to be met by both buildings if a new parcel boundary line were drawn. Thus, in order to use the lot for the proposed purpose (subdivision) a variance would have to be granted by the Zoning Board of Adjustment.

A variance is defined as: *A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A., Section 4464 and 4469.*



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

The first condition that must be met in order for a variance to be granted is that *there are unique physical circumstances or conditions... peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations... (Full text at the bottom).*

In this case, my interpretation is that the preexisting building locations constitute *unique physical circumstances*. The inability to develop the property in strict conformance constitutes *unnecessary hardship*. (Other unnecessary hardship may also include inability to sell the residence and reduced value of the store due to the two being inseparable.) This inability to develop the property is due to the pre-existing building locations not due to any other regulations other than that regulation for which a variance is being sought.

If the Zoning Board of Adjustment agrees with this interpretation of the proposal and the Zoning Bylaws, I believe the remaining conditions for obtaining a variance are straightforward.

I see potential for disagreement in the identification of the *unique conditions, unnecessary hardship, and cause of the hardship*. I can see how one might argue that there is no unnecessary hardship as the property is currently being used to some degree. However, I can not imagine any type of hardship other than the denial of an application.

Further, I cannot imagine a hardship that is not ultimately caused by the provisions of the zoning regulations. The regulations inherently are the cause of all nonconformities, violations, and needs for variances.

Ultimately, it is my opinion that the proposed application satisfies the requirements for a Sketch Plan Review and that approval of a Final Plat would be contingent upon the applicants ability to obtain a variance from the ZBA. If there are questions about whether or not this proposal satisfies the conditions for obtaining a variance it is for the ZBA to determine.

Respectfully,

A handwritten signature in black ink, appearing to read "Ryan Gumbart".

Ryan Gumbart



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Full text of referenced bylaws:

3.4 Nonconformities

3.4.1 Nonconforming Lots and Parcels

3.4.1.1 Existing Small Lots

Lots in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date of these Bylaws, may be developed for the purposes permitted in the district in which they are located, even though not conforming to minimum lot size requirements, if such lots are not less than one-eighth acre in area with a minimum width or depth dimension of forty (40) feet, provided the plans for any proposed water and sewage provisions comply with applicable state and town regulations.

6.10 Variances

6.10.1 Variance Criteria

The Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 6.8. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant only if all of the following facts are found, and the findings are specified in its written decision:

- a) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;
- b) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- c) The unnecessary hardship has not been created by the appellant;
- d) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare; and e) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

Mr. Turner will be using existing signage adding an additional name. Steve W. requested adequate lighting be shown on the Site Plan.

The Planning Commission would like the following items shown on the Site Plan;

- Show that Lot 1 parking is shared.
- Show entrance, exits and label loading dock.
- Note where the water supply is and that it is furnished by Country Estates.
- Note that contours are needed.
- Update the Title Block on the plan.
- Trim bushes for traffic viewing and maintain existing shrubbery.

The board felt that these items need to be added to the Plan before accepting it. Mr. Turner will be back before the board on February 25, 2003.

B. Sketch Plan Review:

1. Application #02.0303SK by Michael Owen;

Property being purchased by Michael Owen is formerly known as the Quik and Go.

Property is located on Route 5 just outside the Village of Ascutney. Property is in a Highway Commercial Zone. Lynn said the commercial lot size is one acre and three acres is needed for residential use in a Commercial Zone. Applicant must change Lot # 14 to Lot # 1 which will be 1.12 acres; Lot # 13 will be Lot # 2 the new residential lot will be .57 acres. Lot 2 will not conform to the lot size in that zone. The applicant is requesting that the board grant him a waiver under section 250 of the Subdivision Regulations. The property was developed prior to Subdivision Regulations, with two primary uses.

Julie motion to grant a waiver under Section 250. Steve W. seconded.

The Sketch Plan was presented on two maps. Applicant must condense to one and show the following:

- Show Right of Way
- Correct Right of Way to show two driveways
- Correct Title Block, show location map

Upon further review the board realized that additional waivers would be necessary.

Julie motioned that the 200 ft. requirement for property line footage on road and the setbacks for structures on Lot 1 and Lot 2 be waived. Steve W. seconded. This project was classified as a Minor Subdivision.

Julie Levy moved to adjourn. Steve W. second. All in favor, none opposed. Meeting adjourned at 9:28 p.m.

Respectfully submitted,



Patrice Dodge, Recording Secretary

AGENDA ITEM

9

Article 2: Zoning Districts and District Standards

2.1 Introduction and Table of Districts and Uses

The following tables 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) 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.

Basic minimum requirements in each district. For district locations, refer to the official Zoning Districts Map and aerial photographs located at the Town Office.

All uses must comply with any applicable General Provisions (Article 3) and Specific Use Standards (Article 4).

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 Article 7.

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.

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

Permitted Principal Uses:

- Public cemetery
- Residential, Single-family
- Small enterprise^{1,3} (in keeping with the Village residential/commercial mix)
- Residential, Two-family (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-based business - level 1², Section 4.5.3
- Non-agricultural ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, 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
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel ^{1,3}
- Medical facility^{1,3}
- Residential, Multi-family^{1,3} (three to six units)
- Public water, sewage treatment plant ^{1,3}
- School^{1,3}

- Semi-public ^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Two-family (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-based business - level 2^{1,2}, Section 4.5.4
- Wireless communication facilities^{2,3}, Section 4.19

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
- 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

AREA, LAND & STRUCTURAL REQUIREMENTS:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

Notes:

- 1 Site Plan Review required, Article 5
- 2 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.

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

Permitted Principal Uses:

- Public cemetery
- Residential, Single-family
- Small enterprise^{1,3} (in keeping with the character of the hamlet)
- Residential, Two-family (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-based Business - level 1², Section 4.5.3
- Non-agricultural ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, 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
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,3}
- Public water, sewage treatment plant^{1,3}
- School^{1,3}
- Semi-public^{1,3} (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:

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

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
- Junkyard, landfill, recycling facility (privately owned)
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family
- Non-highway commercial
- Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

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

Notes:

- ¹ Site Plan Review required, Article 5
- ² 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.

