



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Planning Commission Agenda

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

**Monday, April 24, 2023 – 6:30 PM**

- 
1. Call to Order
  2. Agenda Review
  3. Comments from the Chair and Land Use Administrator
  4. Comment from citizens regarding items not on the agenda
  5. Approval of Meeting Minutes – March 27, 2023 & April 10, 2023
- 
6. **Town Plan Amendment – Energy Section:** No update
  7. **PUD Sketch Plan Review – Habitat for Humanity:** New application for review
  8. **Overlay Districts - Aquifer & Airport:** Review status and process
  9. **Vermont Planners Association – Legislative Report:** April 11, 2023
- 
10. Discussion of items for future agendas
  11. Any other business that can be legally discussed
  12. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, May 8, 2023 - 6:30 PM**, Martin Memorial Hall.

**Remote option - Zoom link and instructions:**

<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

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

DRAFT MINUTES

Members in attendance:

**Paul Tillman**  
**Howard Beach**  
**Michael Todd**  
**Joseph Bublat**  
**David (Hank) Ainley**

**Ryan Gumbart – Land Use Administrator**

Members Not in attendance:

Attendees:

Scott Rogers  
Colby Hodgdon  
Jeannie Surrell  
Julie L  
Ken B

Online Attendees:

None

1. Meeting was called to order by **Paul Tillman** at 6:30 P.M.
2. Agenda Review – No changes.
3. Comments from the Chair and land Use Administrator – No comments either the Chair or the LUA.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – March 13, 2023 – Discussion – Ryan Gumbart noted that under #4 comments from the chair and land use administrator that the name Hank Ainley was spelled wrong.

**Howard Beach made a motion to accept the minutes from March 13<sup>th</sup>, 2023.**

**Seconded by Joseph Bublat, Motion Passed 4-0**

6. Public Hearing – Final Plat Review – Hodgdon: – Application 2023.03.08.FP located at 00 US Rout 5 Parcel: 05-03-40.

**Paul Tillman read the Posted Hearing Warning and opened the Public Hearing for Hodgdon Final Plat Review at 6:36.**

Paul Tillman asked if anyone had emailed, called or written asking about the hearing or wanting to comment or testify. Ryan Gumbart said that two people had called and asked about the project, but they did not have any comments and did not want interested party status.

Ryan Gumbart read the oath for the Citizens to repeat that were to be sworn in.

**Citizens sworn in to testify at the Public Hearing and have Interested Party Status:**

**Colby Hodgdon**

**Jeannie Surrell**

Colby Hodgdon and Ryan Gumbart presented the Final Plat Review application and map. All the items that were asked for from the sketch plan review were added where applicable. Notably were –

- Wastewater permit on file.
- Show utilities septic proposed location along with building envelope with setbacks.
- Show all Deeds for parcels and deadlines.
- Show water rights. Deeded water rights.
- Right of ways shown on map and added deed reference number.
- Add final Plat recording title block.

Jeannie Surrell did not have any testimony at the time of the hearing.

Please see **Appendix A** for hearing documents and evidence.

**Paul Tillman closed the public hearing for the Hodgdon Final Plat Review at 6:47 pm.**

**Joseph Bublat made a motion to accept the Final Plat Review for the Hodgdon Subdivision 2023.03.08.FP at 00 US Rout 5 parcel: 05-03-40.**

**Seconded by Howard Beach, Motion Passed 4-0**

7. Sketch Plan Review – Ascutney Market – Application 2023.03.08.SD Scott Rogers. 22:07

Please see **Appendix B** for sketch plan review application, map, and letter from the Land Use Administrator explaining his findings.

Recommendation from the planning commission to have the 25 foot setback on the store lot.

**Joseph Bublat made a motion to approve the Sketch Plan Review application for Scott Rogers – Ascutney Market.**

**Seconded by Paul Tillman, Motion Passed 4-0**

8. Public Hearing – Town Plan Amendment – Energy Section: No update – rev 8 – 03.08.2023
9. Bylaws – PUD Review Section: No update – Rev 5 – 02.22.2023
10. Bylaws – Table of Districts and Uses: Review clean draft – Rev 5 – 03.23.2023 –

Ryan Gumbart presented the clean copy and minor discussion was had about the purpose of these edits being house keeping changes.

**Joseph Bublat made a motion to approve the table of Districts and Uses Rev 5 03.23.2023 as presented at this meeting.**

**Seconded by Paul Tillman, Motion Passed 3-1**

**Howard Beach voted “apposed”.**

11. Bylaws – Definitions (Related to Tables) review clean draft – Rev 4 – 03.23.2023 –

Ryan Gumbart presented the clean copy of the Definitions.

The Definition “Dock” was in a front that was not legible. Any motion will have the definition “Dock” as read from the previous draft.

**Ryan Gumbart made a motion to approve the Definitions Rev 4 03.23.2023 as presented at this meeting with the definition of “Dock” changed to have a legible font and as read.**

**Seconded by Joseph Bublat, Motion Passed 3-1**

**Howard Beach voted “apposed”.**

12. Vermont Planning Association – Legislative Report 03.2032023 – Ryan Gumbart presented the legislative updates.
13. Discussion of items for future agendas – No other item for future agendas.

14. Any other business that can be legally discussed – No other business was discussed.

15. Adjourn – Meeting adjourned at 8:12 P.M.

**Howard Beach made a motion to adjourn at 8:12 P.M.**

**Seconded by Joseph Bublat, Motion Passed 4-0**

The next regularly scheduled meeting of the Planning Commission will be Monday, April 10, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,  
Chauncie Tillman

## Appendix A



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Planning Commission

### NOTICE OF PUBLIC HEARING

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

**Remote option – Zoom details below**

**Monday, March 27, 2023 – 6:30 PM**

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

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

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

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

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

**Certification of Posting and Distribution**

**Notice of Public Hearing**

Hearing Date March 27, 2023 Site Visit NA

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

  
 Ryan Gumbart, Land Use Administrator

Application # 2023.03.08.FP  
 Applicant's Name: Colby Hodgdon

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

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

\*\*\*\*\*

\* Abutters - see attached list

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





# Hodgdon Abutters Map

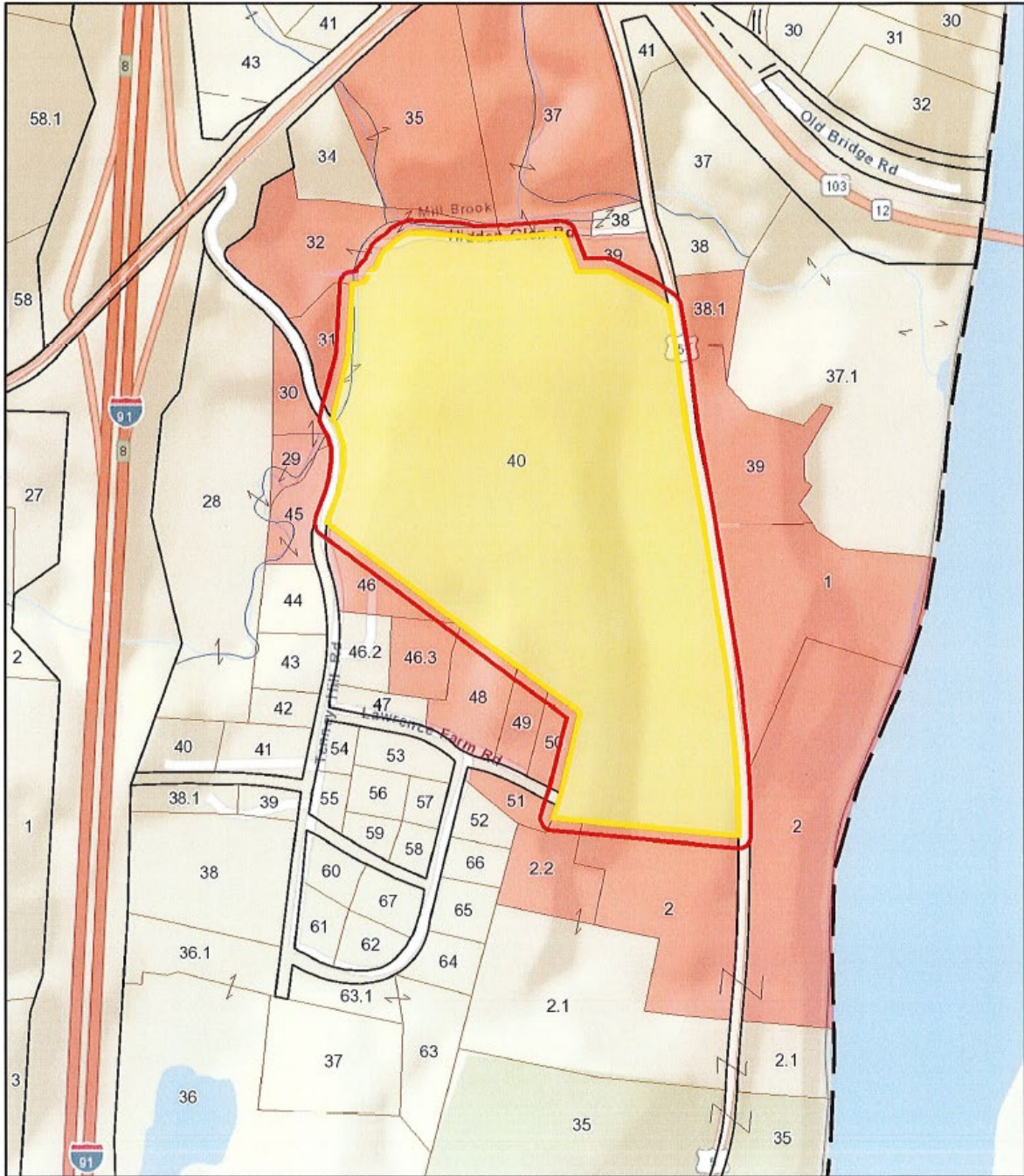
Weathersfield, VT



March 8, 2023

1 inch = 547 Feet

[www.cai-tech.com](http://www.cai-tech.com)



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



# 50 foot Abutters List Report

Weathersfield, VT  
March 08, 2023

### Subject Properties:

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

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

### Abutters:

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

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

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

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

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

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

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

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

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



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3/8/2023

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## 50 foot Abutters List Report

Weathersfield, VT  
March 08, 2023

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



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3/8/2023

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Abutters List Report - Weathersfield, VT

# Town of Weathersfield Subdivision Application

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

<b>Property Information</b> Address: <u>4792 US Route 5</u> Town, State, Zip: <u>Ascutney VT 05030</u> Parcel ID & Zoning District: <u>050340.A</u> Lot Size (acres): <u>53.13</u> - Road Frontage (ft): _____ - Existing Principal Use of Land: <u>Residential</u> <u>(<del>Commercial</del> Woodlot)</u>	<b>Subdivision Details</b> Total Number of Parcels to be Created: <u>2</u> Parcel 1: <u>48.134</u> acres    Parcel 7: _____ acres Parcel 2: <u>54</u> acres    Parcel 8: _____ acres Parcel 3: _____ acres    Parcel 9: _____ acres Parcel 4: _____ acres    Parcel 10: _____ acres Parcel 5: _____ acres    Parcel 11: _____ acres Parcel 6: _____ acres    Parcel 12: _____ acres If more than 12 parcels, attach information on separate sheet
<b>Applicant</b> Name(s): <u>Colby Hodgdon</u> Name(s): _____ Mailing Address: <u>1 Meadow Lane</u> Town, State, Zip: <u>Windsor VT 05089</u> Telephone #: <u>802-674-6202</u> DAYS-WEEK Mobile #: <u>802-291-1289</u> - E-mail Address: <u>Chodgdon@26@gmail.com</u>	<b>Landowner (if different)</b> Name(s): <u>Darcy Hodgdon JR.</u> Name(s): <u>Diane Hodgdon</u> Mailing Address: <u>PO BOX 79</u> Town, State, Zip: <u>Ascutney VT 05030</u> Telephone #: <u>802-674-5575</u> Mobile #: <u>802-291-0026 / 802-291-3594</u> E-mail Address: <u>landdlservices@yahoo.com</u>

