



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment Agenda

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

Remote option – Zoom details below

Tuesday, April 11, 2023 – 6:30 PM

-
1. Call to Order
 2. Agenda Review
 3. Comments from Citizens regarding items not on the agenda
 4. Approval of Meeting Minutes – March 28, 2023
 5. Public Hearing – Site Plan Review: Application 23.03.29.ZBA by Susan Kissel for the Site Plan Review of a Veterinary Clinic at Lot 4 Harvest Park Road (Parcel: 5A-01-41). The parcel is located in the Highway Commercial zoning district.
 6. Site Plan checklist
 7. Update from LUA on changes to Bylaws by Planning Commission
 8. Discussion of Items for Future Agendas
 9. Adjourn

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

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

AGENDA ITEM

5

PUBLIC HEARING

Kissel Veterinary Clinic – Site Plan Review

April 11, 2023

Item 1: Public Hearing Notice

Item 2: Certification of Posting

Item 3: Site Plan

Item 4: Application for Site Plan Review

Item 5: Site Plan Bylaw Excerpts

Item 6: Permit Navigator Results

Item 7: 2019 Subdivision Decision

Item 8: 2014 Highway Access Permit

Item 9: Water Capacity Letter

Item 10: Wastewater Permit

Item 11: Subdivision Project Review Sheet

Item 12: Act 250 Abandonment Order

HEARING ITEM

1



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment

NOTICE OF PUBLIC HEARING

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

Remote option – Zoom details below

Tuesday, April 11, 2023 – 6:30 PM

A public hearing before the Weathersfield Zoning Board will be held at the Town Office in Ascutney, Vermont on Tuesday, April 11, 2023, at 6:30 PM to consider the following application:

Application 23.03.29.ZBA by Susan Kissel for the Site Plan Review of a Veterinary Clinic at Lot 4 Harvest Park Road (Parcel: 5A-01-41). The parcel is located in the Highway Commercial zoning district.

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

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 April 11, 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 April 3, 2023 as required by the Vermont Statutes Annotated, Chapter 117, §4464


Ryan Gumbart, Land Use Administrator

Application # 23.03.29.ZBA

Applicant's Name: Susan Kissel

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

- | | | |
|-------------------------------------|--|-----------------------------|
| <input type="checkbox"/> | Vault | <u>NA</u> |
| <input checked="" type="checkbox"/> | Applicant's File | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Applicant (paper copy/mailed) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Applicant (cardboard copy for posting) | <u>Posted April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Landowner (mailed) | <u>April 3, 2023</u> |
| <input type="checkbox"/> | Agent (mailed) | <u>NA</u> |
| <input checked="" type="checkbox"/> | Newspaper (notice emailed to paper) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Publication in newspaper | <u>April 4, 2023</u> |
| <input checked="" type="checkbox"/> | Abutters* (mailed) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Board Members (mailed) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Board Secretary (mailed) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | Town Website (posted) | <u>April 3, 2023</u> |
| <input checked="" type="checkbox"/> | 3 Public Places | |
| | <input checked="" type="checkbox"/> Town Hall | <u>April 3, 2023</u> |
| | <input checked="" type="checkbox"/> Ascutney Post Office | <u>April 3, 2023</u> |
| | <input checked="" type="checkbox"/> Perkinsville Post Office | <u>April 3, 2023</u> |
| <input type="checkbox"/> | WWFD (placed in mailbox) | <u>NA</u> |
| <input checked="" type="checkbox"/> | AVFD (placed in mailbox) | <u>March 29, 2023</u> |
| <input type="checkbox"/> | Other | <u>NA</u> |
| <input type="checkbox"/> | VT Secretary of Transportation** | |

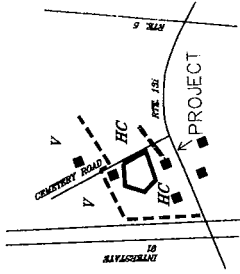
* Abutters - see attached list

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

HEARING ITEM

3

LOCATION MAP



LAND OF
ROBERT E. DUFRESNE
MAP 5A BLOCK 01
PARCEL 32

DRAINAGE AND RUNOFF
THIS SITE IS GENERALLY FLAT
AND SITS AT THE TOP OF ALL
SURROUNDING GRADES. DRAINAGE
WILL BE DIRECTED INTO SUITABLE
SWALES LEADING TOWARDS
CEMETERY ROAD.

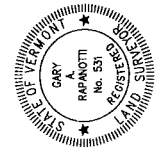
APPLICANT
Susan Kissel
Brewsterfield, VT 05037
LANDOWNER
Gary Rapanotti
7409 RTE 131
Weathersfield, VT 05651

REVISED 3/20/2023 miles

Site Plan For Veterinary Clinic

**SUSAN
KISSEL**
Weathersfield Vermont

DATE Jan. 9, 2023 SCALE 1"=20'
PROJECT NO. 23-1332



GARY RAPANOTTI L.S.
REGISTERED PROFESSIONAL SURVEYOR
STATE OF VERMONT
No. 531

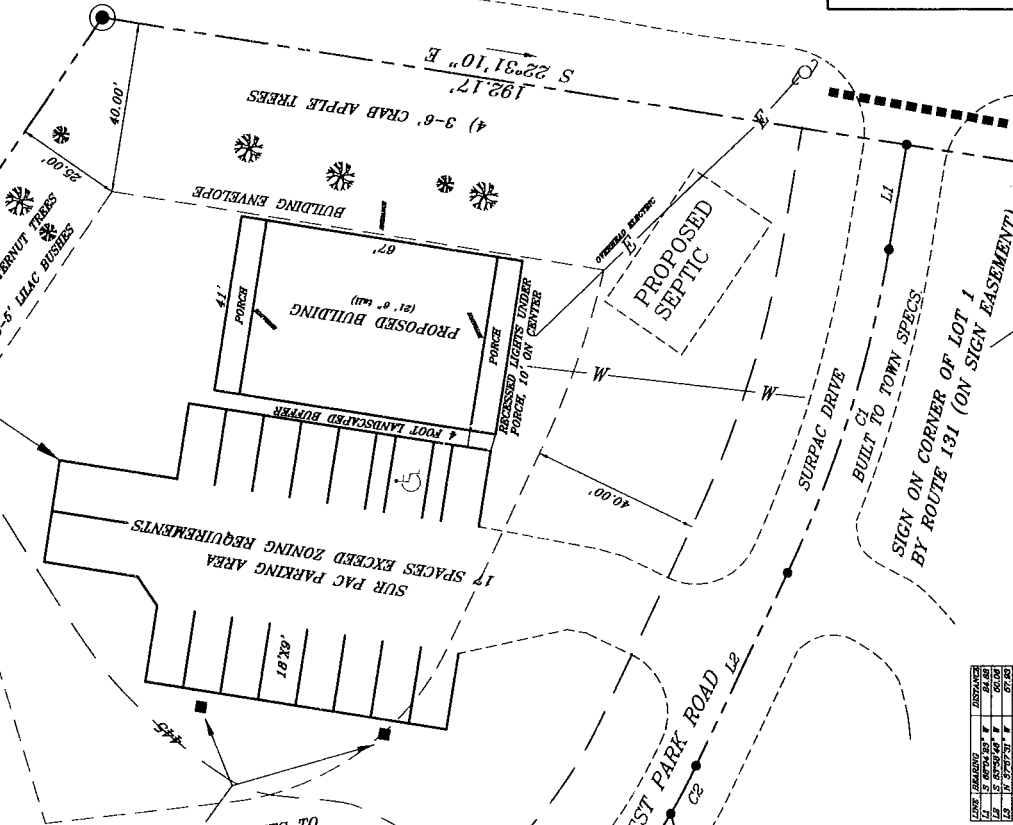


LAND OF
PETER R. & WEONA N.
LECLAIR
MAP 5A BLOCK 01 PARCEL 40

LOT 4
1.04 Acres ±

MUNICIPAL WATER LINE
CEMETERY ROAD

S 87°04'27" E 118.55'
S 41°39'22" W 138.52'
EXISTING BUTTERNUT TREES
ADD (8) 3'-5" LDAC BUSHES



INSTALL POLE MOUNTED LIGHTS TO
CONFORM TO CLASS I LIGHTING
LEVELS AS SET FORTH IN SECTION
3.6 OF THE WEATHERSFIELD
ZONING BY LAWS

LINE	BEARING	DISTANCE	AREA	PERIMETER	ANGLE
1	S 41°39'22" W	138.52'	10,245.12	1,040.00	138.52'
2	S 87°04'27" E	118.55'	10,245.12	1,040.00	118.55'
3	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
4	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
5	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
6	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
7	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
8	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
9	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'
10	S 22°31'10" E	192.17'	10,245.12	1,040.00	192.17'

- LEGEND
- IRON PIPE/REBAR
 - BOUNDARY COMPUTATION POINT
 - CONCRETE MONUMENT
 - PROPERTY LINE
 - STONEWALL
 - x-x- BARS WIRE FENCE
 - STREAM
 - UTILITY POLE
 - WET AREA
 - PAVED ROAD

HEARING ITEM

4

Town of Weathersfield
Land Use Permit Application / Notification

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

<u>Applicant</u>		<u>Landowner (if different)</u>	
Name	Susan Kissel	Name	Carl Wyman
Name		Name	
Mailing Address	P.O. Box 376	Mailing Address	473 Plains Road
Town, ST, Zip	Brownsville, VT 05037	Town, ST, Zip	Perkinsville, VT 05151
Telephone	607-229-8781	Telephone	802-738-5343
E-mail	skissel77@aol.com	E-mail	wymanfarm@gmail.com

<u>Property Information</u>		<u>Project Information</u>	
911 Address	Lot 4 Harvest Park Road	Proposed Use	Veterinary clinic
Parcel ID	5A-01-41	Area of Development (sq. ft.)	2,432 2747 sq ft
Lot Size	1.04	Height of Structure	20- 21' 6"
Road Frontage	192	Zoning District	Highway Commercial
Existing Use	Land		

<u>Permit Application - Development Type</u>	<u>Notification – Exempt from Permitting</u>
<i>See district use table in Zoning Bylaws</i>	<i>See Section 6.2.2 Exemptions in Zoning Bylaws</i>
<input type="checkbox"/> Change of Principal Use	<input type="checkbox"/> Minor Structure
<input checked="" type="checkbox"/> New Principal Structure	<input type="checkbox"/> Agricultural Structure
<input type="checkbox"/> New Accessory Use	<input type="checkbox"/> Residential Care or Group Home
<input type="checkbox"/> New Accessory Structure	
<input type="checkbox"/> Alterations to Existing Structure	
<input type="checkbox"/> Planned Unit Development (PUD)	
<input type="checkbox"/> Subdivision	
<input type="checkbox"/> Boundary Line Adjustment	
<input type="checkbox"/> Highway Access	
<input type="checkbox"/> Zoning Board Use Determination	

Project Description

Please describe as specifically as possible how the property will be used, the dimensions of any proposed lots or buildings, and square footage allocated to each use.