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

Permitted Principal Uses:

- Public cemetery
- Residential, Single-family
- Residential, Two-family (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-based business - level 1², Section 4.5.3
- Non-agricultural ponds, Section 3.2.5
- Seasonal roadside stand, Section 4.12
- Signs, 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}
- Family child care facility^{1,2,3}, Section 4.2.1
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Mobile Home Park^{1,2}, Section 4.9

- Public water, sewage treatment plant^{1,3}
- School^{1,3}
- Semi-public^{1,3} (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:

- Docks (for water access)
- Home-based business - level 2^{1,2}, Section 4.5.4
- 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
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family
- Residential, Two-family (new construction)
- Non-highway commercial
- Small enterprise
- Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

Notes:

- 1 Site Plan Review required, Article 5
- 2 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.

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

Permitted Principal Uses:

- Public cemetery
- Residential, Single-family
- Residential, Two-family (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-based business - level 1², Section 4.5.3
- Non-agricultural ponds
- Seasonal roadside stand, Section 4.12
- Signs, 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}
- 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^{1,3}
- Inn/small hotel^{1,3}
- Medical facility^{1,3}
- Extraction of earth resources^{1,2,3}, Section 4.3

- Mobile home park^{1,2}, Section 4.9
- Public water, sewage treatment plant^{1,3}
- School^{1,3}
- 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
- 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
- Junkyard, landfill, recycling facility (privately owned)
- Residential, Multi-family
- Non-highway commercial
- Small enterprise
- Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

Notes:

- 1 Site Plan Review required, Article 5
- 2 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.

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

Permitted Principal Uses:

- Residential, Single-family (must not defeat purpose of the District)
- Residential, Two-family (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-based business - level 1², Section 4.5.3
- Non-agricultural ponds
- Seasonal roadside stand, Section 4.12
- Signs, 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}
- Public cemetery
- 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^{1,3}
- Extraction of earth resources^{1,2,3}, Section 4.3
- Outdoor recreation facility^{1,3} (must not defeat the purpose of the District)

- Public water, sewage treatment plant^{1,3}
- School^{1,3}
- Semi-public^{1,3} (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
- 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
- Indoor recreation facility
- Industry
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family (new construction)
- Residential, Multi-family
- Non-highway commercial
- Small enterprise
- Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

*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

Notes:

- 1 Site Plan Review required, Article 5
- 2 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.

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

Permitted Principal Uses:

- Highway commercial^{1,3}
- Light industry^{1,3}
- Self-storage facility ≤10,000 sq ft of gross floor area^{1,3}

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- Bed and breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- Non-agricultural ponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility ≤10,000 sq ft of gross floor area^{1,3}
- Signs, 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
- Contractor's storage yard^{1,3} (materials, machinery, heavy equip.)
- Family child care facility^{1,2,3}, Section 4.2.1
- Gasoline/service station^{1,3}
- Indoor or outdoor recreation facility^{1,3}
- Inn/small hotel^{1,3}
- Public water, sewage treatment plant^{1,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area^{1,3}

- Residential, Single-family
- Residential, Two-family (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
- 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
- Industry
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility
- Extraction of earth resources, Section 4.3
- Mobile home park, Section 4.9
- Residential, Multi-family
- Non-highway commercial
- School
- Planned Unit Development, Residential

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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

*Residential, Single-family: 3 acres

*Residential, Two-family (altered from pre-existing single-family dwelling): 3 acres

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

Notes:

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

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.

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^{1,3}
- Self-Storage Facility^{1,3}
- Small office

Permitted Accessory Uses:

- Accessory use or structure (Includes athletic courts incidental to allowed principal uses)
- Adult day care service², Section 4.2.2
- Bed and breakfast (in existing home only; up to 3 bedrooms for transient boarders/tourists)
- Family child care home², Section 4.2.1
- Non-agricultural ponds
- Seasonal roadside stand, Section 4.12
- Self-Storage Facility^{1,3}
- Signs, 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 child care facility^{1,2,3}, Section 4.2.1
- Highway commercial
- Junkyard, landfill, recycling facility (privately owned)^{1,3}
- Industry^{1,3}
- Non-highway commercial^{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:

- Wireless communication facilities^{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
- School
- Semi-public (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Residential, Single-family
- Planned Unit Development, Residential
- Residential, Two-family

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
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:

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

*In this District, proposed structures exceeding 35 feet may be allowed with a conditional use permit.

Unless increased by the Zoning Board of Adjustment during Site Plan Review, a minimum of 50’ buffer with natural screening is required between industrial and residential zones.

Notes:

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

AGENDA ITEM

10

Article 7: Definitions

For the purposes of these Bylaws, meanings for the following words and phrases shall be as defined below. All other words shall retain their dictionary meaning (Webster's Ninth New Collegiate Dictionary) unless such meanings run counter to the purposes and objectives of Weathersfield's Bylaws or Town Plan. The definitions of terms defined in 24 V.S.A. §4303, and not otherwise defined herein are made a part of these Bylaws.

A Zone: That portion of the SFHA subject to a one percent chance of being equaled or exceeded in any given year. In the A Zone the base floodplain is mapped by approximate methods, i.e. BFEs are not determined. This is often called unnumbered A Zone or approximate A Zone.

Accessory Dwelling Unit (ADU): See Section 4.1.

Accessory Structure: A structure which is: 1) detached from and clearly incidental and subordinate to the principal use of or structure on a lot, 2) located on the same lot as the principal structure or use, and 3) clearly and customarily related to the principal structure or use. For residential uses these include, but may not be limited to garages, garden and tool sheds, and playhouses.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building. If there is a question whether the use is customary, determination shall be made by the Zoning Board of Adjustment.

Adult Day Care Service/Facility: See Section 4.2.2.

Affordable Housing: Affordable housing means either of the following:

1. Housing that is owned by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including principal, interest, taxes, insurance, and condominium association fees is not more than 30 percent of the household's gross annual income.
2. Housing that is rented by its inhabitants whose gross annual household income does not exceed 80 percent of the county median income, or 80 percent of the standard metropolitan statistical area income if the municipality is located in such an area, as defined by the United States Department of Housing and Urban Development, and the total annual cost of the housing, including rent, utilities, and condominium association fees, is not more than 30 percent of the household's gross annual income.

Affordable Housing Development: A housing development of which at least 20 percent of the units or a minimum of five units, whichever is greater, are affordable housing units. Affordable units shall be subject to covenants or restrictions that preserve their affordability for a minimum of 15 years or longer as provided in municipal bylaws.