### Road Access Information – by Parcel

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

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

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

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

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

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

**Description**

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

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

**Landowner & Applicant Acknowledgements**

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

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

Landowner Signature

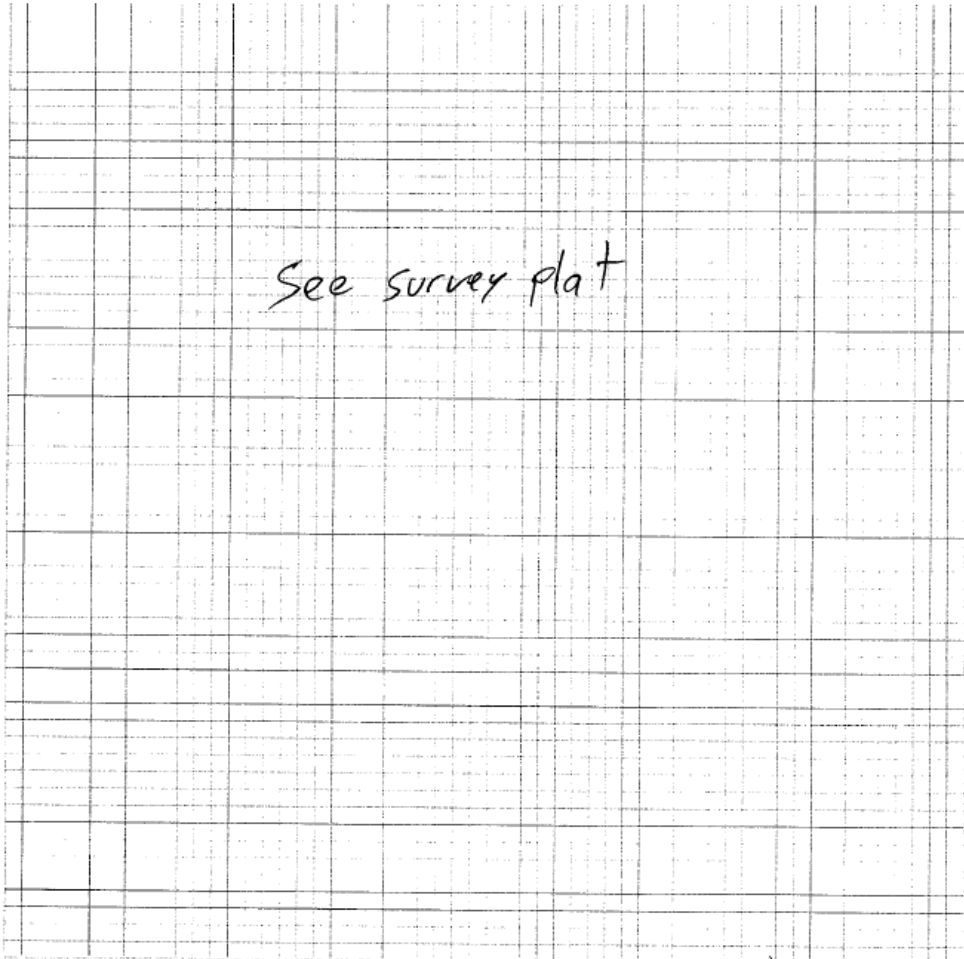
Date 3/9/23

Applicant Signature

Date

1 Sketch Plan Drawing

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



Land Use Administrator Signature  Applicant Signature 

Town of Weathersfield

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

Clerk: payroll

Account: 050340-A

Name: HODGDON DARCY JR &

Comments:

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

TOTAL 200.00

Check 1384

Thank you

Application # 22.03.30.1

Applicant Name Colby Hodgdon

**Community Facility  
Project Review and Sign-Off Sheet**

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

*Highway Department*

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

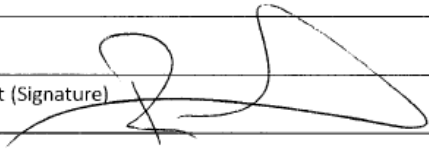
- The proposed project will have an undue adverse impact on the:
  - town's roads
  - the transfer station.

The impact will be \_\_\_\_\_

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

\_\_\_\_\_

Highway Superintendent (Signature)



Date

10/4/22

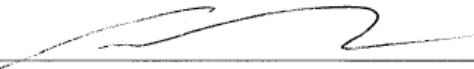
*Police Department*

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

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

\_\_\_\_\_

Police Chief (Signature)



10/5/22  
Date

*Ascutney/West Weathersfield Volunteer Fire Department*

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



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

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

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

*School Services*

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

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

\_\_\_\_\_  
Weathersfield School Official (Signature) Date

*Ascutney Water District (Community Water System)*

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

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

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

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

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

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

*School Services*

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

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

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

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

*Ascutney Water District (Community Water System)*

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

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

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

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

Contact names and numbers for Department Heads

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

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





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

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

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

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

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

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

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

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

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

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

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

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

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

"Parcel #2

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

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

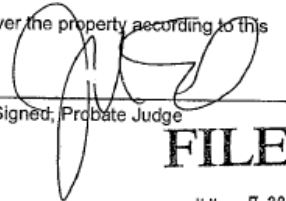
TO HAVE AND TO HOLD the same to him, his heirs, successors and assigns forever.

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

Dated

7/6/15

Signed, Probate Judge



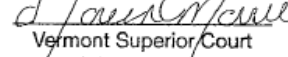
**FILED**

JUL 7 2015

VERMONT SUPERIOR COURT  
WINDSOR UNIT

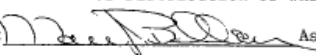
Date July 7, 2015

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

  
Vermont Superior Court  
Windsor Unit

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

Attest:



Assistant Town Clerk

Porter Hodgdon TO Darcy Hodgdon, Jr. & Diane Hodgdon

QUIT CLAIM DEED

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

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

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

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

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

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

In presence of: [Signatures]

[Signature of Porter F. Hodgdon]

STATE OF VERMONT WINDSOR COUNTY, SS.

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

Before me [Signature] Notary Public exp 2-10-03

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

Attest: [Signature] Assistant Town Clerk





State of Vermont  
Department of Environmental Conservation

Documents for

Current

Agency  
Drinking Water and Groundwater

**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): Darcy & Dianne Hodgdon**  
**PO Box 79**  
**Ascutney, VT 05030**

**Permit Number: WW-2-6163-1**

This permit affects the following properties in Weathersfield, Vermont:

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

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

**1. GENERAL**

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

**2. SUBDIVISION AND CONSTRUCTION**

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

Title	Sheet #	Plan Date	Revision



Regional Offices – Montpelier/Essex Jct./Rutland/Springfield/St. Johnsbury

<b>Hodgdon Subdivision</b>	L3	11/20/2020
----------------------------	----	------------

- 2.2 Construction of wastewater systems or potable water supplies, or buildings or structures (as defined by the Wastewater System and Potable Water Supply Rules), or campgrounds, not depicted on the stamped plans, or identified in this permit, is not allowed without prior approval by the Drinking Water and Groundwater Protection Division.
- 2.3 No buildings, roads, water pipes, sewer services, earthwork, re-grading, excavation, or other construction that might interfere with the operation of a wastewater system or a potable water supply are allowed on or near the site-specific wastewater system, wastewater replacement area, or potable water supply depicted on the stamped plans. Adherence to all isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules is required.

**3. INSPECTIONS**

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

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

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

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

**4. DESIGN FLOW**

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

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

**5. WASTEWATER SYSTEM**

- 5.1 Prior to construction or site work, a designer shall flag the proposed leachfield, and the owner shall maintain the flags until commencement of construction of the system.
- 5.2 Should the wastewater system fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.
- 5.3 This permit does not relieve the permittee of the obligations of Title 10, Chapter 48, Subchapter 4, for the protection of groundwater.

**6. POTABLE WATER SUPPLY**


- 6.1 Prior to construction or site work, a designer shall flag the center of the proposed potable water source and the owner shall maintain the flag until commencement of construction of the source.
- 6.2 Should the potable water supply fail and not qualify as a minor repair or for an exemption, the landowner shall engage a qualified Licensed Designer to evaluate the cause of the failure and submit an application to the Drinking Water and Groundwater Protection Division, and obtain approval thereof, prior to correcting the failure.

Documents for Recording

Wastewater System and Potable Water Supply Permit  
WW-2-6163-1

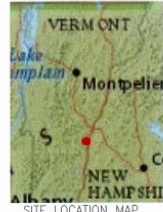
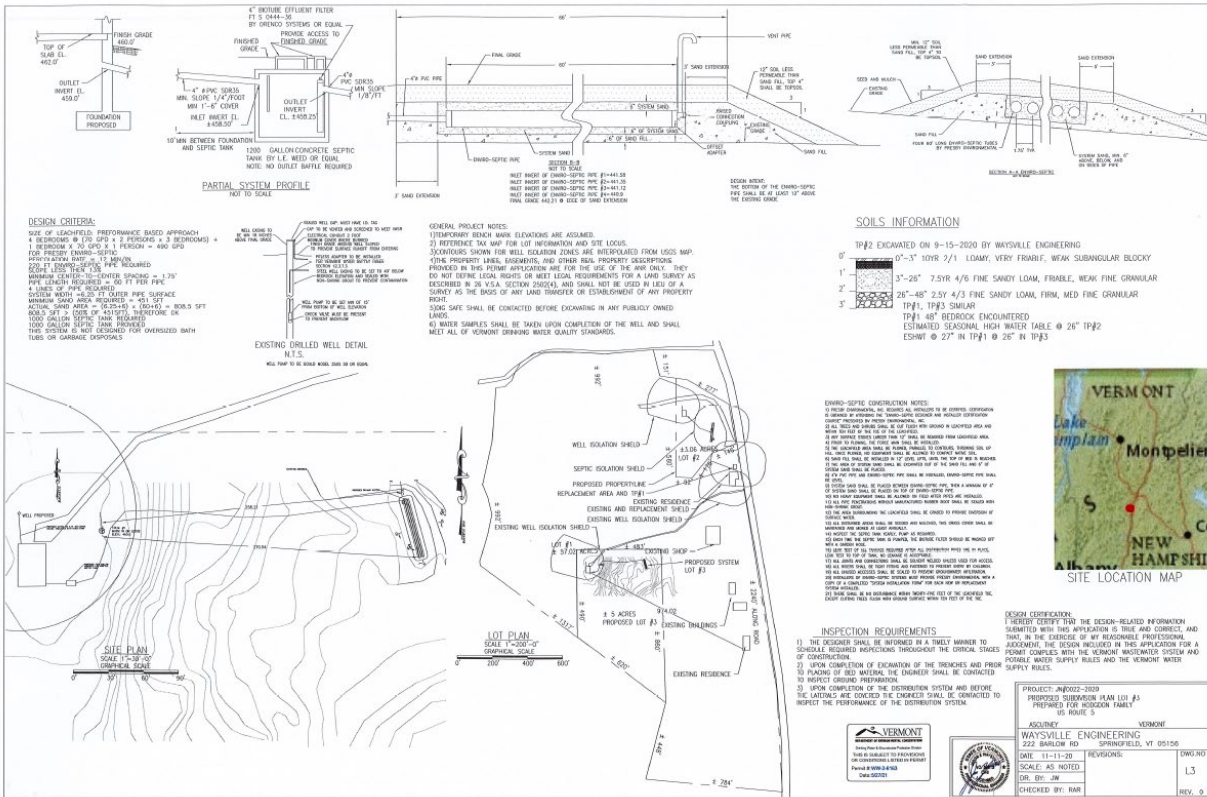
Page 3 of 3

Peter Walke, Commissioner  
Department of Environmental Conservation

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

Dated May 27, 2021

cc: Jason E Waysville  
Weathersfield Planning Commission



**DESIGN CERTIFICATION:**

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

PROJECT: AN002-2020  
 PROPOSED SUBDIVISION PLAN LOT #3  
 PREPARED FOR: HOSCOON FAMILY  
 60 HIGGINS ST.  
 ASBURY, VERMONT  
 WAYSVILLE, ENGINEERING  
 222 BARBER RD. SPRINGFIELD, VT 05156  
 DATE: 11-11-20 REVISIONS: L3  
 DRAWN BY: JAW SCALE: AS NOTED  
 CHECKED BY: RAR REV. 3