Veterinary clinic, please see attached site plan.

Required Reviews, Forms, and Fees

To be filled out by Land Use Administrator

Review by Planning Commission – PC

Review by Zoning Board of Adjustment – ZBA

Administrative Review Form

- Principal Use : \$100 + \$0.05 x 2,432 sq.ft. new construction
- Accessory Use: \$30 + \$0.05 x _____ sq.ft. new construction
- After-the-fact: (Standard fees) x 2
- Permit Amendment: \$100 **or** \$30 + \$0.05 x _____ sq.ft. new construction
- Permit Renewal: \$30

Highway Access Form: \$30

Boundary Line Adjustment Form

- Administrative Review: \$40
- Access Approval - PC: \$75

Subdivision Review Form - PC

- Sketch Plan Review: \$100
- Final Plat Review: \$100 + \$50 per lot

Planned Unit Development Review Form

- Sketch Plan Review - PC: \$100
- See applicable ZBA Reviews below
- Final Plat Review - PC: \$100 + \$50 per lot

Zoning Board of Adjustment Review Form

- Conditional Use Review: \$200 x _____ sq.ft new construction
- Variance Hearing \$200
- Flood Hazard Review \$200
- Site Plan Review
 - New: \$170
 - Amendment: \$100
- "Other Use" Determination \$200
- Appeal by Permittee FREE
- Appeal by Interested Party \$95

Town Clerk Recording Fee \$15

Permit Fee Total: \$406.60

Town of Weathersfield
Zoning Board of Adjustment Review Form

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

Staff Use Only

Permit #: 13.03.29.ZBA

Fee Collected:

Completion Date: _____

Zoning Board of Adjustment Reviews:

- | | | |
|--|--------------------|---|
| <input checked="" type="checkbox"/> Site Plan Review | Review Date: _____ | Decision: Approved <input type="checkbox"/> Denied <input type="checkbox"/> |
| <input type="checkbox"/> Conditional Use Review | Review Date: _____ | Decision: Approved <input type="checkbox"/> Denied <input type="checkbox"/> |
| <input type="checkbox"/> Variance Review | Review Date: _____ | Decision: Approved <input type="checkbox"/> Denied <input type="checkbox"/> |
| <input type="checkbox"/> Flood Hazard Review | Review Date: _____ | Decision: Approved <input type="checkbox"/> Denied <input type="checkbox"/> |
| <input type="checkbox"/> "Other Use" Determination | Review Date: _____ | Decision: Conditional <input type="checkbox"/> , Admin. <input type="checkbox"/> , Not Allowed <input type="checkbox"/> |

Zoning Bylaw - 6.2.5 Effective Date

No zoning permit shall take effect until the time for appeal under Section 6.8 has passed, or in the event that a notice of appeal is properly filed, until final adjudication of the appeal.

Appeal by/ Effective Date: _____

Zoning Bylaw - 6.2.7 Permit Expiration

Permits expire one year from the effective date if the permitted project has not been started and five years from the effective date if the project has been started but not completed, unless other longer times have been approved in the permit. Permits may be renewed, but such renewal shall take into account any subsequent adopted amendments to these Bylaws. Reactivation of a previously permitted use which has been discontinued for more than one year shall require the issuance of a new permit.

Permit Expiration Date: _____ if project has not been started.

Permit Expiration Date: _____ if project has been started.

Permit Expiration Date: _____ if otherwise granted.

Is your project subject to the **Residential / Commercial Building Energy Standards**? Yes No

If yes, you must record a Vermont Residential/Commercial Energy Standards (RBES or CBES) Certificate in the Land Records prior to receiving your Certificate of Compliance/Occupancy. Contact Energy Code Assistance Center at (855) 887-0673 to determine if you need to follow these standards.

Does your project involve any **demolition and/or renovation**? Yes No

If yes, you must contact the Lead and Asbestos Regulatory Program at (800) 439-8550 prior to demo/renovation.

Does your project involve the installation or removal of a **new manufactured/mobile home**? Yes No

*If yes, you must provide a copy of **HUD Form 309**. Installation must comply with the HUD Permanent Foundations Guide for Manufactured Housing. A bill of sale must be obtained from the Weathersfield Town Clerk.*

Does your project involve work within a **Town or State right of way**? Yes No

If yes, you must obtain Highway Access permit approval from the Town of Weathersfield and/or Vermont Agency of Transportation at (802) 279-1152.

Will your project involve connecting to **municipal water**? Yes No

If yes, you must contact the Town Manager at (802) 674-2626.

Does your project involve construction of / change of use to or from being a **public building**? Yes No

If yes, you must contact the Vermont Department of Public Safety, Division of Fire Safety. A public building is any building that the public has the occasion to enter EXCEPT for owner-occupied, single-family dwellings, registered home day cares, and working farms, but INCLUDING single family homes becoming rentals.

Does your project involve a **new home / business, change in # of bedrooms / change in use**? Yes No

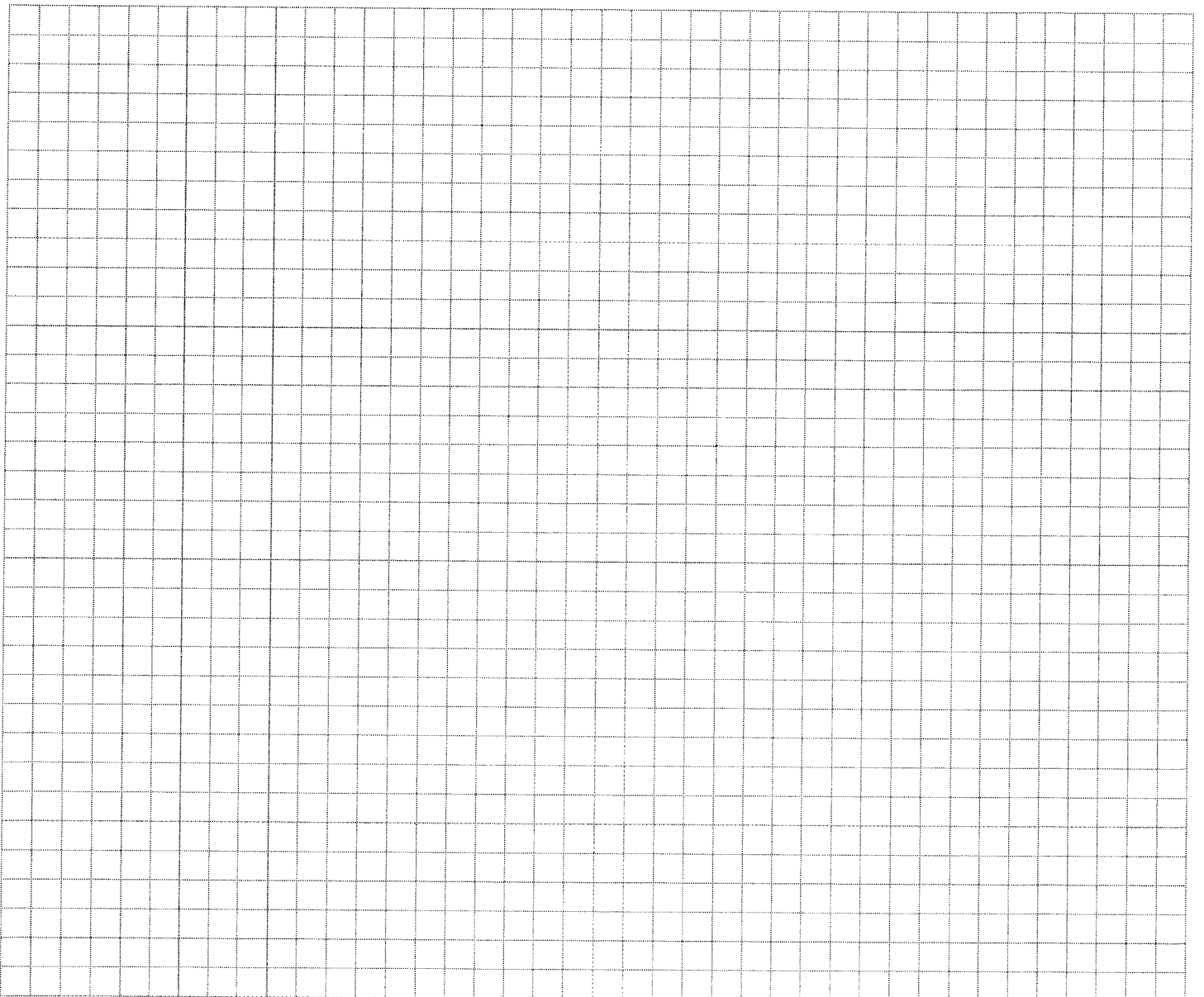
If yes, contact the local Water/Wastewater Permit Specialist at (802) 279-4747, or the State Water/Wastewater Division, Springfield Office at (802) 289-0603.