Agriculture Use: Land which is used for raising livestock, agricultural or forest products (includes farm structures and the storage of agricultural equipment); and, as an accessory use, the sale of agricultural products raised on the property.

Airport Uses: Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, and other uses designed to serve aviation passengers and industry.

Appropriate Municipal Panel: A planning commission, a board of adjustment or a legislative body performing development review.

Area of Special Flood Hazard: This term is synonymous in meaning with the phrase "Special Flood Hazard Area" for the purposes of these bylaws.

Residential Athletic Courts: Private, residential tennis court, basketball court or similar activities.

Average Grade: The average of the distance from the top of foundation to the ground measured at all foundation corners of a building or structure.

Background Noise: Noise which exists at a point as a result of the combination of many distant sources, individually indistinguishable. In statistical terms, it is the level which is exceeded 90% of the time (L90) in which the measurement is taken.

Bankfull Width (or Channel Width): The width of a stream channel when flowing at a bankfull discharge. The bankfull discharge is the flow of water that first overtops the natural banks. This flow occurs, on average, about once every 1 to 2 years.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (commonly referred to as the “100-year flood”).

Base Flood Elevation (BFE): The elevation of the water surface elevation resulting from a flood that has a 1 percent chance of equaling or exceeding that level in any given year. On the Flood Insurance Rate Map the elevation is usually in feet, in relation to the National Geodetic Vertical Datum of 1929, the North American Vertical Datum of 1988, or other datum referenced in the Flood Insurance Study report, or the average depth of the base flood, usually in feet, above the ground surface.

Basement: Any area of the building having its floor elevation subgrade (below ground level) on all sides.

Bed-and-Breakfast: An owner-occupied residence, or portion thereof, which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.

BFE: See Base Flood Elevation.

Boarding House (tourist home): A building or premises where rooms are let to individuals for compensation for a period of time greater than 30 days, and where meals may be regularly served in a common dining area. Hotels, motels, apartment houses, bed and breakfasts and historic inns shall not be considered boarding houses.

Buffer: An undisturbed area consisting of trees, shrubs, ground cover plants, duff layer, and generally uneven ground surface that extends a specified distance horizontally across the surface of the land from the mean water level of an adjacent lake or from the top of the bank of an adjacent river or stream.

Building: A structure having a roof supported by columns and/or walls intended for the shelter or enclosure of persons, animals or chattel, excluding fences, and including a gas or liquid storage tank that is principally above ground.

Building Height: The distance from the lowest floor with exterior access or the lowest visible foundation point (whichever is lower) to the highest point of the roof.

Building or Structure Height: The distance from the average grade to the highest point on a building or structure. Measured from the top of the foundation no more than 8 feet of foundation showing, and excluding cupolas, chimneys, steeples, and/or roof mounted HVAC and utilities.

Campground: Recreational campground or camping park is property where transient residence is offered or provided for seasonal or short-term purposes on which may be located cabins, tents, or lean-tos, or campsites designed for temporary set-up of portable or mobile camping, recreational, or travel dwelling units, including tents, campers, and recreational vehicles such as motor homes, travel trailers, truck campers, and van campers.

Public Cemetery: Property on public or private lands used for the interment of the dead and that is available for public visitation.

Channel: An area that contains continuously or periodic flowing water that is confined by banks and a streambed.

Common Plan of Development: Where a structure will be refurbished over a period of time. Such work might be planned unit by unit.

Community Non-Profit: as defined by State or Federal guidelines.

Contractor’s Storage Yard: A lot or portion of a lot or parcel used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Coverage: That percentage of the lot area that is covered by buildings.

Critical Facilities: Include police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, water supply and waste treatment facilities, and other structures the community identifies as essential to the health and welfare of the population and that are especially important following a disaster. For example, the type and location of a business may raise its status to a Critical Facility, such as a grocery or gas station.

Daytime Hours: Hours between 7:30 a.m. and 7:30 p.m., Monday through Saturday, and the hours between 10:00 a.m. and 7:30 p.m. on Sundays and holidays.

Decibel: (dB) A unit of measurement of the sound level.

Development: The division of a parcel into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or of any mining, excavation or landfill; and any change in the use of any building or other structure, land or extension of use of land.

Development in the areas of special flood hazard: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

District, Zoning District: A part of the territory of the Town of Weathersfield within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of these Bylaws.

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Dwelling, Dwelling Unit: A building or part thereof, including a kitchen and bathroom, used as living quarters for a single individual or family (see definition of family).

Emitter: Source of noise.

Excessive Noise: Any sound, the intensity of which exceeds the standard set forth in Section 3.7.2.

Existing Small Lot: Any lot that is legally subdivided, is in individual and separate and nonaffiliated ownership from surrounding properties, is in existence on the date of enactment of any bylaw, and is too small to conform to the minimum lot size requirements for the zoning district in which it is located.

Existing manufactured home park or subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Extraction of Earth Resources: See Section 4.3.

Family: For the purposes of these Bylaws, a family shall consist of any group of two or more persons, either related or unrelated, residing in and sharing the rooms of an individual dwelling unit in the same structure (i.e., persons related by blood, marriage, or adoption; housemates; unrelated friends sharing expenses).

Family Child Care Home: A family child care home or facility is a day care facility which provides

for care on a regular basis in the caregiver's own residence for not more than ten children at any one time. Of this number, up to six children may be provided care on a full-time basis and the remainder on a part-time basis. For the purpose of this subdivision, care of a child on a part-time basis shall mean care of a school-age child for not more than four hours a day. These limits shall not include children who reside in the residence of the caregiver; except:

1. these part-time school-age children may be cared for on a full-day basis during school closing days, snow days and vacation days which occur during the school year; and
2. during the school summer vacation, up to 12 children may be cared for provided that at least six of these children are school age and a second staff person is present and on duty when the number of children in attendance exceeds six. These limits shall not include children who are required by law to attend school (age 7 and older) and who reside in the residence of the caregiver.

Family Child Care Facility: A state registered or licensed family child care facility serving ten or more children (at least six full-time and four part-time). See Section 4.2.1.

Farming: The cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or the raising, feeding or management of livestock, poultry, equines, fish, or bees; or the operation of greenhouses; or the production of maple syrup; or the on-site storage, preparation and sale of agricultural products principally produced on the farm; or the on-site production of fuel or power from agricultural products or wastes produced on the farm.