## Your Permit Navigator Results

PNR-000003415

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

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

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

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

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

PROJECT INFORMATION REVIEW

**Project Address**

4840 US ROUTE 5. WEATHERSFIELD, 05151

**Category**

Business/Municipality/Government Entity

**Industry / Activity**

Municipalities

**New Construction or Renovation?**

No

YOUR LOCATION SELECTION DATA

**Latitude**

43.3987

**Longitude**

-72.4078

**SPAN**

705-224-10719

**Property Owner**


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

**Location**

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

## PERMIT RESULTS

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

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

Vermont Department of Environmental Conservation

## Fish, Wildlife, and Plants - Threatened and Endangered Species

### PERMIT EXPLANATION


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


### APPLICATION FEE AMOUNT

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

### PROGRAM CONTACT

Everett Marshall

 802-371-7333


 [everett.marshall@vermont.gov](mailto:everett.marshall@vermont.gov)

### PROGRAM WEBSITE

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

### PROGRAM RESOURCES

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

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

Vermont Department of Environmental Conservation

## Industrial (Multi-Sector) Stormwater Discharge Permit

### PERMIT EXPLANATION

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

### TIME TO ISSUE PERMIT

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


### APPLICATION FEE AMOUNT


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

[View fee table](#)

### PROGRAM CONTACT

Ashley Carver

 802-490-6906

 [ashley.carver@vermont.gov](mailto:ashley.carver@vermont.gov)

### PROGRAM WEBSITE

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

### PROGRAM RESOURCES

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

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



## Operational Stormwater Discharge Permit

### PERMIT EXPLANATION

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

### TIME TO ISSUE PERMIT

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

### APPLICATION FEE AMOUNT


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

[View fee table](#)

### PROGRAM CONTACT

Ashley Preston

 802-490-6170

 [ashley.preston@vermont.gov](mailto: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](mailto:jeff.svec@vermont.gov)


### PROGRAM WEBSITE

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

### PROGRAM RESOURCES

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

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

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

Vermont Department of Environmental Conservation

## Wetlands

### PERMIT EXPLANATION

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

### TIME TO ISSUE PERMIT

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


### APPLICATION FEE AMOUNT


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

[View fee table](#)

### PROGRAM CONTACT

Rebecca Chalmers

 802-490-6192

 [rebecca.chalmers@vermont.gov](mailto:rebecca.chalmers@vermont.gov)

### PROGRAM WEBSITE

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


### PROGRAM RESOURCES

[Wetlands Ecologists](#)

[Wetlands Contact and Inquiry Portal](#)

ENVIRONMENTAL CONSIDERATIONS BASED ON MAPPED RESULTS

ID MAP RESULT

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

**Fish, Wildlife, and Plants - Threatened and Endangered Species**

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

Answer:

 NO

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

**Underground Injection Control**

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

Answer:

 NO

**Lake Encroachment Permit**

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

Answer:

 NO

### Shoreland Protection

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

Answer:

**X** NO

### Residuals Management

Does your project involve a facility that produces biosolids?

Answer:

**X** NO

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

Answer:

**X** NO

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

Answer:

**X** NO

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

Answer:

**X** NO

### Stream Alteration and Stream Crossing Structures

Does your project involve any of the following:

Answer:

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

**X** NO

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

- any crossing of a stream with utility lines?

### Floodplain and River Corridor

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

Answer:

NO

### Salvage Yards

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

Answer:

NO

### Demolition Waste

Does your project have demolition waste that needs disposal?

Answer:

NO

### Disposal of Inert Waste, Untreated Wood & Stumps

Does your project have inert waste that needs disposal?

Answer:


NO

### Used Septic System Components/Stone

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

Answer:

NO

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

### Industrial (Multi-Sector) Stormwater Discharge Permit

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

Answer:

NO

### Operational Stormwater Discharge Permit

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

Answer:

None of the above

### Underground Storage Tanks

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

Answer:

NO

Does your project involve you installing an underground storage tank?

Answer:

NO

### Wastewater System & Potable Water Supply

Are you subdividing land?

Answer:

YES

Is the lot improved?

Answer:

YES

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

Answer:

NO

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

Answer:


NO

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

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

Answer:

None of the above

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

### Wetlands

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

Answer:

**X** 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?

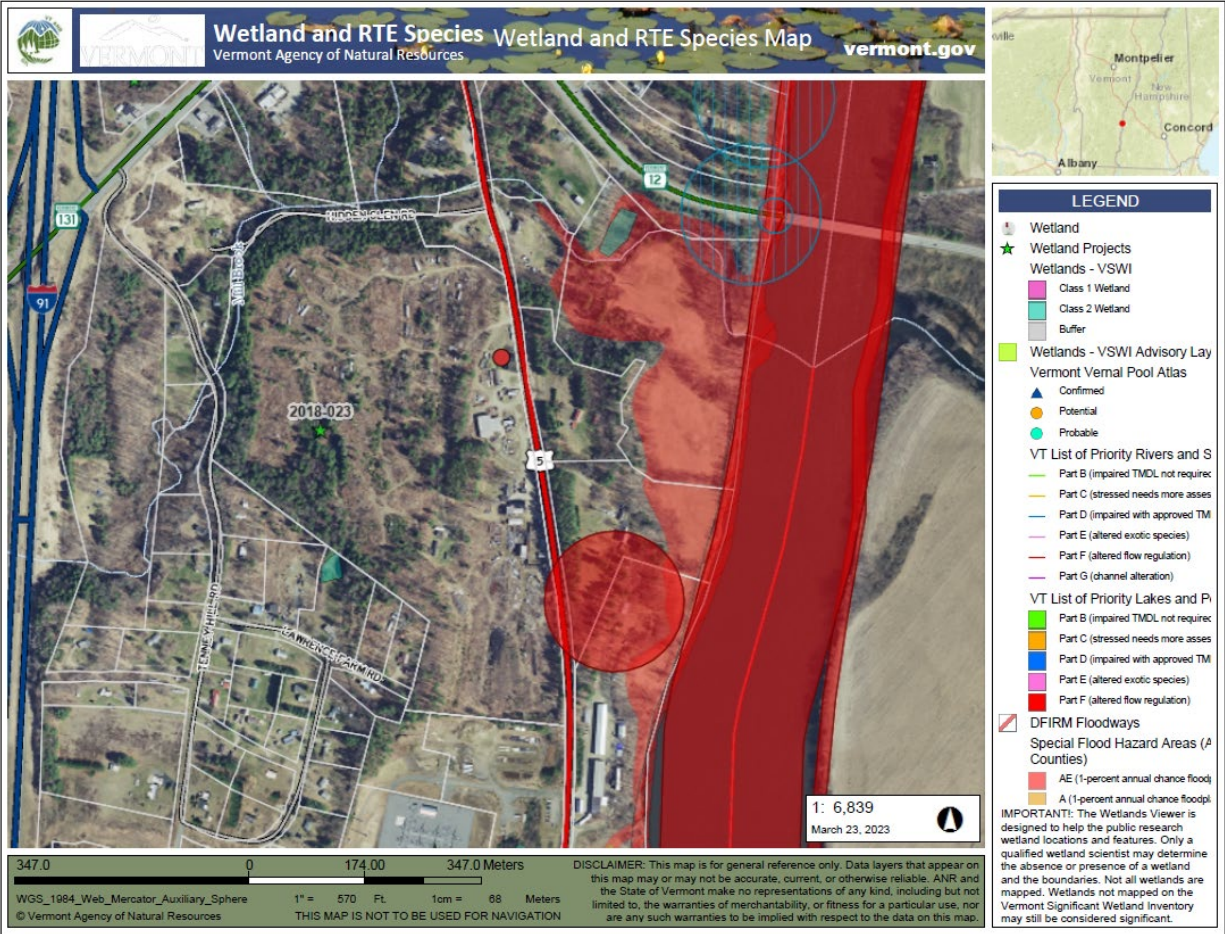
o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging?

## 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



Appendix B

CHARTERED BY  
NEW HAMPSHIRE  
AUGUST 20, 1761

Town of Weathersfield

POST OFFICE BOX 550  
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY  
NEW YORK  
APRIL 8, 1772

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

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

Planning and Zoning

APPLICATION FOR  
SKETCH PLAN REVIEW

Application # 2023.03.08.SD

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

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

Subdivider Name \_\_\_\_\_  
Address (Mailing) \_\_\_\_\_  
Telephone # \_\_\_\_\_ Email Address \_\_\_\_\_

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

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

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

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

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

Landowner Signature

(See checklist on reverse side)

3/4/23  
Date

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

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

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

FOR OFFICE USE

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

\*\*\*\*\*

Application No. 2023.03.08.50 Date of Notice NA

Date received by AO March 8, 2023 Date of Hearing NA

Fee Paid \$ 100.00 Date of Decision \_\_\_\_\_

Date Paid March 8, 2023 Appeal granted \_\_\_\_\_ denied \_\_\_\_\_

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





# Ascutney Market Subdivision

Weathersfield, VT

1 inch = 34 Feet



March 8, 2023



[www.cai-tech.com](http://www.cai-tech.com)



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

Town of Weathersfield

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

Clerk: Osavage

Account: 060014-A

Name: ROGERS SCOTT & NANCY

Comments:

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

TOTAL 100.00

Check 14992

Thank you

### Sketch Plan Review Checklist

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

Property acreage: 1.9 ac.

Proposed lot acreages:

*Lot 1: 1.13 ac.*

*Lot 2: 0.56 ac.*

District: Highway Commercial

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

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

Existing non-conformities:

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

Notes:

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





# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

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

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

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

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

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

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

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

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



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

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

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

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

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

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

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

Respectfully,

Ryan Gumbart



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Full text of referenced bylaws:

## 3.4 Nonconformities

### 3.4.1 Nonconforming Lots and Parcels

#### 3.4.1.1 Existing Small Lots

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

## 6.10 Variances

### 6.10.1 Variance Criteria

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

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

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

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

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

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

B. Sketch Plan Review:

1. Application #02.0303SK by Michael Owen;

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

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

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

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

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

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

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

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

Respectfully submitted,



Patrice Dodge, Recording Secretary

BLANK

REGULAR MEETING OF THE PLANNING COMMISSION  
6:30 PM, Monday, April 10th, 2023  
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT  
5459 Rt 5

DRAFT MINUTES

Members in attendance:

**Paul Tillman**  
**Howard Beach**  
**Michael Todd**  
**Joseph Bublat**  
**David (Hank) Ainley**

**Ryan Gumbart – Land Use Administrator**

Members Not in attendance:

Attendees:

Brian Bosenberg  
Ken Blum  
Rilia Henderson

Online Attendees:

None

1. Meeting was called to order by **Paul Tillman** at 6:30 P.M.
2. Agenda Review – No changes.
3. Comments from the Chair and land Use Administrator – No comments either the Chair or the LUA.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – March 27, 2023 – Discussion – The minutes were not included in the packet.

**Paul Tillman tabled these minutes until the next meeting.**

6. Public Hearing – Town Plan Amendment – Energy Section: No update – rev 8 – 03.08.2023
7. Bylaws – PUD Review Section: No update – Rev 5 – 02.22.2023
8. Helipads, Airstrips, and Airports: Information and inquiry from MARC – Ryan presented the information from the Transportation Board as seen in Appendix A. Ryan said that MARC had asked if the Town had any plans for discussion on this subject. Discussion was had about reaching out the Springfield airport again for input as to their future plans for that airport.
9. Vermont Planners Association – Legislative Report 04.04.2023 – Ryan presented the Planning Association’ Legislative report as seen in Appendix B.
10. Discussion of items for future agendas – C10 will be added to the agenda for future discussion.
11. Any other business that can be legally discussed – Mike Todd asked to have the Covid-19 information removed from the agenda legend at the bottom to help with any confusion this may have on meeting attendance.
12. Adjourn – Meeting adjourned at 7:46 P.M.

**Howard Beach made a motion to adjourn at 7:46 P.M.**

**Seconded by Joseph Bublat, Motion Passed 5-0**

The next regularly scheduled meeting of the Planning Commission will be Monday, April 24, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,  
Chauncie Tillman



## Appendix A



February 10, 2021

### Re: Permitting Helipads and Airstrips

Dear Municipal Manager & Planning Commissioner:

The Vermont Transportation Board serves as the state permitting authority for airports and restricted landing areas. Restricted landing areas include private helipads and airstrips but do not include regulation of drones. Over the last few years, the Board has seen a significant increase in applications for private helipads and airstrips, often serving a single home in an existing subdivision or neighborhood. These private facilities can dramatically change the character of an area and can have negative impacts while providing a private benefit to few.