Site Plan Sketch - *see attached plan*

Draw an aerial view of the property described in this application showing:

- north arrow;
- all property lines;
- shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the closest property boundary lines;
- identify the structure uses;
- location of septic/sewer, water, and power utilities;
- identify access from Town or State Highway and road frontage distance;
- identify any deeded easements or rights-of-way;
- include any proposed signs;
- include any streams, water bodies, or wetlands.

If the scale is too small to show the required details after drawing all property lines, please use supplemental pages to map required details at a larger scale.



Land Use Administrator Signature: _____

Applicant Signature: *Austin Kessel*

Landowner & Applicant Acknowledgements

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

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

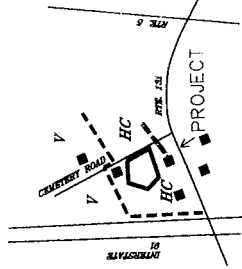
Landowner Signature: _____

Date: 3-15-23

Applicant Signature: _____

Date: 3/23/23

LOCATION MAP



LAND OF
ROBERT E. DUFRESNE
MAP 5A BLOCK 01
PARCEL 32

DRAINAGE AND RUNOFF
THIS SITE IS GENERALLY FLAT
AND SITS AT THE TOP OF ALL
SURROUNDING GRADES. DRAINAGE
WILL BE DIRECTED INTO SUTLE
SWALES LEADING TOWARDS
CEMETERY ROAD.

APPLICANT
Susan Kissel
2000 Box 1116, VT. 06037
Weathersfield, VT. 05151

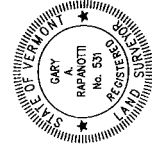
LANDOWNER
Gary Rapanotti
2000 Box 1116, VT. 06037
Weathersfield, VT. 05151

REVISION 3/20/2023, mbc.

Site Plan For Veterinary Clinic

**SUSAN
KISSEL**
Weathersfield Vermont

DATE: Jan. 9, 2023 SCALE: 1"=20'
PROJECT NO: 23-1332
DRAWN BY: SPRANFIELD
CHECKED BY: VERNON



GARY RAPANOTTI L.S.

LOT 4
1.04 Acres ±

LAND OF
PETER R. & WEONA N.
LECLAIR
MAP 5A BLOCK 01 PARCEL 40

S 87°04'22" E
118.55'

EXISTING BUTTERNUT TREES
ADD (6) 3-6" LILAC BUSHES

S 41°39'22" W
138.52'

INSTALL POLE MOUNTED LIGHTS TO
CONFORM TO CLASS I LIGHTING
LEVELS AS SET FORTH IN SECTION
3.6 OF THE WEATHERSFIELD
ZONING BY LAWS

SUR PAC PARKING AREA
17 SPACES EXCEED ZONING REQUIREMENTS

PROPOSED BUILDING

4 FOOT LANDSCAPED BUFFER

PROPOSED LIGHTS OUTSIDE
FOOTC 10' ON CENTER

PROPOSED SEPTIC

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

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40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

MUNICIPAL WATER LINE

CEMETERY ROAD

192.17' S 22°31'10" E

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

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40.00'

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40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

40.00'

HARVEST PARK ROAD L2

SURPAC DRIVE

BUILT TO TOWN SPECS

SIGN ON CORNER OF LOT 1
BY ROUTE 181 (ON SIGN EASEMENT)

LINE	BEARING	DISTANCE	AREA
1	S 87°04'22" E	118.55'	13,848.50
2	S 41°39'22" W	138.52'	13,848.50
3	S 22°31'10" E	192.17'	13,848.50
4	S 87°04'22" E	118.55'	13,848.50
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12	S 22°31'10" E	192.17'	13,848.50
13	S 87°04'22" E	118.55'	13,848.50
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15	S 22°31'10" E	192.17'	13,848.50
16	S 87°04'22" E	118.55'	13,848.50
17	S 41°39'22" W	138.52'	13,848.50
18	S 22°31'10" E	192.17'	13,848.50
19	S 87°04'22" E	118.55'	13,848.50
20	S 41°39'22" W	138.52'	13,848.50
21	S 22°31'10" E	192.17'	13,848.50
22	S 87°04'22" E	118.55'	13,848.50
23	S 41°39'22" W	138.52'	13,848.50
24	S 22°31'10" E	192.17'	13,848.50
25	S 87°04'22" E	118.55'	13,848.50
26	S 41°39'22" W	138.52'	13,848.50
27	S 22°31'10" E	192.17'	13,848.50
28	S 87°04'22" E	118.55'	13,848.50
29	S 41°39'22" W	138.52'	13,848.50
30	S 22°31'10" E	192.17'	13,848.50
31	S 87°04'22" E	118.55'	13,848.50
32	S 41°39'22" W	138.52'	13,848.50
33	S 22°31'10" E	192.17'	13,848.50
34	S 87°04'22" E	118.55'	13,848.50
35	S 41°39'22" W	138.52'	13,848.50
36	S 22°31'10" E	192.17'	13,848.50
37	S 87°04'22" E	118.55'	13,848.50
38	S 41°39'22" W	138.52'	13,848.50
39	S 22°31'10" E	192.17'	13,848.50
40	S 87°04'22" E	118.55'	13,848.50
41	S 41°39'22" W	138.52'	13,848.50
42	S 22°31'10" E	192.17'	13,848.50
43	S 87°04'22" E	118.55'	13,848.50
44	S 41°39'22" W	138.52'	13,848.50
45	S 22°31'10" E	192.17'	13,848.50
46	S 87°04'22" E	118.55'	13,848.50
47	S 41°39'22" W	138.52'	13,848.50
48	S 22°31'10" E	192.17'	13,848.50
49	S 87°04'22" E	118.55'	13,848.50
50	S 41°39'22" W	138.52'	13,848.50
51	S 22°31'10" E	192.17'	13,848.50
52	S 87°04'22" E	118.55'	13,848.50
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54	S 22°31'10" E	192.17'	13,848.50
55	S 87°04'22" E	118.55'	13,848.50
56	S 41°39'22" W	138.52'	13,848.50
57	S 22°31'10" E	192.17'	13,848.50
58	S 87°04'22" E	118.55'	13,848.50
59	S 41°39'22" W	138.52'	13,848.50
60	S 22°31'10" E	192.17'	13,848.50
61	S 87°04'22" E	118.55'	13,848.50
62	S 41°39'22" W	138.52'	13,848.50
63	S 22°31'10" E	192.17'	13,848.50
64	S 87°04'22" E	118.55'	13,848.50
65	S 41°39'22" W	138.52'	13,848.50
66	S 22°31'10" E	192.17'	13,848.50
67	S 87°04'22" E	118.55'	13,848.50
68	S 41°39'22" W	138.52'	13,848.50
69	S 22°31'10" E	192.17'	13,848.50
70	S 87°04'22" E	118.55'	13,848.50
71	S 41°39'22" W	138.52'	13,848.50
72	S 22°31'10" E	192.17'	13,848.50
73	S 87°04'22" E	118.55'	13,848.50
74	S 41°39'22" W	138.52'	13,848.50
75	S 22°31'10" E	192.17'	13,848.50
76	S 87°04'22" E	118.55'	13,848.50
77	S 41°39'22" W	138.52'	13,848.50
78	S 22°31'10" E	192.17'	13,848.50
79	S 87°04'22" E	118.55'	13,848.50
80	S 41°39'22" W	138.52'	13,848.50
81	S 22°31'10" E	192.17'	13,848.50
82	S 87°04'22" E	118.55'	13,848.50
83	S 41°39'22" W	138.52'	13,848.50
84	S 22°31'10" E	192.17'	13,848.50
85	S 87°04'22" E	118.55'	13,848.50
86	S 41°39'22" W	138.52'	13,848.50
87	S 22°31'10" E	192.17'	13,848.50
88	S 87°04'22" E	118.55'	13,848.50
89	S 41°39'22" W	138.52'	13,848.50
90	S 22°31'10" E	192.17'	13,848.50
91	S 87°04'22" E	118.55'	13,848.50
92	S 41°39'22" W	138.52'	13,848.50
93	S 22°31'10" E	192.17'	13,848.50
94	S 87°04'22" E	118.55'	13,848.50
95	S 41°39'22" W	138.52'	13,848.50
96	S 22°31'10" E	192.17'	13,848.50
97	S 87°04'22" E	118.55'	13,848.50
98	S 41°39'22" W	138.52'	13,848.50
99	S 22°31'10" E	192.17'	13,848.50
100	S 87°04'22" E	118.55'	13,848.50

- LEGEND**
- IRON PIPE/REBAR
 - BOUNDARY COMPUTATION POINT
 - CONCRETE MONUMENT
 - PROPERTY LINE
 - STONEWALL
 - X — BARR WIRE FENCE
 - UTILITY POLE
 - WET AREA
 - PAVED ROAD
- PAVED**



Site Plan Review Supporting Documentation For Veterinary Clinic of Susan Kissel in
Weathersfield, VT
3/23/2023

1. Name of Project - on site plan
2. Name and address of applicant and property owner - on site plan
3. Name and address of person who prepared site plan - on site plan
4. Date of latest version - on site plan
5. North arrow and scale - on site plan
6. Vicinity map showing the site within the town and zoning district - on site plan
7. Boundaries, dimensions and total area of lot - on site plan

8. Existing buildings, wells, highways and publicly owned property - see Vicinity Map on site plan.

9. Existing and proposed contour lines - on site plan

10. Proposed building footprints - on site plan

11. Proposed vehicular and pedestrian circulation - on site plan. See supporting documents from subdivision plan indicating that the need for walkways was waived by the town

12. Landscaping plan - The proposed landscaping is taking into account the existing Butternut trees along the border between the Veterinary Clinic and Mr. and Mrs. Leclair's property. A proposal for lilac bushes along the border between the building and parking lot and Mr. and Mrs. Leclair's property and crab apple trees along Cemetery Road (see site plan) will be in keeping with the current vegetation and provide screening along with welcome color during the spring. Three crab apple trees and five to seven lilac bushes are proposed. In addition, there will be landscaping on the side of the building adjacent to the parking lot and along the edges of the porches/overhangs at the front and rear entrances of the the building. These areas will consist of a mix of deciduous bushes such as forsythia, viburnum and azaleas, along with spring bulbs like daffodils and tulips.