Farming structure: A structure or structures that are used by a person for agricultural production that meets one or more of the following:

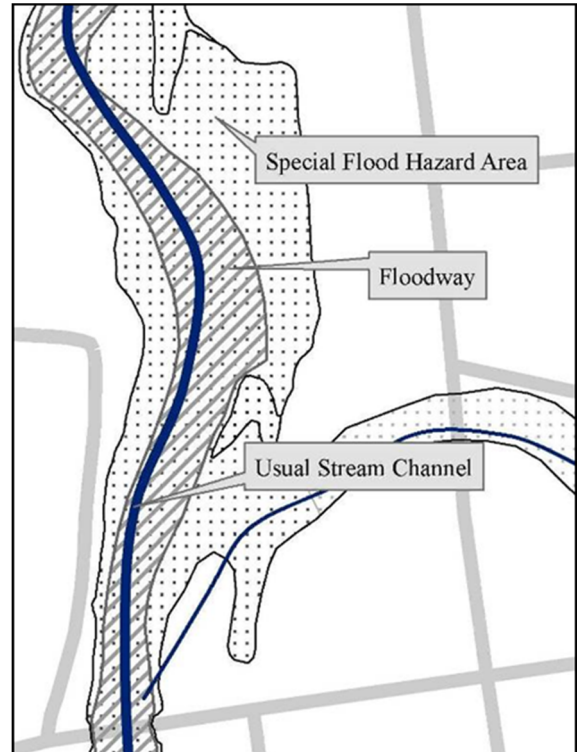
1. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
2. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen, sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four rarities (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
3. is used by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
4. is on a farm with a business and farm management plan approved by the Secretary.

Fill: Any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site.

FIRM: see Flood Insurance Rate Map.

Flood:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and mudslides which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.



Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. In some communities the hazard boundaries are available in paper, pdf, or Geographic Information System formats as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide (i.e., mudflow) and /or flood related erosion hazards.

Floodplain or flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of “flood”).

Flood proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Please note that Special Flood Hazard Areas and floodways may be shown on a separate map panels.

Fluvial Erosion: Erosion caused by streams and rivers. Fluvial erosion can be catastrophic when a flood event causes a rapid adjustment of the stream channel size and/or location.

Fluvial Geomorphic Equilibrium: The width, depth, meander pattern, and longitudinal slope of a stream channel that occurs when water flow, sediment, and woody debris are transported by the stream in such a manner that it generally maintains dimensions, pattern, and slope without unnaturally aggrading or degrading (down-cutting) the channel bed elevation. When a stream or river is in an equilibrium condition the stream power and erosive process is minimized reducing damage to public and private infrastructure, reducing nutrient loading, and allowing for bank stability and habitat diversity.

Formula Business: A business which does or is required by contractual or other arrangement or as a franchise to maintain two (2) or more of the following items: standardized (formula) array of services and/or merchandise including menu, trademark, logo, service mark, symbol, décor, architecture, façade, layout, uniforms, color scheme, and which are utilized by ten (10) or more other businesses worldwide regardless of ownership or location.

Frontage: The length of that portion of a lot which abuts a public road right-of-way or mean watermark of a public waterway. In the case of corner lots, it shall be that portion that has or is proposed to have access.

Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Gasoline/Service Station: A retail establishment at which motor vehicles are serviced, especially with fuel, air, and water; also called a filling station. Includes the retail sale of motor vehicle fuel carried on as part of other commercial or industrial activities.

Group Home: Any residential facility operating under a license or registration granted or recognized by a state agency, that serves not more than eight unrelated persons, who have a handicap or disability as defined in 9 V.S.A. §4501, and who live together as a single housekeeping unit. In addition to room, board and supervision, residents of a group home may receive other services at the group home meeting their health, developmental or educational needs.

Guest House: An accessory residential structure with no kitchen (may or may not have bath facilities) used for the sole purpose of temporary housing for nonpaying guests.

Hazardous Materials: Those substances, materials, or agents in such quantity, state, and form as may constitute potential risk to the health and safety of the people and environment of the Town, and which may constitute a threat to property, including, without limitation, the following: explosives; radiative materials, etiologic agents, flammable materials, combustible materials, poisons, oxidizing or corrosive materials, and compressed gases. This shall also include any other materials listed as 'hazardous' by the Materials Transportation Bureau of the United States Department of Transportation, in Title 49 of the Code of Federal regulations, as amended, or those materials regulated pursuant to Title 10, Chapter 47, of the Vermont Statutes Annotated, or any other applicable Federal or State regulations.

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

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

those listed.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) By an approved state program as determined by the Secretary of the Interior or (ii) Directly by the Secretary of the Interior in states without approved programs.

Home-Based Business: A professional, commercial, or light industrial activity that takes place on a residential property, is for gain by the resident(s), and where these activities are subordinate to (Level 1) or augment (Level 2) the residential use. See Section 4.5.3 and 4.5.4.

Home-Based Occupation: Employment activity that is carried on for gain by the resident and is clearly subordinate to the residential structure. See Section 4.5.2.

Impulse Noise: Noise of short duration, usually less than one second, with an abrupt onset and rapid decay.

Indoor Recreation Facility: A commercial or public facility for the following indoor activities: bowling, table tennis, tennis, pool, roller and ice skating, swimming, customary gym activities, rifle/pistol/archery, others deemed similar in nature by the Zoning Board of Adjustment.

Industry: The use of a building or land for the manufacture, production, processing, assembly or storage of goods or commodities. Includes research, testing, and large offices (more than ten employees); and others deemed similar in nature by the Zoning Board of Adjustment.

Inn/Small hotel: an establishment providing for a fee up to six (6) temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

Insignificant Activities and/or Repairs:

1. Insignificant activities that involve the placement or erection of decorative or directional elements which do not result in new obstructions to flood flows or alter drainage or have the potential to be a substantial improvement. Insignificant activities may include mowing, planting a garden, adding soil amendments, installing a mail box for the delivery of US postal mail or newspaper, or erecting a flag pole. Insignificant activities will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement; and/or,
2. Insignificant repairs that involve projects to fix or mend to a sound condition after decay or damage and the cost of which does not exceed \$500 or does not result in the replacement, alteration, addition or extension of an existing structure. Insignificant repairs will not result in new obstructions to flood flows or impair drainage or have the potential to be a substantial improvement.