The State, as part of its permit process, requires that a proposed helipad or airstrip first receive municipal approval. But in the vast majority of cases that come before the Board, the host city or town has no regulatory mechanism to review such applications. In these cases, court guidance tells us the State must accept the application and proceed as if municipal approval has been granted. While this allows the application to proceed, it essentially shorts the permit process because the Transportation Board has no authority to review land use. This means that private helipads and airstrips often gain approval without any kind of local process that determines whether the proposed location is compatible with the surrounding area.

In short, the State's permitting process for a helipad or airstrip is designed to have three review components: 1) the local municipality reviews land use, 2) the State reviews ground-related safety to determine if aircraft can take-off and land safely, and 3) the U.S. Government reviews the airspace to ensure safety once the aircraft is airborne. Given this regulatory structure, if the host municipality has no policy language in its adopted plan or no established regulatory mechanism, such as zoning bylaws that deal with aviation or a stand-alone municipal bylaw that deals with aviation, land-use issues and neighborhood concerns go unchecked.

Realizing this, the Board convened a committee comprised of municipal planners, regional planners, VTrans staff and a representative of the Vermont League of Cities and Towns to develop guidelines to help municipalities understand what they can do to establish a local, regulatory mechanism that deals with helipads and airstrips should one be proposed within your municipality.

The committee, as well as the Transportation Board, encourages all Vermont cities and towns to consider adopting municipal plan policies and/or bylaws regarding aviation facilities as recent history shows that applications for private helipads and airstrips are increasing. Vermont is regularly seeing



applications all across the state, and often for locations within or close to village settings or in existing residential neighborhoods in rural communities.

What follows are some suggestions on what to consider should your community wish to better prepare itself for such an application. Transportation Board Executive Secretary John Zicconi is willing to meet with any town (municipal manager, selectboard, planning commission, etc.) to discuss this issue further. Inquiries can be made directly to him at 802-343-7280 or at [john.zicconi@vermont.gov](mailto:john.zicconi@vermont.gov).

## MUNICIPAL PLANS

Municipal plans establish the policy basis for zoning bylaws, but they also have regulatory effect in state permitting processes, such as Act 250 (land use) and Section 248 (energy generation and transmission). Including explicit, prescriptive policy language in the municipal plan about where private helipads and airstrips are and are not allowed establishes a policy basis for municipal approval. Prescriptive policy language uses words such as will and must as opposed to more passive words such as consider, should, support, and encourage. If a municipality uses a municipal plan to either approve or deny a helipad or airstrip, the Transportation Board requires a letter from the municipality explaining its decision with reference to the section of the municipal plan used.

## ZONING BYLAWS & ORDINANCES

Many Vermont towns have zoning, but not all zoning regulations capture helipads and airstrips. The Transportation Board encourages municipalities to review their zoning regulations to determine if they cover private aviation facilities which can be proposed in residential as well as commercial districts. Detailed zoning regulations may take the following tools into account.

**Setbacks** – establish a minimum for helipads and airstrips, which may vary depending on the zoning district. There is no magic number of feet a setback should be.

**Lot Size** – there is no common or recommended lot size. Helicopters can land in very small spaces. Appropriate lot sizes also may vary by type of zoning district as one size may be appropriate for a commercial district while a different minimum size may be more appropriate for a residential district. For airstrips, the U.S. Government sets minimum runway lengths necessary depending on the class of aircraft to be flown.

**Noise** – federal law prohibits states or municipalities from considering or regulating aircraft noise. Aircraft noise is the sole domain of the federal government. However, municipalities can regulate land uses and the character of an area so long as they are not used as a proxy for limiting aircraft noise.



For example, courts have held that regulating hours of an airport's operation is a proxy for regulating aircraft noise.

**Permitted Use** – if a community wishes to allow helipads and airstrips they can be allowed in some or all zoning districts.

**Conditional Use** – can address the character of the area, performance standards, and land uses so long as they are not a proxy for noise.

**Accessory Use** – helipads and airstrips can be allowed as incidental or subordinate uses to the property's primary use.

**Prohibited Use** – municipalities with proper regulatory tools can prohibit helipads and airstrips throughout town, or they can prohibit them only from specific areas of town or within specific zoning districts.

**Exemptions** – zoning can prohibit helipads and airstrips but also exempt certain aviation uses – such as crop dusting and insect control – from needing a local permit. The State and the U.S. Government may still be required to review such uses, but municipalities if they wish can exempt specific uses from needing local approval. None of this, however, would prohibit an aircraft that must land due to an emergency as federal law for safety purposes allows that to occur anywhere necessary.

**Screening & Visual Impact** – while planting trees and shrubs to screen certain development is commonplace within zoning, keep in mind that aircraft require specific glideslopes with specific ground-to-air clearance ratios (helicopters require an 8-to-1 horizontal to vertical clearance) to land and takeoff safely. Thus, trees or other structures cannot be placed too close to the actual landing facility. Also, zoning can establish how aircraft can be parked and other associated visual parameters.

**Surface Type** – certain aircraft can land on almost any kind of surface. Some towns require helipads to be paved and maintained free from dust, dirt and other loose material that could be blown onto adjoining properties by the air wash.

**Runway Length** – while helicopters can land in very small spaces – including on top of buildings – specific class of airplanes require specific runway lengths. As a result, zoning must understand what type of aircraft class is acceptable and then ensure the regulations allow for proper runway length.

**Additional Permitting** – Vermont statute requires that municipal approval be obtained prior to applying for a State Aviation permit, so local regulations should not require State approval be obtained



first. Local regulations can, however, require that obtaining a State Certificate of Operation is required prior to the commencement of local flights.

#### **STAND-ALONE MUNICIPAL BYLAW**

Municipalities that do not have zoning can still regulate helipads and airstrips. Statutes allow for a stand-alone bylaw under Title 24 Chapter 117. As another option, statute allows for an ordinance under Title 24 Chapter 59. The above zoning guidelines also can be used to help guide communities wishing to establish such bylaws or ordinances.

#### **QUESTIONS**

In closing, the Transportation Board emphasizes that its executive secretary is happy to answer any questions you may have regarding helipads and airstrips, and is willing to meet with your local planning commission, selectboard or whatever other entity is responsible for drafting local zoning regulations and municipal ordinances. The Board has seen many examples of Vermont communities being caught off guard when application for a Restricted Landing Area is made and witnessed the shock local residents have when they learn the municipality has no way to determine for itself if such a facility is appropriate for their community.

As a result, the Board encourages all Vermont communities to discuss this issue and decide if its local permitting processes is adequate when it comes to siting helipads and airstrips. The Board hopes you find the enclosed information helpful, and it is happy to assist any city or town to help it better understand the issue.

Sincerely,

John B. Zicconi  
Executive Secretary, Vermont Transportation Board

## Appendix B

### Vermont Planners Association (VPA) Legislative Report – April 4, 2023

---

*Reported by Alex Weinhagen, Kati Gallagher, Kerry Brasnan, and Darren Schibler*

We are still waiting for the crossover dust to settle, and updates to the Legislature's website to reflect bills that passed. Discussions will continue on key bills moving from one chamber to committees in the other chamber – e.g., S.5, S.100, H.126, etc.

No new bills with a planning nexus were introduced.

#### Updates on planning bills

**S.100 - Omnibus Housing Bill** – This bill passed the full Senate on Friday (3/31) with a few amendments. We are still waiting for the version as passed to be published on the Legislature's website. Some problematic provisions related to municipal zoning pre-emption (e.g., parking minimums, residential density minimums) are still in the bill, so it will be important for planners to engage with their legislators and key committees on the House side to recommend revisions. The bill appears to be landing first in the House Committee on General and Housing. They will get an introduction to the bill on Tuesday (4/4), with substantive discussion and testimony to follow next week or thereafter. This is likely to be the committee most receptive to the concerns VPA and individual planners have raised. Once the bill makes it through this committee, it will likely head to the House Committee on Environment and Energy.

**S.115 - Misc. Ag & Stormwater Provisions** – This bill is scheduled for a third reading and final vote in the Senate on Tuesday (4/4). As reported last week, this bill includes a provision to exempt agricultural operations from regulation and fees by municipal stormwater utilities with the intent of better aligning with statutory limits as interpreted by the Agency of Agriculture. After concerns were raised by several municipal officials, the problematic sections were amended to study the issue and report back on necessary solutions by the end of the year, so that action can be taken in 2024 if necessary.

**S.5 – Affordable Heat Act** – As reported last week, this bill passed the Senate on March 3, and is now being considered by the House Environment and Energy Committee. The committee has a full week of testimony and discussion planned for this week.

**H.126 – Biodiversity & Conservation** – As reported last week, after some amendments, this bill was approved by the full House on 3/24, and now is now waiting to be taken up by the Senate Natural Resources & Energy Committee.

**H.276 – Rental Registry Study** – This greatly revised bill passed the House on Thursday (3/30), and is now awaiting consideration by the Senate Committee on Economic Development, Housing, and General Affairs. VPA will be submitting a letter of support for the rental registry concept, in the hopes that it can actually be enacted in 2024. As reported last week, this is now a study bill. The study would assess cost, design, and implementation of a registry and consider the different possible ways to do it. Two frameworks were laid out to be explored; one using an existing framework with landlord certificate and

associated data and one using a new framework for an annual registration requirement for long term and short term rental housing. The report will be due Dec 15th, 2023.

**H.222 – Reducing Overdoses / Recovery Residences** – This bill passed the House on Wednesday (3/29), and is now awaiting consideration by the Senate Committee on Health and Welfare. As reported last week, one portion of this bill would require municipalities permit recovery residences as a single-family dwelling, similar to residential care homes and group homes. H.222 includes extensive details on how recovery residences would operate internally, which has evolved over the past few sessions. It was amended to include the definition of “recovery residence” that was part of H.241.

**H.31 – Aquatic Nuisance Control** – This bill passed the House on Wednesday (3/29), and is now awaiting consideration by the Senate Committee on Natural Resources and Energy. As previously reported, this bill creates a study committee to look into the use of pesticides for the control of aquatic nuisances (e.g., Eurasian water milfoil).

### **Online Resources**

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

AGENDA ITEM

7

***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](mailto:landuse@weathersfield.org)

<b><u>Applicant</u></b>		<b><u>Landowner (if different)</u></b>	
Name	Upper Valley Habitat for Humanity, Inc.	Name	Upper Valley Habitat for Humanity, Inc.
Name	Andrew Grimson, Building Chair	Name	Eva Loomis, Executive Director
Mailing Address	PO Box 1038	Mailing Address	PO Box 1038
Town, ST, Zip	White River Junction, VT, 05001	Town, ST, Zip	White River Junction, VT, 05001
Telephone	C: (603) 667-3060	Telephone	C: (401) 330-0411 O: (802) 295-1854
E-mail	<a href="mailto:grimsonandrew@gmail.com">grimsonandrew@gmail.com</a>	E-mail	<a href="mailto:eva@uvhabitat.org">eva@uvhabitat.org</a>

<b><u>Property Information</u></b>		<b><u>Project Information</u></b>	
911 Address	5771/5803/5805 US Route 5, Ascutney	Proposed Use	Residential PUD
Parcel ID	5A-02-03	Area of Development (sq. ft.)	8,000 +/-
Lot Size	2.245 acres	Height of Structure	Less than 35 feet
Road Frontage	312 feet +/-	Zoning District	Village
Existing Use	Multi-use / Abandoned		

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

**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.*

This former multi-use restaurant and residential rental property is to be converted to a residential PUD with four buildings containing up to eight owner-occupied units. The existing three lots are to be merged into one and owned by a condominium association created for this development.

See attached memo for additional information.