13. Location of proposed septic system/water - on site plan.
 - A. A septic plan for the subdivision has already been approved by the state, see supporting documents. New permits for this project are currently being obtained.
 - B. Town water runs along Cemetery Rd. Water will be brought across the road and through the right of way on the lot running along Harvest Park Road to the back lots in the subdivision. Water rights for the subdivision have already been purchased from the town, see supporting documents.

14. Location of existing and proposed utility system - on site plan.

Green Mountain Power has already done a site visit. The building is less than 100 ft from the telephone pole on the corner of Harvest Park Rd and so connection will be above ground to the front center gable of the building.

15. Location and type of outside lighting - on site plan

16. Location of water storage - n/a to this project

17. Drainage and runoff plan - see notes on site plan. In addition:
 - A. Drainage from the building will be towards Cemetery Rd, with grass swales to absorb any runoff. The other side of the building and the parking lot will drain towards Harvest Park Rd, with the parking lot pitched so as to facilitate such drainage. There are ample grassy areas around the proposed building and parking lot to absorb any runoff.
 - B. The existing property/Wyman Insurance Agency Building and Harvest Park Road have had no adverse issues regarding runoff, even with the steep contours that exist around the insurance building. The lot for this project is nearly completely flat, so runoff should be even less of an issue.
 - C. This project does not require a state stormwater runoff permit as the total new impervious surfaces will be less than 0.5 acres (total estimate including parking lot and driveway is 0.2 acres)

18. Location of critical wildlife habitat and 19. Evidence of review of the 1192 Biological Natural Areas of Weathersfield, VT - see map included in supporting documentation

HEARING ITEM

5

Article 5: Development Review

5.1 Application Submission Requirements

5.1.2 Site Plan Review

Applications shall include the following:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record and, in the case of a non-owner applicant, by the applicant;
- b) **Site Plan:** Consisting of one or more sheets, clearly and legibly drawn. Sheets shall be at a minimum 18 inches by 24 inches, or larger at the request of the Zoning Board of Adjustment, and must illustrate the following: (The degree of detail to be determined by the Zoning Board of Adjustment.)
 - 1) Name of project;
 - 2) Name and address of applicant and property owner;
 - 3) Name and address of person or firm who prepared Site Plan (if other than applicant);
 - 4) Date drawn and date of latest version (if any);
 - 5) North arrow and scale;
 - 6) Vicinity map showing the site within the Town and Zoning District;
 - 7) Boundaries, dimensions, and total area of the lot drawn to appropriate scale;
 - 8) Existing buildings, wells, highways, and publicly owned property, all within 1/8 mile of the property boundary;
 - 9) Existing and proposed contour lines (two foot minimum), existing wetlands, bodies of water, and other prominent physical section and elevation;
 - 10) Existing and proposed building footprints (with setbacks) located on the lot showing the location of all entrances and loading docks and building heights;
 - 11) Proposed vehicular and pedestrian circulation, parking, off street parking, and points of

- access to the public right-of-way;
- 12) Landscaping plan showing quantity and type of plants to be used to provide screening and integration with the adjacent property and/or to enhance the appearance of the proposed development;
 - 13) Existing and proposed location of wells and septic systems, including connection to public facilities;
 - 14) Location of existing and proposed utility system;
 - 15) Location and type of all outside lighting;
 - 16) Where applicable, the location and size of water storage to be used for firefighting;
 - 17) Drainage and runoff plan;
 - 18) Location of critical wildlife habitat;
 - 19) Evidence of review of the 1992 Biological Natural Areas of Weathersfield, Vermont survey and map(prepared by Elizabeth H. Thompson) to identify any potential disturbances or threats; and
 - 20) Any other items as identified by the Zoning Board of Adjustment, including a traffic impact study in accordance with the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).

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5.2 Site Plan Review

In accordance with 24 V.S.A. Sect. 4416, for any use other than a one- or two- family dwelling, and where indicated in the bylaws, the approval of site plans by the Zoning Board of Adjustment is required prior to the issuance of a zoning permit. In reviewing site plans, the Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to impact on character of the area, adequacy of traffic access, circulation and parking; landscaping and screening; compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the Town Plan and the zoning bylaws of the affected district(s). A performance bond or other surety may be required as a condition for approval as authorized in 24 V.S.A. Sect. 4464. Conditions may include, but are not limited to, the following:

5.2.1 Compatibility with surrounding development

The Zoning Board of Adjustment may require the design and placement of structures to conform with the existing relationship of surrounding buildings to the street, the landscape, and to each other, including setback distances, physical orientation, construction materials, and architectural design. Design shall not be limited to any particular style or period, but should be consistent with established trends and patterns in the surrounding area.

5.2.2 Traffic access and circulation

Among other appropriate safeguards and conditions, the Zoning Board of Adjustment may:

- a) Require the installation of frontage roads, speed change lanes, or other highway design elements on a street or adjacent to any access or connecting roads, if deemed necessary

based on current or anticipated conditions.

- b) Limit the number and width of access drives; require consolidation of existing access points.
- c) Limit access to a property to a side street or secondary road in order to avoid access to heavily traveled streets and highways
- d) Require shared access and/or parking for adjoining properties or for future users of the remainder of a parcel; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required parking spaces between uses.
- e) Require an applicant to commission a traffic impact study from a qualified consultant according to the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).
- f) Require the location or relocation of access points on one side of a street or highway directly across from existing access points on the opposite side.
- g) Prohibit the location of parking facilities between the front line of building(s) and the street.
- h) Accommodate existing or future facilities for non-vehicular travel.

5.2.3 Protection of natural resources

The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum setback distances of the district. (Refer to Sect. 3.2.2 “1992 Biological Natural Areas of Weathersfield, Vermont”.)

5.2.4 Storm water management and drainage

Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. For all projects undergoing Site Plan Review, except one- or two-family dwellings, appropriate storm water management measures shall be incorporated into the final site design to ensure that no additional storm water runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters.

The Zoning Board of Adjustment may require a storm water management and erosion control plan prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Zoning Board of Adjustment may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

5.2.5 Landscaping and screening

Landscaping shall enhance the features and conditions unique to each site and shall include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening and without compromising vehicular and pedestrian safety by blocking visibility and site lines.

Landscaping plans shall emphasize the following:

- a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
- b) The use of both deciduous and coniferous shade trees in available yard area, especially

front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g. wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).

- c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such planting practical. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be indigenous, deciduous species tolerant of road- salt, soil compaction and drought.

A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance. The Zoning Board of Adjustment may require a professional landscape architect to prepare a plan on a case-by-case basis

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3.5 Off-Street Parking

The layout and design of parking areas is intended to address safety considerations, to maintain the rural character of the Town, and to comply with current VTrans engineering standards.

3.5.1 General Standards

3.5.1.1 Off-street parking spaces shall be provided when any use is established or enlarged and shall adequately accommodate the proposed development. Such accommodation shall include all owners, occupants, employees, customers, delivery vehicles, and/or other persons expected to be on the premises.

3.5.1.2 All standard parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet.

3.5.1.3 Nonresidential parking lot shall be effectively landscaped in accordance with Section 5.2.5 of these Bylaws (site plan review).

3.5.1.4 Handicap parking spaces shall be provided in a size and number in accordance with current ADA requirements.

3.5.2 Specific Standards

3.5.2.1 Additional standards for Home-Based Occupation and Home-Based Business Level 1 and 2 are described in Section 4.5 of these Bylaws.

3.5.2.2 Commercial or industrial parking lots adjacent to residential uses shall be set back a minimum of thirty (30) feet. A four (4) foot high, solid fence may be used in lieu of a 30-foot setback. Effective landscaping and plantings may be used in lieu of the 30-foot setback and shall be evaluated by the Land Use Administrator or the Zoning Board of Adjustment.

3.5.2.3 Off-street loading space shall be provided for commercial, industrial, or institutional uses that would be expected to receive shipments in vehicles too large for a standard parking space. Such delivery spaces shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time.

3.5.2.4 Where practicable, parking spaces shall be delineated.

3.5.3 Waivers

3.5.3.1 On site/off street parking, loading, and delivery requirements may be increased, reduced, or waived by the Zoning Board of Adjustment under Site Plan Review based on a determination that, due to the unique circumstances of the development, a strict application of these standards is unnecessary.

Nonresidential parking lots shall be properly landscaped, screened or hidden from public highway view and from the view of person within residential districts.

3.5.3.2 Commercial, Small Enterprise, or Industrial parking lots adjacent to residential uses shall be setback a minimum of fifty (50) feet. In village districts, a four (4) foot high, solid fence shall be used in lieu of a 50-foot setback.