Junkyard: A yard for the deposit, storage, or resale of any junk or discarded materials, machinery, or vehicles; whether or not in connection with any other commercial activity.

Land Development: The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Letter of Map Amendment (LOMA): A letter issued by the Federal Emergency Management Agency officially removing a structure or lot from the flood hazard zone based on information provided by a licensed engineer or surveyor. This is used where structures or lots are located above the base flood elevation and have been inadvertently included in the mapped special flood hazard area.

Light Industry: Same as Industry, but limited to:

1. no more than 10 employees
2. buildings do not cover more than 10,000 square feet of land area;
3. production of noise, vibration, smoke, dust, heat, odor, glare or other disturbance shall not exceed what is characteristic of the District.
4. production of electrical interferences and line voltage variations must no create a nuisance.

Lot: A portion or parcel of land occupied or intended for occupancy by a use or a building.

Lot Size: The total area of land, excluding the road right-of-way, included within the property lines.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Lumber Yard: An establishment for the retail or combined wholesale/retail sale of new lumber and/or other new building materials. For the purposes of these Bylaws, establishments engaged in the sale of other new building materials without the sale of new lumber are included.

Manufactured Home (or Mobile Home): A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 and other data, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical Facility: For the purposes of these Bylaws, a medical facility shall include hospitals, including nurses' residential quarters; nursing homes; and homes for the elderly or incapacitated.

Minor Structure: See Section 6.2.2(I).

Mobile Home: A structure or type of manufactured home that is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, includes plumbing, heating, cooling, and electrical systems, and is:

1. transportable in one or more sections; and
2. at least eight feet wide or 40 feet long or when erected has at least 320 square feet or if the structure was constructed prior to June 15, 1976, at least eight feet wide or 32 feet long; or
3. any structure that meets all the requirements of this subdivision except for size and for which the manufacturer voluntarily files a certification required by the U.S. Department of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code. 10 V.S.A. §6201(1).

Mobile Home Park: See Section 4.9. Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate, more than two mobile homes. Nothing herein shall be construed to apply to premises used solely for storage or display of mobile homes. Mobile Home Park does not mean any parcel of land under the ownership of an agricultural employer who may provide up to four mobile homes used by full-time workers or employees of the agricultural employer as a benefit or condition of employment or any parcel of land used solely on a seasonal basis for vacation or recreational mobile homes. 10 V.S.A. ' 6201(2).

Modular (or Prefabricated) Housing: A dwelling unit constructed on-site and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel or large hotel: an establishment providing for a fee seven or more temporary guest rooms and customary lodging services, and subject to the Vermont rooms and meals tax.

Municipal Land Use Permit: Means any of the following whenever issued:

1. A zoning, subdivision, site plan, or building permit or approval, any of which relate to "land development" as defined in this section, that has received final approval from the applicable board, commission, or officer of the municipality.
2. A wastewater system permit issued under any municipal ordinance adopted pursuant to 24 V.S.A. chapter 102.
3. Final official minutes of a meeting that relate to a permit or approval described in (1) or (2) above that serve as the sole evidence of that permit or approval.
4. A Certificate of Occupancy, certificate of compliance, or similar certificate that relates to the permits or approvals described in (1) or (2) above if the bylaws so require.
5. An amendment of any of the documents listed in (1) through (4) above.

New Construction:

1. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
2. For floodplain management purposes, new construction means structures for which the *start of construction* commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

Nightclub or Bar: An establishment whose major activity is the service of alcoholic beverages for consumption on the premises and which may or may not provide entertainment.

Nighttime Hours: The hours between 7:30 p.m. and 7:30 a.m., Sunday evening through Saturday morning, except that nighttime hours shall mean the hours between 7:30 p.m. Saturday and 10:00 on Sunday and 7:30 p.m. of the day preceding a recognized, national holiday and 10:00 a.m. on said holiday.

Noise Zone: The geographic area between emitter and receptor of noise.

Non-agricultural Pond: See Section 3.2.5.

Nonconforming Lots or Parcels: Lots or parcels that do not conform to the present bylaws covering dimensional requirements but were in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a lot or parcel improperly authorized as a result of error by the administrative officer.

Nonconforming Structure: A structure or part of a structure that does not conform to the present bylaws but was in conformance with all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a structure improperly authorized as a result of error by the administrative officer. Structures that were in violation of the flood hazard regulations at the time of their creation, and remain so, remain violations and are not nonconforming structures.

Nonconforming Use: Use of land that does not conform to the present bylaws but did conform to all applicable laws, ordinances, and regulations prior to the enactment of the present bylaws, including a use improperly authorized as a result of error by the administrative officer. 24 V.S.A. §4303(15)

Nonconformity: A nonconforming use, structure, lot or parcel.

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

1. wholesaler,
2. fuel oil depot,
3. bottled gas depot,
4. coal depot,
5. lumber yard, and
6. other similar purposes as determined by the Zoning Board of Adjustment.

Non-Residential: Includes, but is not limited to: small business concerns, churches, schools, nursing homes, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, government buildings, mercantile structures, agricultural and industrial structures, and warehouses.

Outdoor Recreation Facility: A commercial or public facility for the following out-of-doors activities: customary playing fields and municipal park activities (baseball, soccer field, etc.); tennis, swimming, roller and ice skating, skiing, boating, fishing, horseback riding, golf, miniature golf, bicycling, or other similar activities as determined by the Zoning Board of Adjustment. Excludes tracks or trails for competitive and/or commercial use of motorized vehicles.

Planned Unit Development (PUD): One or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose any authorized combination of density or intensity transfers or increases, as well as the mixing of land uses. This plan, as authorized, may deviate from bylaw requirements that are otherwise applicable to the area in which it is located with respect to lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards.

Pre-existing: In existence prior to the adoption date of the original Bylaws, March 5, 1974.

Prime Agricultural Land: Prime land identified by the Natural Resources Conservation Service (NRCS) as “P – prime” or “S – statewide significant” and as described in the Farmland Classification System for Vermont Soils, published by the United States Department of Agriculture (USDA) – NRCS and available at <http://www.nrb.state.vt.us/lup/publications/importantfarmlands.pdf>.

Public Water, Sewage Treatment Plant: Any community drinking water distribution system, whether publicly or privately owned. A place where sewage is cleaned so that it is not harmful or dangerous to the environment.