**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 \_\_\_\_\_ 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

- 100 -  Sketch Plan Review - PC: \$100 *Due upon submission*
- See applicable ZBA Reviews below
- 150 -  Final Plat Review - PC: \$100 + \$50 per lot *Due prior to scheduling hearing*

Zoning Board of Adjustment Review Form

- 480 -  Conditional Use Review:  $\$200 + \$0.05 \times 5,600$  sq.ft new construction
- ~~200~~ -  Variance Hearing \$200
- Flood Hazard Review \$200
- Site Plan Review
- 170
  - New: \$170
  - Amendment: \$100
- "Other Use" Determination \$200
- Appeal by Permittee FREE
- Appeal by Interested Party \$95

*Due prior to scheduling of hearing*

45  Town Clerk Recording Fee \$15 per recording (2) = \$30  
30

Permit Fee Total: \$1,130.00

*No Variance hearing*

**Town of Weathersfield**  
Planned Unit Development Review Form

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

**Staff Use Only**

Permit #: 2023.03.08.PUD

Fee Collected:

Completion Date: March 22, 2023

Planning Commission Sketch Plan Review Date: April 28, 2023 (By request)

Decision: Approved  | Denied  | 30-day Default

**Zoning Board of Adjustment Reviews:**

Site Plan Review (Required for all PUD projects) | Review Date: \_\_\_\_\_ | Decision: Approved  Denied

Conditional Use Review | Review Date: \_\_\_\_\_ | Decision: Approved  Denied

Variance Review | Review Date: \_\_\_\_\_ | Decision: Approved  Denied

Flood Hazard Review | Review Date: \_\_\_\_\_ | Decision: Approved  Denied

"Other Use" Determination | Review Date: \_\_\_\_\_ | Decision: Conditional , Admin. , Not Allowed

Planning Commission Final Plat Review Date: \_\_\_\_\_ | Decision: Approved  Denied

**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.

### **Requested Modifications to the Zoning Bylaws**

**Setbacks** - District requirement: 20 ft. Side Setback | Modification: Equal to existing non-conformance  
Purpose: Extend existing duplex building within setback but not to further encroach on current setback distance.

**Building Height** - District requirement: \_\_\_\_\_ | Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

**Building Density** - District requirement: One structure per lot | Modification: Four structures on 2.2 acre lot  
Purpose: Provide a community setting for our Habitat homeowners that best utilizes the buildable space while maintaining conservation areas and providing common green space for the residents. The design intent is to maintain the feel of a rural residential neighborhood within the goals outlined in the Village section of Weathersfield zoning bylaws.

**Building Use** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

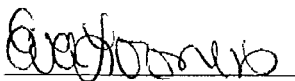
**Building Location** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_

**Lot Size** - District requirement: \_\_\_\_\_  
Modification: \_\_\_\_\_  
Purpose: \_\_\_\_\_


## 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:  , for UVHFH

Date: 3/1/23

Applicant Signature: 

Date: MARCH 1, 2023

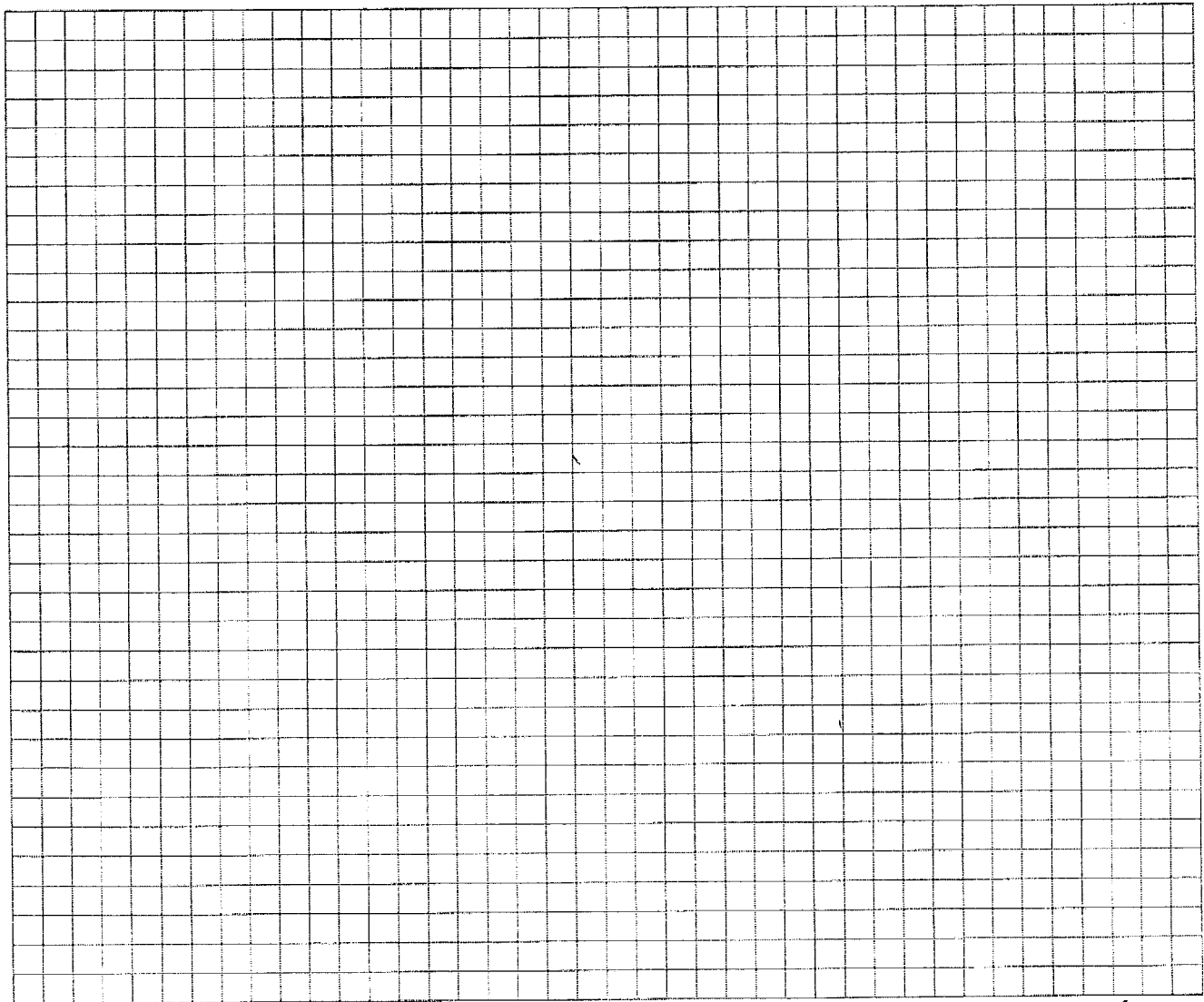
**Site Plan Sketch**

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

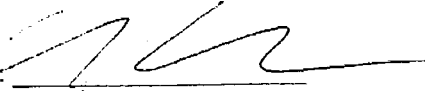
- north arrow;
- all property lines;
- shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the closest property boundary lines;
- identify the structure uses;
- location of septic/sewer, water, and power utilities;
- identify 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.

**Please see supplemental pages.**

*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:  \_\_\_\_\_

Land Use Permit – Information Memo  
Upper Valley Habitat for Humanity

Upper Valley Habitat for Humanity (UVHFH) is an affiliate of Habitat for Humanity International, serving the Upper Valley region of Vermont and New Hampshire since 1986. Over the past 37 years, we completed 36 homes and performed numerous home repair projects, many of these as part of the Tropical Storm Irene recovery.

The mission of Habitat is to build and sell homes to families (or individuals) with incomes up to 80% of county median family income, based on US Housing and Urban Development (HUD) data. Other criteria factor into their application process including demonstrating a need for a Habitat home and inability to obtain a conventional mortgage.

Habitat homes are owner occupied and our families take on all responsibilities of ownership. Each approved family contributes 300 hours of sweat equity to the construction, working alongside volunteers from the community. UVHFH sells the completed home to the partner family, who assume an affordable mortgage funded by Habitat. Ownership will be under a condominium structure and common areas will be maintained by a Homeowner Association.

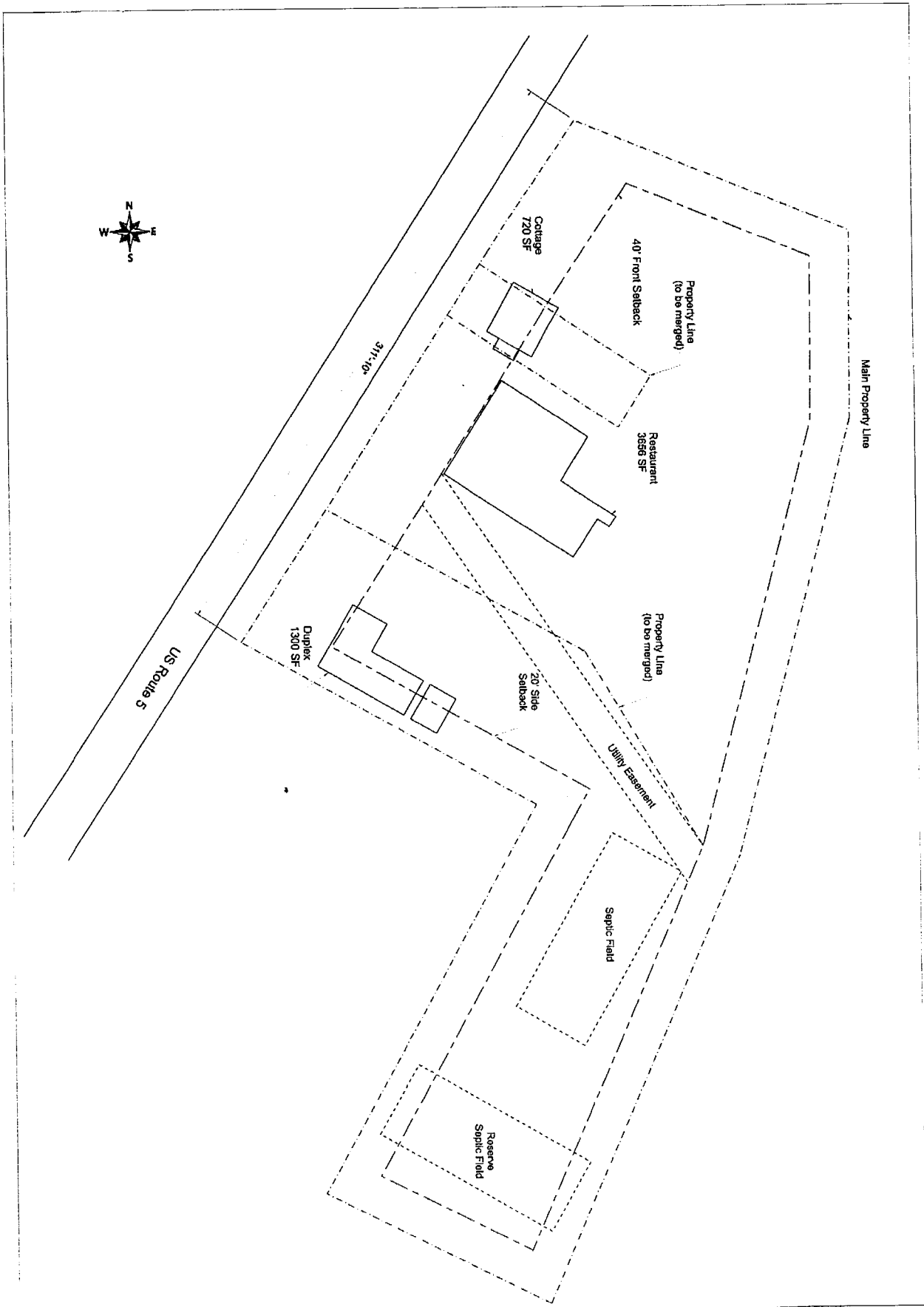
In October 2022, UVHFH purchased 5711/5803/5805 US Route 5, formerly a restaurant / night club with ancillary residential units. The site is approximately 2.2 acres and has three structures, ranging from very poor to fair condition. The property is in the Ascutney village district, with easy access to the I-91 Exit 8 bus stop and a short drive to Windsor, Claremont, and Springfield.

Our objective is to build up to 8 housing units with a condominium ownership structure. There will be four buildings, as a blend of single family, duplex, and triplex designs. The units will range from 1 to 4 bedrooms. Wherever possible, we will renovate existing structures and supplement these with new construction.

As good neighbors, we are striving to design our project to fit in with the mostly residential nature of the immediate neighborhood. Buildings near the road will be kept as single story and two-story buildings will be placed further back to keep the profile unobtrusive.

The north and northeasterly parts of the property are currently natural vegetation, and we plan to maintain this area as conserved space. Attention will be given to any invasive species, and we will address any dead trees that could pose a risk. The road frontage will be planted with turf, shrubs, and trees to provide a vegetation buffer and the existing long access frontage will be reduced to a two-way drive access in accordance with state requirements.