3.5.3.3 Off-Street Parking shall be provided as follows:

- a) Residential - Two spaces per dwelling unit.
- b) Professional Office - One parking space plus an additional parking space for every two hundred (200) square feet of office space.
- c) Commercial, Small Enterprise, Business and Unspecified Uses - One parking space for every motorized vehicle used in business, plus one parking space for every four hundred (400) square feet of floor area.
- d) Home-Based Occupation/Home-Based Business - In addition to applicable requirements outlined above parking shall be regulated as indicated in Section 4.5.
- e) Parking Space Size - The size of a parking space shall measure 9 feet by 18 feet.
- f) Parking configuration – Parking spaces of 90 shall use an aisle width of 24 feet. Other parking configurations shall be reviewed and approved on a case-by-case basis.
- g) Parking needs for pre-existing buildings - will be determined on a case-by-case basis and may include off-site parking on street where appropriate.

3.5.3.4 Handicapped parking spaces shall be provided as follows:

- a) For public structures - A minimum of one handicapped space with an additional space for every twenty-five (25) regular parking spaces.

- b) For Commercial structures - (excludes Home Occupations and Home Industries.) A minimum of one handicapped space with one additional handicapped space for every twenty-five (25) regular spaces.
- c) For Industrial/Manufacturing structures - A minimum of one handicapped space, plus one additional handicapped space for every twenty-five (25) regular spaces.

All new parking areas will meet the requirements of the Americans with Disabilities Act and any revisions thereto.

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3.6 Outdoor Lighting

The Town's rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting is necessary for safety and security, inappropriate, poorly designed or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjacent properties, cause sky glow that obstructs views of the night sky and result in unnecessary energy consumption.

3.6.1 General Standards

The following general standards apply to all outdoor lighting:

- a) Exterior building lights and outdoor lighting fixtures shall not direct light upward, onto adjacent properties, or onto public highways. The light shall be focused downward and inward. Mere visibility of a light source from an adjacent or nearby property does not constitute the directing of light onto that property.
- b) No zoning permit is required for holiday lighting, other temporary lighting, or lighting of flagpoles.

3.6.2 Home Business, Commercial and Industrial Uses

The following general standards apply to home business, commercial and industrial uses:

- a) Only full cut-off, shielded, or recessed external lighting fixtures that fully direct light downward shall be used.
- b) The maximum height of any freestanding lighting fixture must not exceed 15 feet, as measured from the average grade at the base of the sign.
- c) Exterior and signage lighting must be used during business hours only and must be kept to the minimum required to maintain safety and security for persons and property.
- d) Interior building lights must not direct illumination outwards and towards adjacent properties or public highways.
- e) Interior lighting must not illuminate the roadway or an adjacent residential building.

3.6.3 Private Roadways

The lighting of private roadways requires a conditional use permit.

HEARING ITEM

6

Your Permit Navigator Results

PNR-0000003316

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

29 HARVEST PARK RD. WEATHERSFIELD, 05089

Category

Business/Municipality/Government
Entity

Industry / Activity

Municipalities

New Construction or Renovation?

Yes

YOUR LOCATION SELECTION DATA

Latitude

43.4061

Longitude

-72.4111

Property Owner

29 HARVEST PARK RD.
WEATHERSFIELD, 05089

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:

Vermont Department of Environmental Conservation

Act 250

PERMIT EXPLANATION

Act 250 is a comprehensive law that evaluates the impacts of many types of land uses and subdivisions in Vermont (10 V.S.A. §§ 6001 – 6111). The law is designed to evaluate the impacts of each proposed land use against a specific set of environmental, social, and economic criteria that are outlined in 10 V.S.A. § 6086. Each land use permit application is reviewed by a 3-member citizen commission. There are 9 district commissions statewide, staffed by residents of each district that are appointed by the Governor. Since 1970, the Act 250 district commissions have issued over 30,000 land use permits, helping to preserve the unique character and quality of life that makes Vermont such a special place to live and work. Act 250 is administered by the Natural Resources Board, an independent entity in the Executive Branch of Vermont State government that is not part of the Agency of Natural Resources.

TIME TO ISSUE PERMIT


Average processing time: 60 to 80 days.

APPLICATION FEE AMOUNT

\$7.40 per \$1,000 of the first \$15,000,000.00 of construction costs and \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00. \$125 for each subdivided lot. For earth materials extraction, \$0.02/cubic yard of total extraction over the life of the permit up to one million cubic yards; \$.01/cubic yard for amounts over one million cubic yards. For projects involving the review of a master plan, an additional fee of \$0.10 per \$1,000.00 of total estimated cost to construct all phases. Minimum Fees: \$187.50 for new applications; \$62.50 for amendment applications. Maximum Fee: \$165,000.00

PROGRAM CONTACT

Act 250 District 2

 (802) 289-0603

 nrb.act250springfield@vermont.gov

PROGRAM WEBSITE

 <http://nrb.vermont.gov/>

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.

ID MAP RESULT

Act 250

Next you will be asked some questions about the nature of your project, acreage, and who the developer is (or the "person" as that term is defined by Act 250). In most cases the questions will be easy (such as when you own one lot and you have no business partners). In some cases it can get pretty complicated. We are here to help. If you don't know the answer to these questions please select: "I don't know," and you will receive information about who to call to help you when you get to the end of these questions.

Did you request an Act 250 Jurisdictional Opinion (JO)? (you request this by selecting a checkbox on the first page)

Answer:

 NO

Please provide a description of your project. Be sure to include details about how the project will be constructed and operated and where on the property the proposed activities will take place. Your description will help Act 250 staff to determine whether your project will require a land use permit. (If you didn't request a jurisdictional opinion above, please start over and be sure to include your name, email address and/or phone number.)

Answer:

Construction of new veterinary clinic

If you know, please indicate whether the land is already subject to Act 250 jurisdiction via a previously issued Act 250 Land Use Permit?

Answer:

 I don't know

Does the project include "construction of improvements" as defined by [Act 250 Rule 2\(C\)\(3\)](#)? Examples of improvements include land clearing, re-grading, access drives, parking areas, buildings, building additions, demolition of existing buildings, homes, exterior signage, lighting, fencing, ponds, trails, pavilions, event venues, campsites, etc. Please contact the Act 250 District Coordinator for review if you seek an exemption on the basis of "home occupation."

Answer:

 I don't know

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:

 I don't know

Is the wastewater from the drain(s) or catch basin(s) non-sanitary and non-food processing?

Answer:

 I don't know

Will wastewater be discharged to an opening in the ground with no dimensional constraints (ie.: well, drywell, leachfield, infiltration basin, etc.)?

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:

 NO

Residuals Management

Does your project involve a facility that produces biosolids?

Answer:

 NO

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

Answer:

 NO

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

Answer:

 NO

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

Answer:

 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?

 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

Answer:

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

 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

Industrial (Multi-Sector) Stormwater Discharge Permit

Answer:

 NO

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](#).)

Operational Stormwater Discharge Permit

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

Answer:

- I don't know

Construction Stormwater Discharge Permit

Will your project disturb one or more acres of land? This could include cutting and stumping trees, clearing land, redeveloping or other activities that expose the soil to the weather. One or more acres should be considered as a whole - any construction activity that may itself be less than one acre but is part of a common plan of development that disturbs one or more acres in its entirety is subject to a permit.

Answer:

X NO

Underground Storage Tanks

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

Answer:

X NO

Does your project involve you installing an underground storage tank?

Answer:

X NO

Wastewater System & Potable Water Supply

Are you subdividing land?

Answer:

NO

Are you constructing a new building or structure that will have plumbing?

Answer:

YES

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



LEGEND

- ★ Wetland Projects
- Lakes and Ponds Permits
 - 🌿 Aquatic Nuisance
 - 🏠 Encroachment
 - 🌊 Shoreland
- 100' Setback
- 250' Setback
- Wetland - VSWI
 - Class 1 Wetland
 - Class 2 Wetland
 - Wetland Buffer
- Wetlands Advisory Layer
- Stormwater Permits (Issued)
 - Operational
 - Construction
 - Industrial - NOI
 - Industrial - NOX
 - Other
- Stormwater Permits (Pending)
 - Operational
 - Construction
 - Industrial - NOI
 - Industrial - NOX
 - Other
- DFIRM Floodways
- Flood Hazard Areas (Only FEM)
 - AE (1-percent annual chance flood)
 - A 14 percent annual chance flood

1: 2,435
March 16, 2023



NOTES

Map created using ANR's Natural Resources Atlas

124.0 0 62.00 124.0 Meters
 WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 203 Ft. 1cm = 24 Meters
 © Vermont Agency of Natural Resources 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.

HEARING ITEM

7



TOWN OF WEATHERSFIELD

CHARTERED BY: NEW HAMPSHIRE ON AUGUST 20, 1761
NEW YORK ON APRIL 8, 1772

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

townmanager@weathersfield.org

Planning Commission – Subdivision Review Findings of Fact and Decision of Law

Carl Wyman
24 Cemetery Road

Introduction and Procedural History

1. This proceeding involves review of an application submitted by Carl Wyman for a four-lot Highway Commercial subdivision approval under the Town of Weathersfield Subdivision Regulations, Adopted on 2 March 2010.

2. Chronology

09 May 2019	Request for sketch plan review and application fee paid
13 May 2019	Sketch Plan Review
22 May 2019	Application for Final Plat
10 June 2019	Public Hearing

The hearing notice ran in the Valley News on May 23, 2019 and notice was posted at the Town Hall, Ascutney Post Office, Perkinsville Post Office, Ascutney Market & Downers 4 Corners store on May 22, 2019. Certified mail was sent to the abutters on May 22.

Attendance for the public hearing:

Carl Wyman (Applicant)

Gary Rapanotti (Surveyor)

Planning Commission Member:

Paul Tillman

Michael Todd

Howard Beach

Absent - Nancy Heatley

Absent - Tyler Harwell

No members of the public commented on this subdivision.

The Land Use Administrator, Highway Department, Ascutney Fire Chief, and the Planning Commission have reviewed the project.

The Planning Commission voted to approve the Application.