Receptor: With the intent of confining decibel levels higher than allowed to the emitter’s property, the receptor is any abutting property receiving noise.

Recreational Vehicle: A vehicle which is: (a) Built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) Designed to be self-propelled or permanently towable by a light duty truck; and (d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regular High Water Mark: The lower limit of vegetation on the streambank.

Renewable Energy Resources: Energy available for collection or conversion from direct sunlight, wind, running water, organically derived fuels, including wood and agricultural sources, waste heat, and geothermal sources.

Residential Care Home: A place, however named, excluding a licensed foster home, which provides, for profit or otherwise, room, board, and personal care to nine or more residents unrelated to the home operator.

Residential, Single-Family: The use of a structure and/or lot to house a single individual or family (see definition for family).

Residential Structure: Any structure designed and constructed for human residence.

Residential, Multi-family: A building containing three or more individual dwellings with separate cooking and toilet facilities for each dwelling.

Residential, Two-Family: The use of a structure or lot to house two families (see definition for family). A legitimate home occupation is optional.

Residential swimming pool: Includes in ground or above ground pools. Does not include hot tubs, or temporary pools that are removed and stored at the end of the season.

River Corridor: The land area adjacent to a river that is required to accommodate the dimensions, slope, planform, and buffer of the naturally stable channel and that is necessary for the natural maintenance or natural restoration of a dynamic equilibrium condition, as that term is defined in 10 V.S.A. §1422, and for minimization of fluvial erosion hazards, as delineated by the Agency in accordance with the ANR River Corridor Protection Guide.

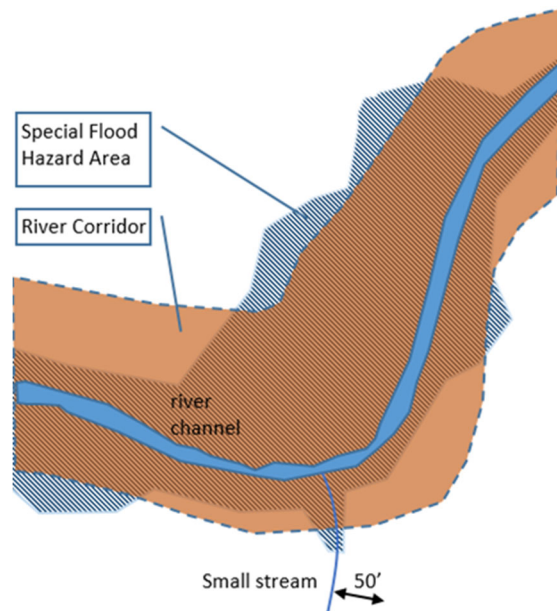
School: Includes public, parochial and private kindergarten through college or university and accessory uses such as dormitories, fraternities, and sororities. Shall not include commercially operated schools of business, driving, dance, music, cosmetology, beauty, culture, or similar establishments.

Self-Storage Facility: A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses.

Semi-Public: Primarily nonprofit uses generally available to the public. Includes museums, assembly halls, concert halls, private clubs, YMCA, YWCA, and in these Bylaws, mortuaries; and other uses deemed similar by the ZBA.

Setback:

1. The shortest distance between the exterior of a building and the nearest adjacent boundary of the building lot, measured at right angles to said boundary.
2. Porches are included as part of the building; however, steps are not.
3. Setbacks shall be measured from the nearest boundary of the road right-of-way.



4. When the road or right-of-way measures less than fifty feet in width or is of unknown width, a right-of-way width of 50 feet shall be assumed.
5. The edge of the right-of-way shall be determined by measuring half of the right-of-way width from the center of the traveled portion of the road.
6. Structures added to existing buildings in order to provide access to the disabled or handicapped (i.e., ramps, special stairways, elevators, etc.) are not required to meet setback requirements.
7. New building construction that includes such devices shall meet said requirements.

Sign: Any device, logo, structure, illustration, emblem, building, or part thereof for visual communication that is placed in view of the general public for the purpose of directing public attention to any business, industry, profession, product, service, or entertainment. See Section 3.8.

Small Enterprise: In Districts where permitted, the establishment of small enterprises is encouraged in order to promote sound economic development, to maintain the unique character of the community, to promote diversity of economic activity, and to provide a business environment benefitting from foot traffic and proximity. The small enterprise use aims to facilitate entrepreneurial activity by providing a narrow exception to obtaining a conditional use permit, while protecting and maintaining the character and diversity of businesses in the District. All applicants are encouraged to consult the Land Use Administrator prior to submitting an application. The small enterprise shall meet all criteria below.

- a) The small enterprise shall not be a formula business as defined by these Bylaws.
- b) Employs a maximum of five (5) employees on premises at a single point in time.
- c) Occupies a maximum building area of 800 square feet.
- d) Replacing and superseding Article 6.2.2(l) for the purposes of this bylaw, only one structure not in excess of 150 square feet is exempt from the zoning permit requirement. All other provisions of Article 6.2.2(l) apply.
- e) May display one non-illuminated, non-reflective sign, a maximum of nine (9) square feet in size. Additional signs may be permitted upon submission of a Zoning Permit Application.
- f) The small enterprise zoning application shall clearly define the type of business, number of employees, square footage allocated to the business, and traffic generation.
- g) All applications must be accompanied by a site plan.
- h) Any change to the original application shall require permit review.
- i) The small enterprise must comply with all performance standards set forth in Section 3.7 of these Bylaws.

Uses which exceed the thresholds established under this bylaw may still be permitted if falling within another permitted, accessory, or conditional use category permitted in the same particular District.

Small Office: A space for ten or fewer employees with no deliveries and only employee parking allowed on-site.

Sound Level Meter: An instrument, including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of sound levels. The Sound Level Meter shall conform to the ANSI Specifications for Sound Level Meters S1.4-1971.

Special Flood Hazard Area (SFHA): The floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. For purposes of these regulations, the term “area of special flood hazard” is synonymous in meaning with the phrase “special flood hazard area”. This

area is usually labeled Zone A, AE, AO, AH, or A1-30 in the most current flood insurance studies and on the maps published by the Federal Emergency Management Agency. Maps of this area are available for viewing in the municipal office or online from the FEMA Map Service Center: msc.fema.gov. Base flood elevations have not been determined in Zone A where the flood risk has been mapped by approximate methods. Base flood elevations are shown at selected intervals on maps of Special Flood Hazard Areas that are determined by detailed methods. Please note, where floodways have been determined they may be shown on separate map panels from the Flood Insurance Rate Maps.