The rear area to the south of the property holds the septic field and reserve septic area, to be maintained as open field and kept mowed for a play area. Additionally, we plan to add playground equipment, park benches and a community garden in outside of the septic fields. This will become a green space for the enjoyment of our homeowners.



**A.01**

**Existing Site**

**ISSUE**  
01 March 2023

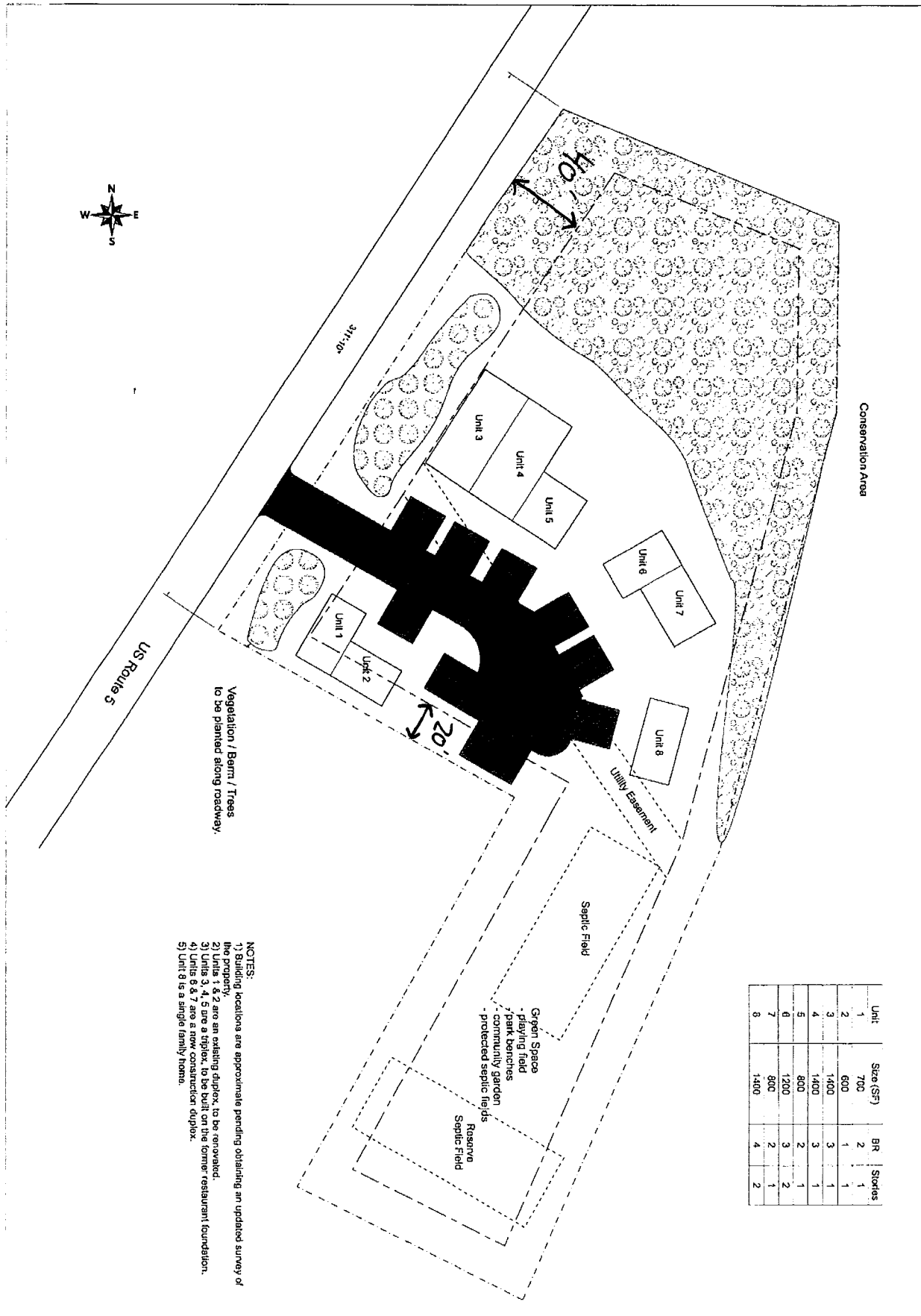
**DRAWN BY**  
A. Gimson

**PROJECT**  
5771 / 5803 / 5805 US Route 5  
Ascotney, VT

**PROJECT NO.**  
<TBD>

**SCALE**  
1" = 20'

**Upper Valley Habitat for Humanity**  
PO Box 1036  
White River Junction, VT 05001  
Cell: 803-887-3060



Unit	Size (SF)	BR	Stories
1	700	2	1
2	600	1	1
3	1400	3	1
4	1400	3	1
5	800	2	1
6	1200	3	2
7	800	2	1
8	1400	4	2

Vegetation / Barns / Trees to be planted along roadway.

- NOTES:
- 1) Building locations are approximate pending obtaining an updated survey of the property.
  - 2) Units 1 & 2 are an existing duplex, to be renovated.
  - 3) Units 3, 4, 5 are a triplex, to be built on the former restaurant foundation.
  - 4) Units 6 & 7 are a row constructor duplex.
  - 5) Unit 8 is a single family home.



**GENERAL NOTES**

1. THIS PLAN AND ANY APPROPRIATE SHEETS SHALL BE CONSIDERED TO BE THE COMPLETE CONTRACT DOCUMENTS FOR THE PROJECT. ALL CONDITIONS, SPECIFICATIONS, AND REQUIREMENTS SHALL BE GOVERNED BY THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**CONSTRUCTION NOTES**

1. EXISTING SMALL WELLS SHALL BE DEEMED TO BE UNDESIRABLE AND SHALL BE ABANDONED. ALL SUCH WELLS SHALL BE ABANDONED IN ACCORDANCE WITH THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION (VT DEC) REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

1. ALL WELLS SHALL BE 6" DIA. x 30' DEEP x 48" DIA. WELLS SHALL BE CONSTRUCTED WITH 6" DIA. SCHED. 40 GALV. STEEL PIPE. ALL WELLS SHALL BE CEMENTED TO THE BOTTOM OF THE WELL. ALL WELLS SHALL BE CEMENTED TO THE BOTTOM OF THE WELL. ALL WELLS SHALL BE CEMENTED TO THE BOTTOM OF THE WELL. ALL WELLS SHALL BE CEMENTED TO THE BOTTOM OF THE WELL. ALL WELLS SHALL BE CEMENTED TO THE BOTTOM OF THE WELL.

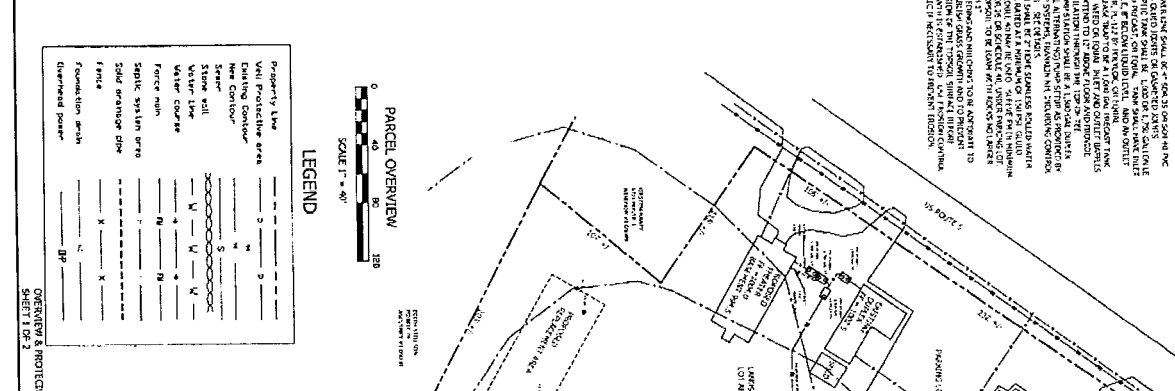
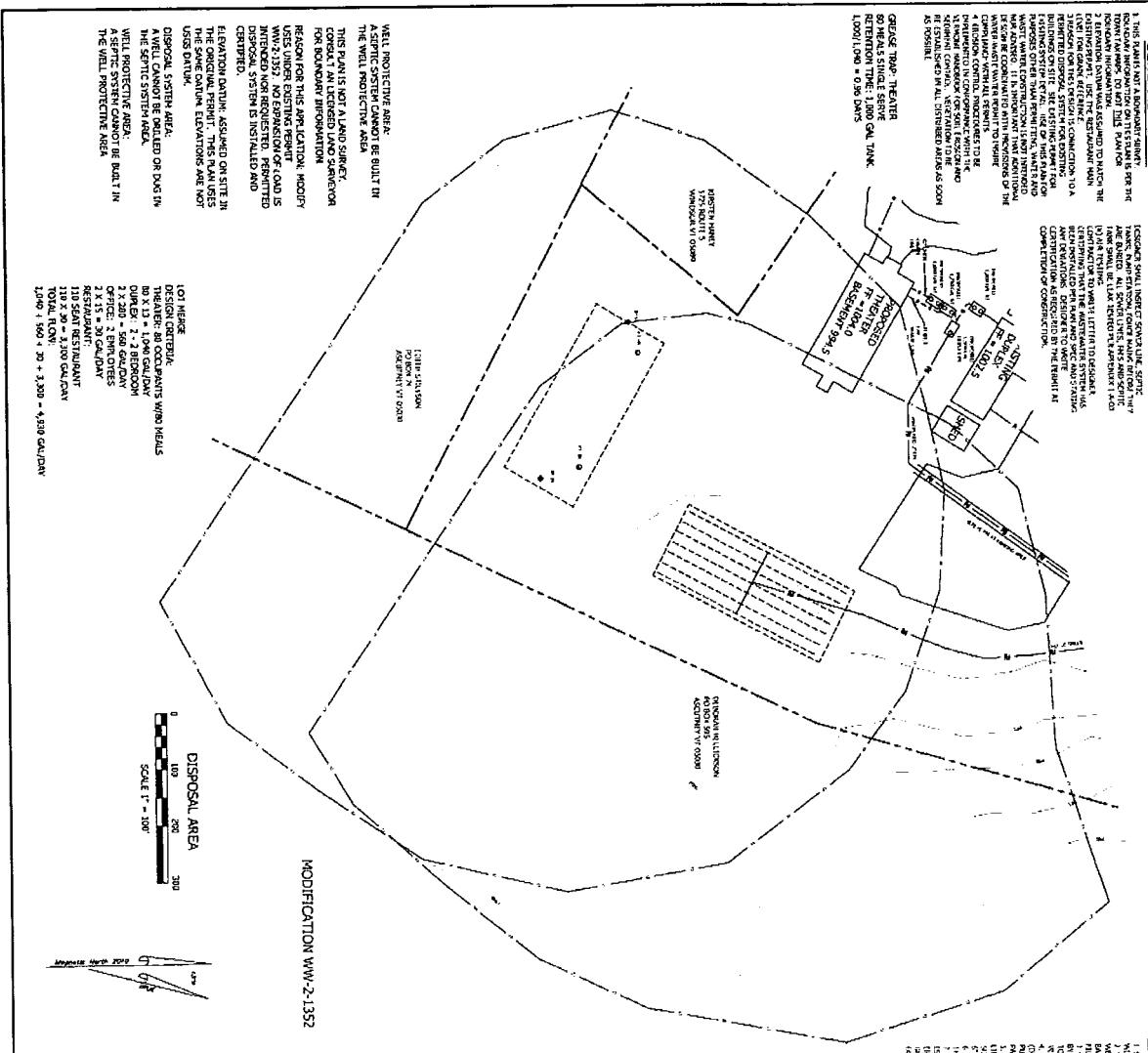
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**LEGEND**

Property Line	---
Well Protective Area	---
Site Boundary	---
Stone Wall	---
Water Course	---
Force Main	---
Sanitary System Pipe	---
Other	---

**CONSTRUCTION IDENTIFICATION**

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 PERMIT NO. 2-1332

SEAN ROBERTS  
 PROJECT MANAGER  
 HOGG HILL DESIGN, LLC

Town of Weathersfield

Date: 03/16/2023 Time: 13:06:11

Clerk: Osavage

Account: 5A0204

Name: ROBERTS SEAN E

Comments:

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

TOTAL 100.00

Check 9136

Thank you

**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 September 29, 2007  
 Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Sean Roberts**  
**PO Box 1136**  
**Grantham NH 03753**

**Permit Number: WW-2-1352-1**  
**PIN**

This permit affects the following properties in Weathersfield, Vermont:

<b>Lot</b>	<b>Parcel</b>	<b>SPAN</b>	<b>Acres</b>	<b>Book(s)/Page(s)#</b>
<b>5A 02 03</b>	5A 02 03	705-224-11155	0.50	Book:184 Page(s):497
<b>5A 02 03.A</b>	5A 02 03.A	705-224-11156	0.50	Book:184 Page(s):497
<b>5A 02 03.B</b>	5A 02 03.B	705-224-11157	0.50	Book:184 Page(s):497
<b>5A 02 04</b>	5A 02 04	705-224-10335	1.00	Book:184 Page(s):358
<b>Proposed</b>			2.5+/-	

This project consisting of the merging of 4 existing lots (individual boundaries unknown) and converting the existing grange building to a theater, with connections to the existing permitted waste water disposal system (WW-2-1352) and the municipal water supply, located on Route 5 in Weathersfield, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Christopher C. Leister, with the stamped plans listed as follows:

<b>Title</b>	<b>Sheet Number</b>	<b>Plan Date</b>	<b>Revision Date</b>
<b>OVERVIEW &amp; PROTECTIVE</b>	1 OF 2	04/26/2018	
<b>DETAILS</b>	2 OF 2	04/26/2018	

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; the Drinking Water and Groundwater Protection Division; the Watershed Management Division; the Division of Fire Safety; the Vermont Department of Health; the Family Services Division; or other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Weathersfield Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Weathersfield Land Records and ensure that copies of all certifications are sent to the Secretary.
- 1.5 All conditions set forth in **WW-2-1352** shall remain in effect except as amended or modified herein.



- 1.6 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 the permit conditions, were inspected, were properly tested, and have successfully met those performance tests”,***

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.7 This project is approved for: theater with 80 seat capacity -serving 1 meal to attendees/day (no restaurant seat turnover type service), the existing duplex with maximum occupancy of 4-people/unit, the existing restaurant with 110 seats serving maximum 2-meal times/day and the existing office with a maximum 2-employees. **No alterations to the existing building other than those indicated in this permit that would change or affect the water supply or wastewater system shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division.** Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.9 By acceptance of this permit, the landowner 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.
- 1.10 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.

## **2. WATER SUPPLY**


- 2.1 This project, in part, is approved for a new theater connection to the water supply system owned by the **Ascutney Fire District #2** as depicted on the plan(s) stamped by the Drinking Water and Groundwater Protection Division. The project is approved for **1040** gallons of water per day.
- 2.2 This project, in part, is approved with the existing connection to the water supply system owned by the **Ascutney Fire District #2** for the duplex, office and restaurant.
- 2.3 *The new components of the potable water supply herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.*

## **3. WASTEWATER DISPOSAL**

- 3.1 This project is approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for 4,950 gallons of wastewater per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.2 *The new components of the sanitary wastewater system, for the theater, duplex and office herein approved, shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed; the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.*

- 3.3 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.4 This project is approved for an exterior grease interceptor tank. All exterior portions of the tank shall be installed as shown on the approved plans. The contents of the tank shall be pumped according to the plans and manufacturers specifications and transported by a certified waste hauler to an approved wastewater treatment facility.
- 3.5 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater systems are allowed on or near the site-specific wastewater system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater system.

Emily Boedecker, Commissioner  
Department of Environmental Conservation

By 

Dated July 2, 2018

Terry Shearer  
Regional Engineer  
Springfield Regional Office  
Drinking Water and Groundwater Protection Division

cc: Christopher C. Leister  
Weathersfield Planning Commission  
Act 250 II District Environmental Commission  
Department of Public Safety, Division of Fire Safety  
Department of Health – Food & Lodging Licenses

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

802.674.2626 (phone)

townmanager@weathersfield.org

**Water Capacity Allocation**

5/14/2018

Sean Roberts  
1076 Olde Farm Road  
Grantham, NH 03753

Subject Water Capacity Allocation for 5755 Route 5, Ascutney VT

On November 13<sup>th</sup>, 2017, The Ascutney Fire District #2 received an application for a water allocation for a theater at 5755 Route 5 in Ascutney, VT. After some discussion with Chris Leister for Hogg Hill Designs, the district has decided to reallocate ERU's from the restaurant property (5803 Route 5) also owned by Sean Roberts. According to the previous waste water permit, the septic system on these properties is designed for 4,950 gallons a day. By using the fire district and Hogg Hills calculations the Ascutney Fire District # 2 will allocate:

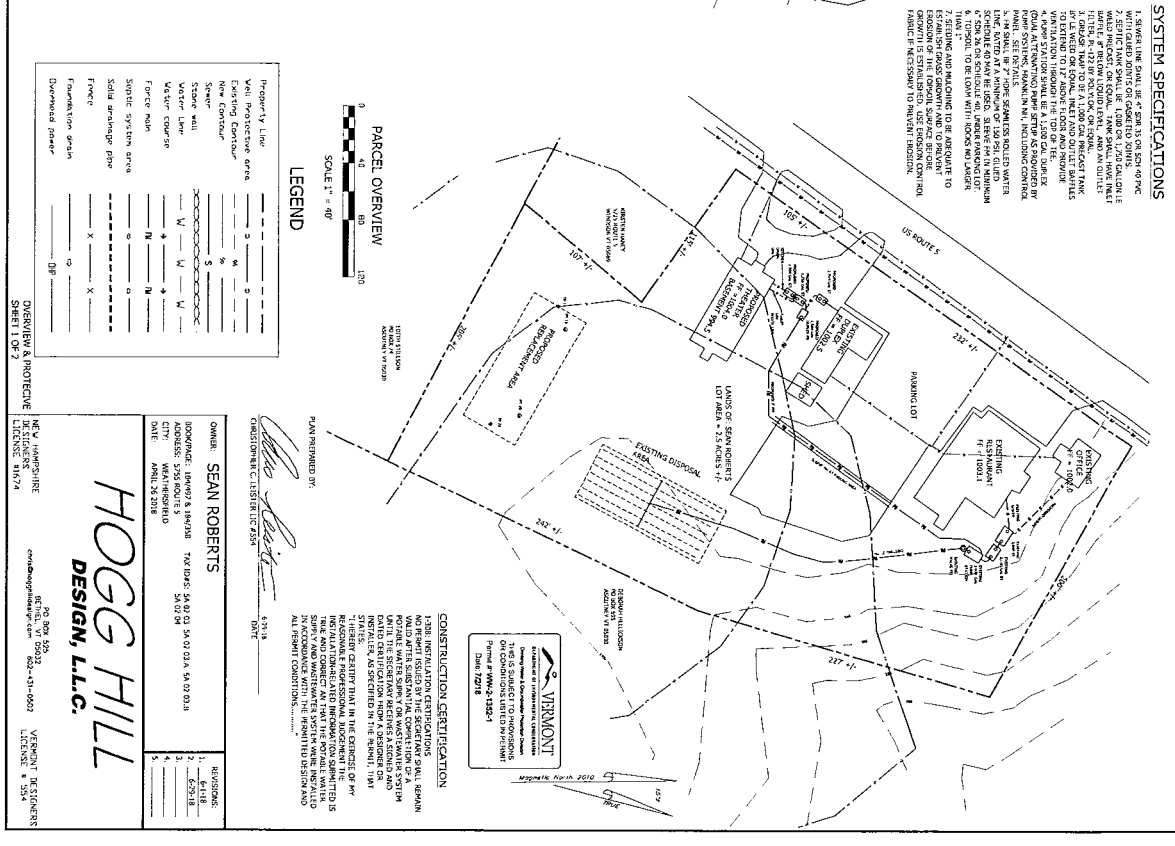
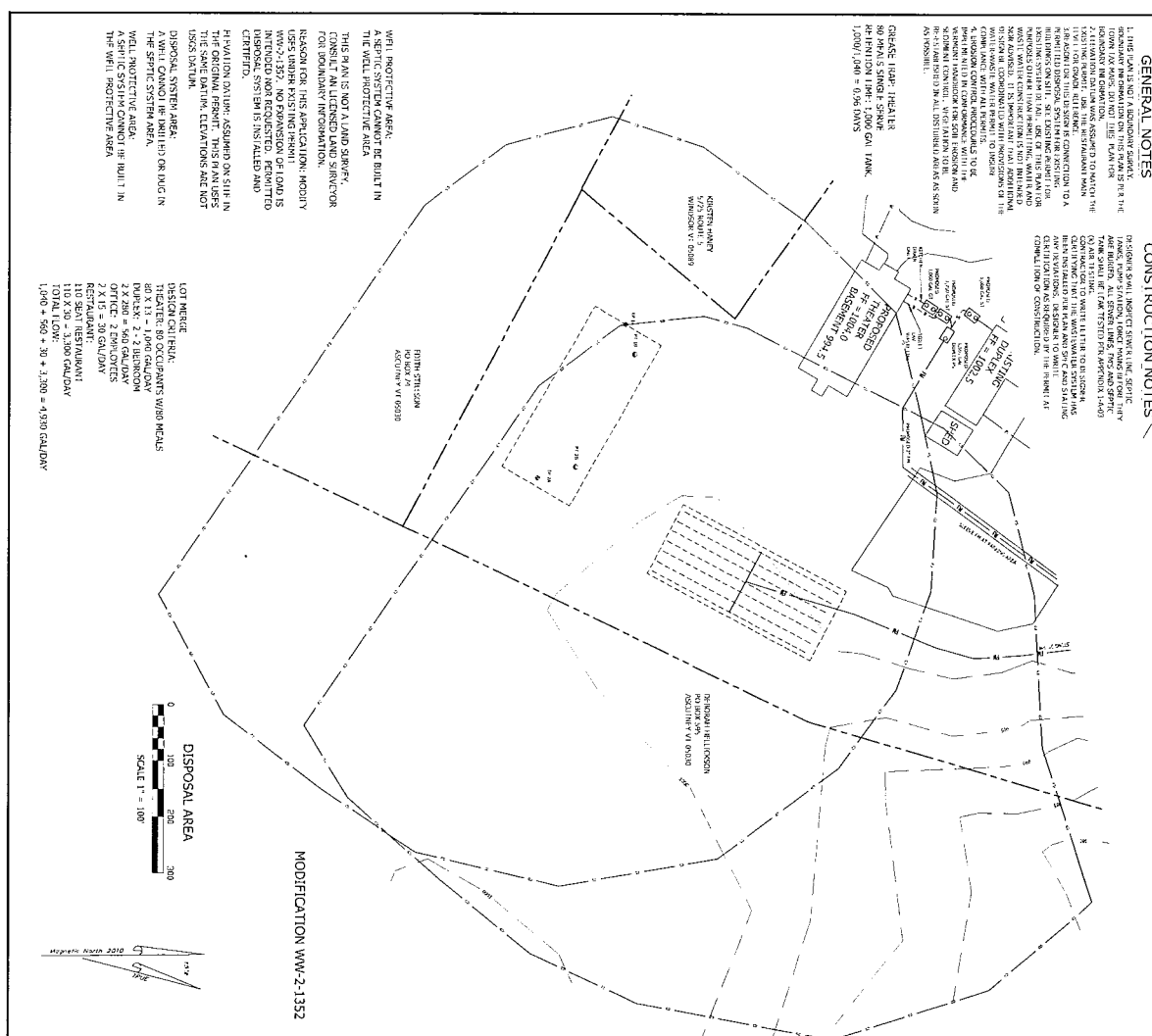
- 2.5 ERU's (700 GPD) to 5575 Route 5 (theater)
- 2 ERU's (560 GPD) to 5771 Route 5 (duplex)
- 1 ERU's (280 GPD) to 5805 Route 5 (office)
- 12 ERU's (3360 GPD) to 5803 Route 5 (restaurant building)

As part of this agreement when 5571 (Parcel 5A0203.B) and/or 5805 (5A0203.A) are sold, they will need to have their own connection to the water system, and construction costs will be the owner's responsibility.