Findings of Fact

Based on the application, testimony, exhibits, and other evidence, the Planning Commission makes the following Findings:

1. The applicant – Carl Wyman - owns a developed 4.65-acre parcel of land located in the Highway Commercial (HC) zoning district at 24 Cemetery Road. The applicants propose to subdivide the parcel into four lots as follows:
 - Lot 1 consisting of 1.35 acres (current developed lot)
 - Lot 2 consisting of 1.1 acres
 - Lot 3 consisting of 1.16 acres
 - Lot 4 consisting of 1.04 acres
2. The minimum lot size in the Highway Commercial (HC) zoning district is 1 acre. All four proposed lots meet this requirement.
3. There is a buildable area on each lot, and each lot meets the road frontage requirement as well as front, rear, and sideline setbacks.
4. The surveyor has shown that there is adequate room for water and septic systems to fit on the new lot.
5. The surveyor has shown a proposed new private road that will come off from Cemetery Road to service the new lots. There will be an emergency vehicle turnaround on lot 2.
6. The applicant provided the Planning Commission with a Road Maintenance Agreement (required by the Planning Commission) that applies to all four lots.
7. Subdivision approval is requested for the project, pursuant to review under the following sections of the Town of Weathersfield Subdivision Regulations:
 - Section 120 - Purpose
 - Section 250 – Final Subdivision and Plat Review
 - Sections 310-390 – Subdivision Standards
 - Section 460 - Recording Requirements

Conclusions

1. The subdivision plans conform to the planning and design standards under Article 3 of the Weathersfield Subdivision Regulations, as adopted by the Town Meeting on 2 March 2010, with the Weathersfield Town Plan as adopted on 17 May 2017, and does not conflict with any municipal regulations currently in effect or with the objectives of Section 120.

Decisions and Conditions

1. This project is exempt from agricultural zoning section 6.10.7. The farmland conversion impact rating is less than 160 points.
2. The Planning Commission waived the requirements of section 370.1. Construction of sidewalks will not be required.

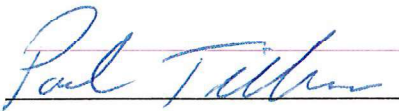
3. Based upon these findings and subject to the conditions set forth below, the Planning Commission finds that the proposed subdivision meets the requirements of Sections 120, 250, 310-390, and 460 of the Subdivision Regulations and grants approval for the Wyman subdivision, Application #- subject to the following Conditions of Approval:

Conditions of Approval

(A) General Conditions

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. If such plat revisions are recorded without complying with these requirements, the revisions on the Mylar shall be considered null and void. (Section 270)
2. 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 and as shown on the approved Mylar.
3. This approval is not final until the written decision is signed and filed with the Town Clerk.
4. The approval of the Planning Commission shall expire 180 days from the date of this decision, unless the approved plat is duly filed or recorded in the office of the municipal clerk. [In accordance with Section 460.2 of the Subdivision Regulations, the administrative officer may extend for an additional 90 days the date for filing the plat - if final local or state permits are still pending.]
5. It is the responsibility of the applicant to obtain any necessary local, state, or federal permits.
6. The applicant shall pay all filing and recording fees.

Dated at Weathersfield, Vermont, this 3 day of July, 2019



Paul Tillman, Vice Chair

Members of the Planning Commission participating in this Decision:

Paul Tillman, Vice Chair
Michael Todd
Howard Beach, Clerk

CC: Carl Wyman
Gary Rapanotti
Town of Weathersfield Municipal Office

HEARING ITEM

8

TOWN OF WEATHERSFIELD, VERMONT
HIGHWAY ACCESS PERMIT APPLICATION

To request a permit to construct, reconstruct, or change the use of an access within any Town of Weathersfield right-of-way, please submit a completed, signed application at least thirty (30) days prior to the anticipated construction.

Applicant Name: CARL WYMAN
Mailing Address: 473 PLAINS Rd. WEATHERSFIELD VT 05151
Day Phone: 802 738 5343 Evening Phone: SAMS
Email: wymanfarm@gmail.com
Landowner [if different from applicant]: _____

Property to be accessed: Parcel I.D. No. 5A0141
Access is from Town Highway No. _____ Name: Cemetery Rd.
Location of Access: Distance 120 feet/miles from [known landmark] From Jet Cemetery Rd / RTR
Attach a map or sketch of the access location and any technical plans required per this permit.

The private road/driveway will access: Single residential lot
 Two or more residential lots/Number of lots _____
 Commercial or Industrial Logging Gravel extraction Agriculture
Width of proposed access: 18 feet Length: _____ feet/miles
Surface: Paved Gravel
Culvert: Diameter: 18 inches Length: 30' feet

The applicant agrees to build and maintain said access in conformance with the access standards in the Weathersfield Highway Access Ordinance, and to adhere to the directions, restrictions, and conditions established as part of this permit.

Signature of Applicant: Carl Wyman Date: 2-18-14
Signature of Landowner: _____ Date: _____

Application Fee <u>\$30.00</u> <u>Ch. 4418</u>	Date received: <u>2/19/14</u>	Received by: <u>JEM</u>
ACCESS PERMIT		
This permit is issued in accordance with 19 V.S.A. 303 and 1111, relative to all highways within the control and jurisdiction of the Town of Weathersfield. The issuance of this permit DOES NOT release the applicant from any requirements of the Statutes, ordinances, rules, and regulations administered by other governmental agencies. The permit will be effective upon compliance with such of these requirements as are applicable and continue in effect for as long as the present land use continues. Violations are subject to the penalties set forth in 19 V.S.A. 1111.		
Conditions: <u>24 Cemetery Road</u>		
Issued by: <u>Weathersfield Highway Dept</u> Date: <u>Feb. 27, 2014</u>		
Inspection Dates:	Pre-construction: _____	Inspected by: _____
	Mid-construction: _____	Inspected by: _____
	Final: _____	Inspected by: _____

HEARING ITEM

9

Ascutney Fire District #2
P.O. Box 550, Ascutney, Vermont 05030

802.674.2626 (phone)

townmanager@weathersfield.org

Water Capacity Allocation

5/22/2019

Carl Wyman
7409 Route 131
Weathersfield VT 05151

Subject Water Capacity Allocation for Parcel 5A-01-40 Subdivision

Currently the Ascutney Fire District Number 2 is running just over ½ capacity. Because of this I would say we could provide water to the three proposed lots in your subdivision plan. Allocations are based on 248 gallons of water per Equivalent Residential Units (ERU) with a two-bedroom home equaling one ERU. Businesses are issued ERU's on many factors and would be analyzed on a per business bases. Capacity also changes as users are added to the system, which creates a scenario where the district cannot guarantee capacity in the future.

For subdivision purposes, the water system could currently allocate the ERU's based on a moderate allocation request of 1-2 ERU's per lot.

This is a letter is for the purpose of explaining the capacity of the water system and not an allocation of water rights.

Ed Morris



Ascutney Fire District # 2
Manager

HEARING ITEM

10

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT**LAWS/REGULATIONS INVOLVED**10 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): Carl Wyman
473 Plains Road
Weathersfield VT 05151****Permit Number: WW-2-4632-2**

This permit affects the following properties in Weathersfield, Vermont:

Lot	Parcel	SPAN	Acres	Book(s)/Page(s)#
1 (existing)	5A-1-41	705-224-11168	4.65	Book:171 Page(s):511
1 (proposed)			1.35	
2 (proposed)			1.10	
3 (proposed)			1.16	
4 (proposed)			1.04	

This application consisting of 4-lot subdivision with: lot #1 developed with an existing 12 employee office building and 1-bedroom apartment, lots #2-4 each proposed with a 16 employee office buildings, located at 24 Cemetery Road, Weathersfield, VT 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 thirty 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 other State Agencies or Departments, or local officials prior to construction.
- 1.6 This permit was, in part, issued based upon the 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-2-4632 & -1 shall remain in effect except as amended or modified herein.* No changes shall be made to the existing, previously permitted building on lot #1.

2. CONSTRUCTION

- 2.1 Construction shall be completed as shown on the plans and/or documents prepared by Brian Rapanotti, LD and Jason E. Waysville, PE with the stamped plans listed as follows:



Title	Sheet #	Plan Date	Revision
OVERALL SITEPLAN (BR)	S1	09/05/2019	
DISPOSAL AREAS (BR)	S2	09/05/2019	
SEPTIC DETAILS (BR)	S3	09/05/2019	
Wyman Property Waterline (JW)	WL1	08/22/2019	10/23/19
Wyman Property Waterline (JW)	WL2	08/22/2019	10/23/19

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) 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.

4. DESIGN FLOW

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

Lot	Building	Building Use / Design Flow Basis	Water	Wastewater
1	office & apt	12 employees & 1-bedroom apartment (max 2-person occupancy)	320	320
2	office building	16 employees	240	240
3	office building	16 employees	240	240
4	office building	16 employees	240	240

5. WASTEWATER SYSTEM

5.1 A designer shall flag, prior to construction or site work on the lot:

- a. The perimeter of the approved leachfield, or, if the leachfield is in an at-grade, a mound, or a bottomless sand filter, the perimeter of the fill material for the at-grade or mound or the perimeter of the enclosure for the bottomless sand filter and the flags maintained until commencement of construction of the component.
- b. The perimeter of any approved replacement area or replacement system and the flags maintained until completion of construction of the building or structure.

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 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 This permit is based, in part, on a determination by the municipality that sufficient capacity exists in the municipal water supply to accommodate the design flow of this project. This permit does not imply the municipality will grant allocation to the building.

6.2 Should any part of the potable water supply (main or service line) 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 prior to correcting the failure.

6.3 Portions of the proposed potable water supply system crosses onto lots #1, 2 & 3. The land deeds that establish and transfer ownership to each of these lots shall contain permanent legal access which grants future owner(s) of each lot the right to enter upon each/any lot for the construction, repair, maintenance and other such reasonable purposes as may arise regarding the potable water supply. Failure to properly execute the permanent legal access renders this permit

null and void for the purpose of constructing the potable water source. It is recommended that a copy of the executed easement be sent to the Drinking Water and Groundwater Protection Division.