Start of Construction: For purposes of floodplain management, determines the effective map or bylaw that regulated development in the Special Flood Hazard Area. The “start of construction” includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, regardless of whether that alteration affects the external dimensions of the building.

Stream: A perennial watercourse, or portion, segment or reach of a watercourse that, in the absence of abnormal, extended, or severe drought, continuously conveys surface water flow. Human caused interruptions of flow, i.e. flow fluctuations associated with hydroelectric facility operations, or water withdrawals, shall not influence the determination. A perennial stream does not include the standing waters of wetlands, lakes, and ponds. Streams are indicated on the Vermont Hydrography Dataset viewable on the Vermont Natural Resources Atlas.

Structure: An assembly of materials for occupancy or use for more than six (6) months. Fences, gates, stone walls, landscape timbers, sculptures, memorial monuments, TV antennae, and satellite dishes are not structures.

For floodplain management purposes, “structure” shall mean a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

For flood insurance purposes, “structure” shall mean:

1. A building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site;
2. A manufactured home, also known as a mobile home, which is built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or
3. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under the community’s floodplain management and building ordinances or laws but does not include a recreational vehicle or a park trailer or other similar vehicle, or a gas or liquid storage tank.

Structural Development: The addition of a new structure to a parcel of land.

Structure Height: The distance from the average grade at the base of the structure to the highest point of the structure. Notwithstanding any other provision regarding setbacks in these bylaws, the setback distance of any structure which is not considered a building (see definition) from an adjacent road or parcel must be greater than or equal to the structure height. (1/3/2019)

Subdivision: Either:

1. division of a parcel of land into two or more lots, plots, or sites; or
2. construction of a single structure containing two or more functional units, such as but not limited to: apartment buildings, condominiums, or shopping plazas, when such actions are taken for the purpose of sale, transfer of ownership, building development or property improvement.

The term subdivision includes re-subdivision.

Construction of a second principal structure on a lot shall be deemed a subdivision of the parcel.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged conditions would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure after the date of adoption of this bylaw, the cost of which, over three years, or over the period of a common plan of development, cumulatively equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (b) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Telecommunications Facility: A tower or other support structure, including antennae that will extend 20 or more feet vertically, and related equipment, and base structures to be used primarily for communication or broadcast purposes to transmit or receive communication or broadcast signals.

Top of Bank: That vertical point along a stream bank where an abrupt change in slope is evident. For streams in wider valleys, it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow valleys, it will generally be the same as the top of slope. See Figures 3 and 4 for representative illustrations for these terms.

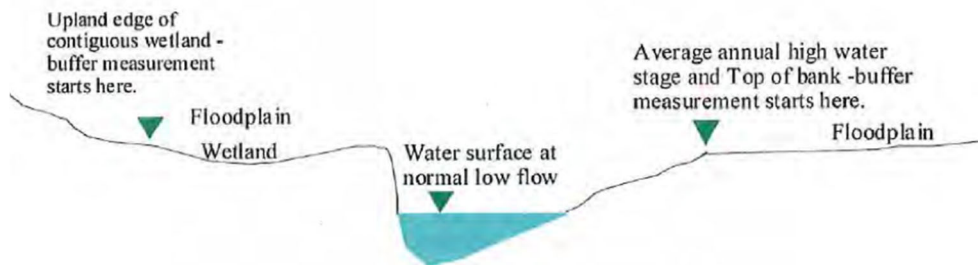


Figure 1: Illustration of "top of bank" (Source: Appendix C of the VT Riparian Buffer Guidelines)

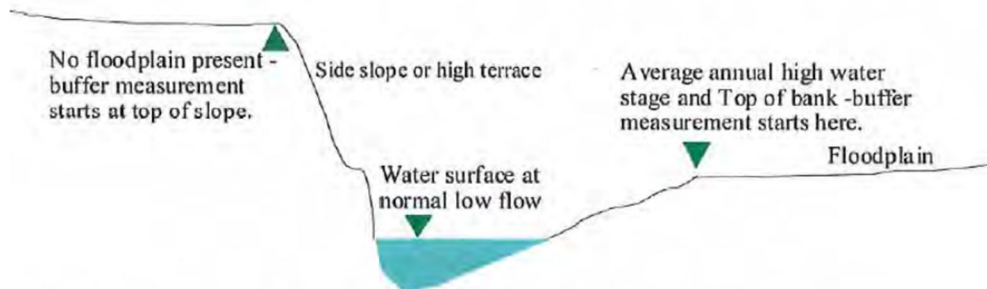


Figure 2: Illustration of "top of slope" (Source: Appendix C of the VT Riparian Buffer Guidelines)

Travel Trailer: Any vehicle used, or so constructed as to permit such use, as a conveyance on the public roads and duly licensed as such, which is constructed to permit occupancy as a dwelling or sleeping place for one or more persons. Includes motor homes, tent trailers, truck campers and any vehicle converted to provide temporary sleeping facilities other than a mobile home. This definition does not apply to commercial vehicles, such as 18-wheel trucks equipped with sleeping quarters, that are used to transport goods.

Use, Associated: A use customarily incidental to the principal use and on the same lot as the principal use.

Use, Conditional: A use permitted only by approval of the Board of Adjustment following a public hearing.

Use, Permitted: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Variance: A deviation from the strict application of the requirements of these Bylaws in the case of exceptional physical conditions. See 24 V.S.A., Section 4464 and 4469.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided.

Wetlands: Those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs, and ponds, but excluding such areas as grow food or crops in connection with farming activities.

Wireless Communications Facility: A tower, pole, antenna, guy wire, or related features or equipment intended for use in connection with transmission or receipt of radio or television signals or any other electromagnetic spectrum-based transmission/reception and the construction or improvement of a road, trail, building or structure incidental to a communications facility. Wireless Communication Facilities include Wireless Telecommunication Facilities. A speculative wireless telecommunications facility, that is, one built on speculation that the builder and operator will be able to lease to a service provider, is considered a wireless communications facility and does not come under the Telecommunications Act of 1996. Applications for such facilities, until a service provider is named and joins in the application, are subject to the review and regulations as a wireless communications facility and not as a wireless telecommunications facility.