Emily Boedecker, Commissioner
Department of Environmental Conservation

By  Dated October 28, 2019
Terry Shearer
Regional Engineer
Springfield Regional Office
Drinking Water and Groundwater Protection Division

cc: Brian Rapanotti
Jason E Waysville
Weathersfield Planning Commission
Drinking Water and Groundwater Protection Division
Act 250 District II Environmental Commission
Department of Public Safety, Division of Fire Safety

HEARING ITEM

11

Project Review Sheet

Date Initiated	<input type="text" value="10/8/2019"/>	ANR PIN#	<input type="text" value="NS14-0075"/>	WW Project#	<input type="text" value="WW-2-4632-2"/>	Pre-application Review	<input type="checkbox"/>
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Project Information

General Information

PROJECT NAME (if applicable) Wyman Office Building subdivision and additional 3 office buildings	PROJECT TOWN Weathersfield
PROJECT LOCATION (911 address if available) 24 Cemetery Road (along VT-131 near Exit 8)	SPAN(S) (if available) 705-224-11168

Contact(s)

CONTACT TYPE Consultant	NAME Brian Rapanotti	ORGANIZATION NAME (if applicable) Wastewater Designer	
ADDRESS P.O. Box 11	TOWN Springfield	STATE VT	ZIP 05156
PHONE 8022899917	CELL PHONE	EMAIL vtsepticdesign@aol.com	
CONTACT TYPE Consultant	NAME Jason Waysville	ORGANIZATION NAME (if applicable) Water Connection Designer	
ADDRESS 222 Barlow Road	TOWN Springfield	STATE VT	ZIP 05156
PHONE 8022306144	CELL PHONE	EMAIL waysvilleengineering@gmail.com	
CONTACT TYPE Landowner	NAME Carl Wyman	ORGANIZATION NAME (if applicable)	
ADDRESS 473 Plains Road	TOWN Weathersfield	STATE VT	ZIP 05151
PHONE 8027385343	CELL PHONE	EMAIL	

Project Description



ENTERED BY John Fay	INFORMATION SOURCE Wastewater System & Potable Water Supply	DATE ENTERED 10/8/2019 10:48 AM
PROJECT DESCRIPTION Proposed subdivision into 4 lots of an existing 4.65± acre lot with an existing office building. Each of the three new lots proposed to have a new office building (three new buildings total) with its own onsite wastewater system and new connection to town water supply.		

DEC Prior Permits

PERMIT TYPE Wastewater System & Potable Water Supply	PERMIT NUMBER WW-2-4632 and -1
PERMIT TYPE Act 250	PERMIT NUMBER 2S0273 Abandoned

Act 250 Jurisdictional Opinion

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(A). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. Effective May 31, 2016, any appeal of this decision must be filed with the Superior Court, Environmental Division (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431, which is \$295.00. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

PERSON REQUESTING JURISDICTIONAL OPINION John Fay	REQUESTOR TYPE Permit Specialist	ACT 250 PERMIT NUMBER (if any)	HAS THE LANDOWNER SUBDIVIDED BEFORE? <input type="checkbox"/> Yes <input type="checkbox"/> No
TYPE OF PROJECT (check all that apply) <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential <input type="checkbox"/> Agricultural <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Federal			
IS AN ACT 250 PERMIT REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		COPIES SENT TO STATUTORY PARTIES? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
BASIS FOR DECISION An Act 250 permit is not required because the lot is smaller than 10 acres in a town with permanent zoning and subdivision bylaws and fewer than 10 lots have been created in the past five years. 10 V.S.A. Section 6001(3)(A)(i) and (19).			
DISTRICT COORDINATOR SIGNATURE  2019.10.16 15:37:09 -04'00'		Stephanie Gile, District 2 Coordinator  [phone] 802-289-0597 [email] stephanie.gile@vermont.gov Natural Resources Board Districts 2 & 3 Environmental Commission 100 Mineral Street, Suite 305, Springfield, VT 05156	

Wastewater System & Potable Water Supply Permit Jurisdictional Opinion

IS A WASTEWATER SYSTEM & POTABLE WATER SUPPLY PERMIT/APPROVAL REQUIRED?	
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Permit application currently under review
<input type="checkbox"/> No	<input type="checkbox"/> Permit issued on _____

The following are preliminary, non-binding determinations made by DEC Permit Specialists identifying other permits that may be needed **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

SPECIAL WETLANDS DISCLAIMER

A desktop review cannot definitively confirm the presence or absence of a wetland in or within fifty feet of your project site. This review sheet is the result of a desktop review that included reviewing the project site with these mapping tools available at <https://anr.vermont.gov/maps>. Many wetlands do not appear on these maps. You are advised to review the site on the ground for wetlands, regardless of whether this box is checked or not (<https://dec.vermont.gov/watershed/wetlands/what/guide>). To confirm the presence/absence of wetlands, contact a qualified environmental consultant (<https://dec.vermont.gov/watershed/wetlands/what/id/wetland-consultant-list>) or the State Wetlands Program (<https://dec.vermont.gov/watershed/wetlands>).

Preliminary, Non-binding Determination of the Applicability of Other State Permits

Note: Fact Sheet numbers below refer to permit fact sheets available at: <http://dec.vermont.gov/permits/handbook/info-sheets>

Agency of Natural Resources - Department of Environmental Conservation	
WATERSHED MANAGEMENT DIVISION	
<input checked="" type="checkbox"/> Stormwater: Developments [Fact Sheets #6.2 & 6.3] [See Stormwater District Contacts Map]	
<input checked="" type="checkbox"/> Contact: Chris Tomberg	Email: chris.tomberg@vermont.gov Phone: 802-490-6917
Department of Public Safety	
<input checked="" type="checkbox"/> Construction Permit Fire Prevention, Electrical, Plumbing, Accessibility (ADA) [Fact Sheets #49, 50, 50.1, & 50.2]	
<input checked="" type="checkbox"/> Springfield: 802-885-8883	
Vermont Energy Code Assistance Center	
<input checked="" type="checkbox"/> Vermont Building Energy Standards [Fact Sheet #47.2]	
Contact: Kelly Launder	Email: kelly.launder@vermont.gov Phone: 802-828-4039

Local Permits

See your Town Clerk, Zoning Administrator, Planning Commission or Public Works

PERMIT SPECIALIST SIGNATURE

2019.10.16
15:43:42 -04'00'**John Fay, Permit Specialist** VERMONT[phone] 802-279-4747 [email] john.fay@vermont.gov**Department of Environmental Conservation**
Environmental Assistance Office - Springfield Regional Office
100 Mineral Street, Suite 303, Springfield, VT 05156

HEARING ITEM

12

**STATE OF VERMONT
NATURAL RESOURCES BOARD
DISTRICT ENVIRONMENTAL COMMISSION #2**

RE: ABANDONMENT ORDER

LAND USE PERMIT #2S0273
10 V.S.A. Chapter 151 (Act 250)

Carl E. Wyman
5784 Route 131
Perkinsville, VT 05151

BACKGROUND:

Land Use Permit #2S0273 was issued on May 29, 1975, to Hodgdon Brothers, Inc. The permit authorized construction of a speed shop and grocery store located off Route 131 in Ascutney, Vermont.

FINDINGS OF FACT:

On July 24, 2013, Carl E. Wyman, submitted a petition to the District Environmental Commission to declare the permit abandoned by non-use. The permittee has not commenced construction on the project within three years as required by Act 250 Rule 38(A). The permittee (now Carl Wyman) does not intend to pursue the project authorized by the permit.

Pursuant to Act 250 Rule 38(A), all parties were notified of the request to have the permit abandoned. Twenty days were allowed for comments or requests for a hearing. No comments were received within the allocated time period.

COMMISSION ORDER:

Permit #2S0273 is hereby abandoned.

Dated at Springfield, Vermont this 25th day of September, 2013.



By: _____
Michael Bernhardt, Chair
District #2 Environmental Commission
Natural Resources Board

Other Commissioners participating: Leslie Hanafin and Stephan Morse

Any **appeal** of this Order must be filed with the Superior Court, Environmental Division, within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal, the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011. The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For additional information on filing appeals, see the Court's website at:

<http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call 802-828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701.

E-Notification CERTIFICATE OF SERVICE #2S0273

I hereby certify that I sent a copy of the foregoing Abandonment Order on September 25, 2013, by U.S. Mail, postage prepaid, to the individuals without email addresses and by electronic mail, to the following with email addresses: **Note: Any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes.** All email replies should be sent to nrb-act250springfield@state.vt.us

Carl E. Wyman
5783 Route 131, Perkinsville, VT 05151
cwyman@wymaninsurance.com
wymanfarm@gmail.com

Weathersfield Selectboard
Daniel E. Boyer, Chair
P. O. Box 550, Ascutney, VT 05030
danboyer@tds.net

Weathersfield Town Planning
Michael Todd, Chair
P. O. Box 550, Ascutney, VT 05030
zoning@weathersfield.org

So. Windsor County Regional
Planning Commission
P.O. Box 320, Ascutney, VT 05030
Jrasmussen@swcrpc.org

Elizabeth Lord, Esq. / Land Use Attorney
ANR Office of Planning & Legal Affairs
1 National Life Dr., Davis 2
Montpelier, VT 05602-3901
anr.act250@state.vt.us
elizabeth.lord@state.vt.us

FOR INFORMATION ONLY

District 2 Environmental Commission
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Springfield, VT 05156
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AGENDA ITEM

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Article 5: Development Review

5.1 Application Submission Requirements

5.1.2 Site Plan Review

Applications shall include the following:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record and, in the case of a non-owner applicant, by the applicant;
- b) **Site Plan:** Consisting of one or more sheets, clearly and legibly drawn. Sheets shall be at a minimum 18 inches by 24 inches, or larger at the request of the Zoning Board of Adjustment, and must illustrate the following: (The degree of detail to be determined by the Zoning Board of Adjustment.)
 - 1) Name of project;
 - 2) Name and address of applicant and property owner;
 - 3) Name and address of person or firm who prepared Site Plan (if other than applicant);
 - 4) Date drawn and date of latest version (if any);
 - 5) North arrow and scale;
 - 6) Vicinity map showing the site within the Town and Zoning District;
 - 7) Boundaries, dimensions, and total area of the lot drawn to appropriate scale;
 - 8) Existing buildings, wells, highways, and publicly owned property, all within 1/8 mile of the property boundary;
 - 9) Existing and proposed contour lines (two foot minimum), existing wetlands, bodies of water, and other prominent physical section and elevation;
 - 10) Existing and proposed building footprints (with setbacks) located on the lot showing the location of all entrances and loading docks and building heights;
 - 11) Proposed vehicular and pedestrian circulation, parking, off street parking, and points of

- access to the public right-of-way;
- 12) Landscaping plan showing quantity and type of plants to be used to provide screening and integration with the adjacent property and/or to enhance the appearance of the proposed development;
 - 13) Existing and proposed location of wells and septic systems, including connection to public facilities;
 - 14) Location of existing and proposed utility system;
 - 15) Location and type of all outside lighting;
 - 16) Where applicable, the location and size of water storage to be used for firefighting;
 - 17) Drainage and runoff plan;
 - 18) Location of critical wildlife habitat;
 - 19) Evidence of review of the 1992 Biological Natural Areas of Weathersfield, Vermont survey and map(prepared by Elizabeth H. Thompson) to identify any potential disturbances or threats; and
 - 20) Any other items as identified by the Zoning Board of Adjustment, including a traffic impact study in accordance with the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).

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5.2 Site Plan Review

In accordance with 24 V.S.A. Sect. 4416, for any use other than a one- or two- family dwelling, and where indicated in the bylaws, the approval of site plans by the Zoning Board of Adjustment is required prior to the issuance of a zoning permit. In reviewing site plans, the Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to impact on character of the area, adequacy of traffic access, circulation and parking; landscaping and screening; compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the Town Plan and the zoning bylaws of the affected district(s). A performance bond or other surety may be required as a condition for approval as authorized in 24 V.S.A. Sect. 4464. Conditions may include, but are not limited to, the following:

5.2.1 *Compatibility with surrounding development*

The Zoning Board of Adjustment may require the design and placement of structures to conform with the existing relationship of surrounding buildings to the street, the landscape, and to each other, including setback distances, physical orientation, construction materials, and architectural design. Design shall not be limited to any particular style or period, but should be consistent with established trends and patterns in the surrounding area.

5.2.2 *Traffic access and circulation*

Among other appropriate safeguards and conditions, the Zoning Board of Adjustment may:

- a) Require the installation of frontage roads, speed change lanes, or other highway design elements on a street or adjacent to any access or connecting roads, if deemed necessary

based on current or anticipated conditions.

- b) Limit the number and width of access drives; require consolidation of existing access points.
- c) Limit access to a property to a side street or secondary road in order to avoid access to heavily traveled streets and highways
- d) Require shared access and/or parking for adjoining properties or for future users of the remainder of a parcel; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required parking spaces between uses.
- e) Require an applicant to commission a traffic impact study from a qualified consultant according to the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).
- f) Require the location or relocation of access points on one side of a street or highway directly across from existing access points on the opposite side.
- g) Prohibit the location of parking facilities between the front line of building(s) and the street.
- h) Accommodate existing or future facilities for non-vehicular travel.

5.2.3 Protection of natural resources

The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum setback distances of the district. (Refer to Sect. 3.2.2 “1992 Biological Natural Areas of Weathersfield, Vermont”.)

5.2.4 Storm water management and drainage

Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. For all projects undergoing Site Plan Review, except one- or two-family dwellings, appropriate storm water management measures shall be incorporated into the final site design to ensure that no additional storm water runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters.

The Zoning Board of Adjustment may require a storm water management and erosion control plan prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Zoning Board of Adjustment may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

5.2.5 Landscaping and screening

Landscaping shall enhance the features and conditions unique to each site and shall include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening and without compromising vehicular and pedestrian safety by blocking visibility and site lines.

Landscaping plans shall emphasize the following:

- a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
- b) The use of both deciduous and coniferous shade trees in available yard area, especially

front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g. wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).

- c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such planting practical. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be indigenous, deciduous species tolerant of road- salt, soil compaction and drought.

A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance. The Zoning Board of Adjustment may require a professional landscape architect to prepare a plan on a case-by-case basis

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3.5 Off-Street Parking

The layout and design of parking areas is intended to address safety considerations, to maintain the rural character of the Town, and to comply with current VTrans engineering standards.

3.5.1 General Standards

3.5.1.1 Off-street parking spaces shall be provided when any use is established or enlarged and shall adequately accommodate the proposed development. Such accommodation shall include all owners, occupants, employees, customers, delivery vehicles, and/or other persons expected to be on the premises.

3.5.1.2 All standard parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet.

3.5.1.3 Nonresidential parking lot shall be effectively landscaped in accordance with Section 5.2.5 of these Bylaws (site plan review).

3.5.1.4 Handicap parking spaces shall be provided in a size and number in accordance with current ADA requirements.

3.5.2 Specific Standards

3.5.2.1 Additional standards for Home-Based Occupation and Home-Based Business Level 1 and 2 are described in Section 4.5 of these Bylaws.

3.5.2.2 Commercial or industrial parking lots adjacent to residential uses shall be set back a minimum of thirty (30) feet. A four (4) foot high, solid fence may be used in lieu of a 30-foot setback. Effective landscaping and plantings may be used in lieu of the 30-foot setback and shall be evaluated by the Land Use Administrator or the Zoning Board of Adjustment.

3.5.2.3 Off-street loading space shall be provided for commercial, industrial, or institutional uses that would be expected to receive shipments in vehicles too large for a standard parking space. Such delivery spaces shall be large enough to fully accommodate the maximum number of such vehicles expected to be on the premises at any one time.

3.5.2.4 Where practicable, parking spaces shall be delineated.

3.5.3 Waivers

3.5.3.1 On site/off street parking, loading, and delivery requirements may be increased, reduced, or waived by the Zoning Board of Adjustment under Site Plan Review based on a determination that, due to the unique circumstances of the development, a strict application of these standards is unnecessary.

Nonresidential parking lots shall be properly landscaped, screened or hidden from public highway view and from the view of person within residential districts.

3.5.3.2 Commercial, Small Enterprise, or Industrial parking lots adjacent to residential uses shall be setback a minimum of fifty (50) feet. In village districts, a four (4) foot high, solid fence shall be used in lieu of a 50-foot setback.

3.5.3.3 Off-Street Parking shall be provided as follows:

- a) Residential - Two spaces per dwelling unit.
- b) Professional Office - One parking space plus an additional parking space for every two hundred (200) square feet of office space.
- c) Commercial, Small Enterprise, Business and Unspecified Uses - One parking space for every motorized vehicle used in business, plus one parking space for every four hundred (400) square feet of floor area.
- d) Home-Based Occupation/Home-Based Business - In addition to applicable requirements outlined above parking shall be regulated as indicated in Section 4.5.
- e) Parking Space Size - The size of a parking space shall measure 9 feet by 18 feet.
- f) Parking configuration – Parking spaces of 90 shall use an aisle width of 24 feet. Other parking configurations shall be reviewed and approved on a case-by-case basis.
- g) Parking needs for pre-existing buildings - will be determined on a case-by-case basis and may include off-site parking on street where appropriate.

3.5.3.4 Handicapped parking spaces shall be provided as follows:

- a) For public structures - A minimum of one handicapped space with an additional space for every twenty-five (25) regular parking spaces.

- b) For Commercial structures - (excludes Home Occupations and Home Industries.) A minimum of one handicapped space with one additional handicapped space for every twenty-five (25) regular spaces.
- c) For Industrial/Manufacturing structures - A minimum of one handicapped space, plus one additional handicapped space for every twenty-five (25) regular spaces.

All new parking areas will meet the requirements of the Americans with Disabilities Act and any revisions thereto.

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3.6 Outdoor Lighting

The Town's rural character is enhanced by the ability to clearly view and enjoy the night sky largely free from light pollution. While some outdoor lighting is necessary for safety and security, inappropriate, poorly designed or improperly installed outdoor lighting can create unsafe conditions and nuisances for adjacent properties, cause sky glow that obstructs views of the night sky and result in unnecessary energy consumption.

3.6.1 General Standards

The following general standards apply to all outdoor lighting:

- a) Exterior building lights and outdoor lighting fixtures shall not direct light upward, onto adjacent properties, or onto public highways. The light shall be focused downward and inward. Mere visibility of a light source from an adjacent or nearby property does not constitute the directing of light onto that property.
- b) No zoning permit is required for holiday lighting, other temporary lighting, or lighting of flagpoles.

3.6.2 Home Business, Commercial and Industrial Uses

The following general standards apply to home business, commercial and industrial uses:

- a) Only full cut-off, shielded, or recessed external lighting fixtures that fully direct light downward shall be used.
- b) The maximum height of any freestanding lighting fixture must not exceed 15 feet, as measured from the average grade at the base of the sign.
- c) Exterior and signage lighting must be used during business hours only and must be kept to the minimum required to maintain safety and security for persons and property.
- d) Interior building lights must not direct illumination outwards and towards adjacent properties or public highways.
- e) Interior lighting must not illuminate the roadway or an adjacent residential building.

3.6.3 Private Roadways

The lighting of private roadways requires a conditional use permit.