Wireless Telecommunication Facility: A facility consisting of the structures, including the towers and antennas mounted on towers and buildings, equipment and site improvements involved in sending and receiving telecommunications or radio signals from a mobile communications source and transmitting those signals to a central switching computer which connects the mobile unit with land-based or other telephone lines.

AGENDA ITEM

11

Vermont Planners Association (VPA)

Legislative Report – March 20, 2023

Reported by Darren Schibler, Kati Gallagher and Kerry Brosnan

After taking a break for Town Meeting, this week the Legislature will focus on moving money bills to the other chamber, along with any non-money bills that have straggled.

Senate

New bills introduced

S.136 – Changing Dates of GHG Reduction Targets – This bill would update the target dates for the state’s greenhouse gas emission reductions to 2030, 2040, 2050, and 2060 (instead of 2025, 2030, 2040, and 2050). Referred to Senate Natural Resources but unsure of its path.

Updates on planning bills

S.5 – Affordable Heat Act – The bill passed the Senate on March 3 on a 18-10 vote. House Environment & Energy starting consideration this week. The Governor vetoed a similar bill last session, and appears to still be opposed this time around. We’ll see what the House does with the bill, and whether an eventual veto can be overridden this year.

S.83 - Project-Based TIF – No movement, likely to die in committee following critique by the state auditor.

S.100 - Omnibus Housing Bill – Senate Natural Resources & Energy voted out an amended version of the bill 4-1. Amendments focused on limiting the Act 250 permit reforms, with some new provisions:

- Increased the density mandate to 5 units per acre (instead of 4 units) in areas served by municipal water & sewer
- Increased the threshold for Act 250 permits up to 25 units for certain housing projects within downtowns, NDAs, and growth centers with a sunset of 7/1/2026
- Added an Act 250 master plan permit section
- Retained enhanced designations for Village Centers
- Incorporated energy code study provisions of H.332 (see below)
- Retained appeal of municipal land use permits by 10+ people, but only if they have a “common injury to a particularized interest.”

The bill made a brief stop in Senate Finance and is now in Senate Appropriations before heading to the Senate Floor. Further amendments will be discussed by SNRE and SED on Tuesday 3/21.

S.115 - Misc. Ag – Introduced by the Senate Committee on Agriculture, this bill includes a provision to exempt agricultural operations from regulation and fees by municipal stormwater utilities with the intent of better aligning with statutory limits as interpreted by the Agency of Agriculture. Several municipal officials and VLCT testified that state or municipal stormwater operating permits and fees (for

private / on-site stormwater management practices) are distinct from municipal stormwater utilities and fees, which are used to fund public stormwater initiatives implemented by municipalities as required under MS4 permits. Municipalities are concerned that exempting some land uses would lead to other exemptions and reduce funding to meet MS4 requirements. The bill is currently in Senate Finance and is scheduled for a vote on Friday 3/24, but Senate Natural Resources has scheduled additional discussion for Tuesday 3/21 as well.

House

New bills introduced

H.484 – Workforce & Economic Development – House Commerce & Economic Development introduced what appears to be an omnibus bill for economic development includes funding for several new and existing programs, including (among other things): \$10mil for brownfields (\$1mil to go to RPCs for brownfields assessment) and increasing the grant cap for remediations to \$500k; a new Rural Industry Development Grant to be administered by ACCD to the tune of \$5mil; and the Better Places program updated to allow up to 3 (instead of 1) project per municipality per year.

Updates on planning bills

H.31 – Aquatic Nuisance Control – As originally introduced, this bill would have put a one-year moratorium on the use of pesticides for control of aquatic nuisances (primarily milfoil) and created a committee to study the issue. The moratorium was scrapped, but study committee retained, of the version of the bill that was passed out of House Environment & Energy. Read detailed [reporting from VTDigger](#).

H.70 / H.110 – Extending sunset on 30 V.S.A. §248a – Both bills would extend PUC review of telecommunications facilities for another three years. H.70 was consolidated into H.110, which was voted favorably out of House Environment & Energy.

H.126 – Biodiversity & Conservation – This land conservation planning and goal-setting bill was voted favorably out of the House Environment & Energy Committee, and then took a side trip to House Agriculture, Food Resiliency, and Forestry Committee where further concerns from the committee and forest industry professionals were aired about ecological reserve areas, and perceived limits or impacts to forest management. Regardless, the bill is scheduled for a vote in House Appropriations for Monday at 4:00pm.

H.213 – Study Committee on Mobile Homes and Mobile Home Parks – Would create a study committee on mobile homes and mobile home parks and the needs around infrastructure, flood protections, and resident rights. Voted favorably out of House General & Housing.

H.222 / H.241 – Reducing Overdoses / Recovery Residences – We previously reported that both these bills would require municipalities permit recovery residences as a single-family dwelling, similar to residential care homes and group homes. H.222 includes extensive details on how recovery residences would operate internally, which has evolved over the past few sessions. VPA advocated for House Human Services to include the definition of “recovery residence” contained in H.241 within H.222, which was voted out favorably.

H.276 – Rental Registry – House Committee on General and Housing discussion of this bill continued. DHCD Commissioner Hanford spoke against the bill due to the cost of standing up the registry system (IT alone would cost up to \$1 mil, plus new staff positions). He stated that the landlord certificate, grand list, and tax department could provide the information needed, but Rep. Stevens noted that this contradicts the Rental Housing Advisory Board’s findings. Commissioner Hanford noted that DHCD is already implementing half of the Board’s suggestions and asked for time to see the results. The bill was voted favorably out of committee but it’s unclear if it will make crossover to the Senate.

H.332 – Building Energy Code Study Committee – This bill got additional discussion in both House General and Senate Natural Resources and Energy. RPCs, Energy Futures Group (a nonprofit), and building industry partners are applying for a Department of Energy Grant that would assess ways to improve compliance with building energy codes with an eye towards energy efficiency, overseen by the bill’s proposed study committee. Senate Natural Resources included H.332’s provisions in their amendment to S.100 (see above).

Online Resources

[Bill, Act and Resolution search page](#), past [VPA Legislative Reports](#), upcoming [House / Senate Committee Meetings](#), and the weekly [VLCT legislative report](#).