Ed Morris



Ascutney Fire District # 2  
Manager



**GENERAL NOTES**

1. THIS PLAN IS NOT A BOUNDARY SURVEY. GRANULAR INFORMATION ON THIS PLAN IS THE RESPONSIBILITY OF THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONDUCTING ALL NECESSARY SURVEYS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONDUCTING ALL NECESSARY SURVEYS.

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10. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONDUCTING ALL NECESSARY SURVEYS.

**CONSTRUCTION NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE VTDOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONDUCTING ALL NECESSARY SURVEYS.

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**SYSTEM SPECIFICATIONS**

1. SEWER LINES SHALL BE 4" DIA. WITH 10% SLOPE. ALL SEWER LINES SHALL BE 15' DEEP AT THE MANHOLE. ALL SEWER LINES SHALL BE 15' DEEP AT THE MANHOLE. ALL SEWER LINES SHALL BE 15' DEEP AT THE MANHOLE.

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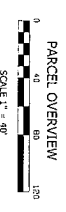
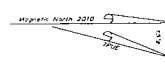
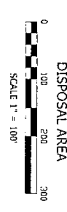
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MODIFICATION WW-2-1352



**LEGEND**

Proposed Utility Line	--- 3 --- 3 --- 3 ---
Well Protective Area	--- 3 --- 3 --- 3 ---
Existing Building	--- 3 --- 3 --- 3 ---
Stooped Wall	--- 3 --- 3 --- 3 ---
Water Main	--- 3 --- 3 --- 3 ---
Force Main	--- 3 --- 3 --- 3 ---
Shoote System Drive	--- 3 --- 3 --- 3 ---
Soil Storage Pipe	--- 3 --- 3 --- 3 ---
Frame	--- 3 --- 3 --- 3 ---
Foundation Slab	--- 3 --- 3 --- 3 ---
Downfall Power	--- 3 --- 3 --- 3 ---

DESIGNER'S PROFESSIONAL SEAL AND SIGNATURE

**HOGG HILL DESIGN, L.L.C.**

OWNER: SEAN ROBERTS  
 ADDRESS: 1000 S. 1000 S.  
 CITY: WASHINGTON  
 STATE: VT 05674

DATE: APRIL 25, 2018

PROJECT: RETIRED HOMEOWNERS ASSOCIATION  
 SHEET 1 OF 2

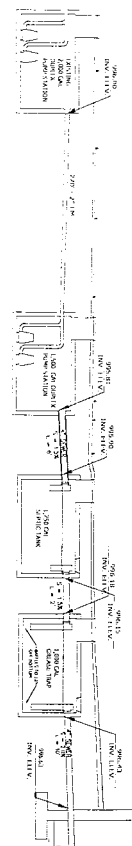
DESIGNER'S PROFESSIONAL SEAL AND SIGNATURE

**Vermont**  
 STATE OF VERMONT  
 DEPARTMENT OF CONSUMER AFFAIRS  
 PROFESSIONAL SEAL AND SIGNATURE

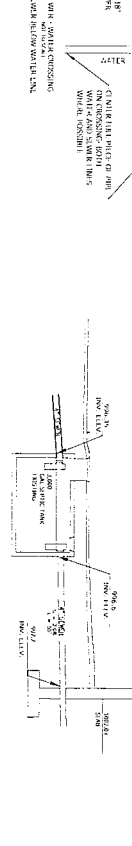
CONSTRUCTION CERTIFICATION

I, THE UNDERSIGNED, A REGISTERED PROFESSIONAL ENGINEER, HAVE REVIEWED THE DRAWINGS AND SPECIFICATIONS FOR THE PROJECT DESCRIBED HEREON, AND I CERTIFY THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE VTDOT STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.

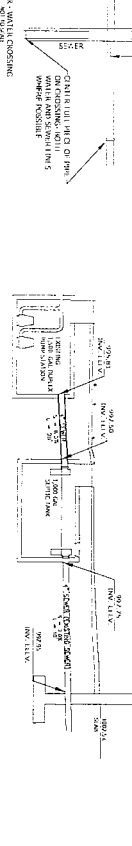
PROFILE - HEATER SYSTEM  
NOT TO SCALE



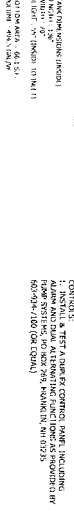
PROFILE - OFFICE SYSTEM  
NOT TO SCALE



PROFILE - APARTMENT SYSTEM  
NOT TO SCALE

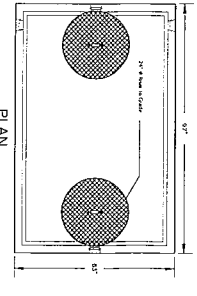


1,500 GALLON JUPITER PUMP STATION

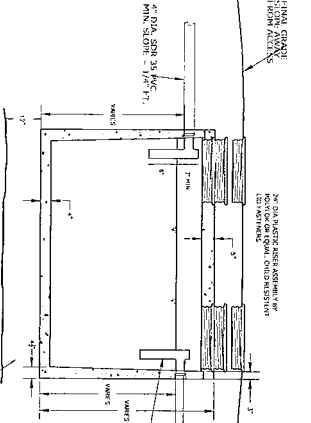


CONTRACT NO. 18-001  
DATE: 08/15/18  
PROJECT: 18-001  
SHEET 2 OF 2 - DETAILS

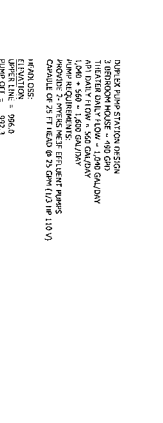
PLAN



SECTION



PRECAST SEPTIC TANK DETAIL



NOTE: THE SEPTIC TANK SHALL BE CONSTRUCTED OF PRECAST CONCRETE TANKS WITH A MINIMUM WALL THICKNESS OF 8\"/>

MINIMUM NUMBER OF JOINTS PER TANK = 4 (SEE ELEVATION)

MINIMUM NUMBER OF JOINTS PER MANHOLE = 4 JOINTS

DESIGN FOR ONE INHABITANT

SHEET 2 OF 2 - DETAILS

OWNER: SEAN ROBERTS  
ADDRESS: 1890 W. 1800 S. ST. W. BOX 808  
CITY: MOUNTAIN VIEW  
STATE: VT 05775

DATE: 6/18/18

DESIGNED BY: SEAN ROBERTS  
CHECKED BY: N.T.S.

PROJECT NO.: 18-001

DATE: 6/18/18

1. THIS IS SUBJECT TO APPROVING BOARD OF VERMONT PROFESSIONAL ENGINEERS  
2. PROJECT NO. 18-001  
3. SHEET 2 OF 2

VERMONT PROFESSIONAL ENGINEERS  
1800 BLDG 335  
MOUNTAIN VIEW VT 05775  
PHONE: 802-251-3301

HOOG HILL DESIGN, L.L.C.  
1800 BLDG 335  
MOUNTAIN VIEW VT 05775  
PHONE: 802-251-3301

VERMONT PROFESSIONAL ENGINEERS  
LICENSE NO. 5387



BLANK

# Zoning Permit Application Review Checklist

Date received: 3/16/2023

1. Is the proposed project "development"? Y

Land Development or Development:

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

Structural Development:

*The addition of a new structure to a parcel of land.*

Structure:

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

Building:

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

2. Is the proposed project exempt from zoning? (6.2.2) N

*This applies to all development proposed by all persons, including the Town government of Weathersfield, except when specifically exempted by state law. (sect. 1, pg. 1)*

3. Is the project a Public Facility? (6.2.3) N

4. Locate the zoning district in which the property is located. V

5. Pull parcel file.

6. Check Use Tables:

- Does the project neatly fit into any of the uses listed in the district table? PRD
  - If yes, is a zoning permit necessary? Y
  - If no, does the proposal need to go to the ZBA for a determination? \_\_\_\_\_
  - If no, is the use prohibited? \_\_\_\_\_
- What approvals are needed? Sketch Plan, Conditional Use, Site Plan, PUD, Final Plat
  - Flood plain \_\_\_\_\_
  - Highway access Amend (State)
- Lot size – Minimum 1, Existing 2.245
- Frontage – Required 80, Existing 312 +/-
- Setbacks – Required: Front 40, Rear 20, Side 20
- Setbacks – Existing: Front 40, Rear >20, Side <20
- Height – Required <35', Proposed <35'
- Check specific use standards
- Check Development Review (Article 5)

Other requirements to consider?

7. Is anything non-conforming? (Article 3.4) Setbacks, density

8. Is the project in conformance with the zoning bylaws? (sect. 1.2, pg.2) Y

***Such permit may be issued only in conformance with these regulations and other Town ordinances, as provided in 24 V.S.A., §4449. Any use not permitted by these regulations shall be deemed prohibited. (sect.1.2, pg. 2)***

***... all uses must comply with any applicable General Provisions and Special Provisions as listed in Sections 6 and 7 of (the bylaws). (sect. 4.1, pg.2)***

#### Application Completeness

- Copy of WW permit or letter, Access permit for new access
- 911 Location
- Parcel ID
- Lot size (tax bill if unknown)
  - Compliant
- Road frontage (3.1) (deed if unknown or measure on ground)
  - Compliant
- Existing principal use
- Applicant name/address/phone number/email
- Landowner name/address/phone number/email
- Correct permit type
- Project information section
- Description with dimensions, clear enough to determine use
- Check boxes
- Correct fees
  - Collected
- Signatures & date
- Site plan drawing
  - North arrow
  - Full property boundaries with dimensions
  - All existing and proposed structures with measurements
  - Uses identified
  - Location of septic and water utilities
  - Location of access and frontage distance (3.1.1)
  - Proposed sign location
  - Streams, water bodies and wetlands
  - Locations of easements or rights-of-way

## General provisions

- Ag soils (3.2.1) < 3ac.
- Biological areas (3.2.2)
- Connecticut river (3.2.3)
- Habitat areas (3.2.4)
  - Deer wintering areas
  - Significant natural communities
  - Natural/fragile areas
  - Rare, threatened or endangered species
  - Vernal pools
- Ponds (3.2.5)
- RTE species (3.2.6)
- Steep slopes & elevation >25% (3.2.7)
- Streambank conservation (3.2.8)
- Wetlands (3.2.9)
- Parking (3.5)
- Outdoor lighting (3.6)
- Signs (3.8)

## Specific Use Standards

- Flood plains (5.7)
- State/Nat'l Register of Historic Places
- Send to Fire Chiefs Darren Spaulding & Josh Dauphin - *CFSS following sketch plan*
  - Approved
- Application is complete
  - If not, 30 day issuance period has not started
  - Date of completion: 3/16/2023
- Check issuance (6.2.3) and notice (6.2.5) procedure
  - Within 3 days
    1. Copy of app. and notice to Listers
    2. Copy of app. and notice to Clerk
    3. Digital copy of app. and notice to digital parcel file
    4. Update 2022 Permits spreadsheet
    5. Copy of notice posted at Town Hall
    6. Ledger size notice to applicant
- Call applicant to pick up permit notice

## Notes

- ~~Visitor parking in setback~~
- ✓ Wastewater permit, State highway access permit
- ✓ No boundary line adjustment
- Outdoor lighting?

## Sketch Plan Review Checklist

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

Property acreage: 2.245

Proposed lot acreages:

*Lot 1: 2.245*

District: Village

Minimum acreage: 1 acre Frontage: 80'

Setbacks: Front 40', Rear 20', Side 20'

Existing non-conformities:

*Existing duplex and shed do not meet current side setback requirements. The lot containing the existing cottage building does not conform to the district minimum lot size.*

Notes:

*The property contains multiple lots under common ownership. The proposal considers the property as a single land unit to be developed through the Planned Unit Development Review process.*

## 5.5 Planned Unit Development Review

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

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

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

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

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

### 5.5.4 General Standards

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

- a) PUD is consistent with Town Plan.
- b) The density requirements do not exceed the number of units permitted if the land were

subdivided in accordance with district regulations.

- c) All Site Plan Review requirements in Section 5.2 have been met.
- d) The PUD is an appropriate and unified treatment for the proposed development.
- e) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- f) The development will not place an undue burden on municipal services.
- g) State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- h) Adequate water supply and sewage disposal facilities are provided.

#### *5.5.6 Modification of Zoning Regulations*

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

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

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

BLANK





# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

To: Weathersfield Planning Commission  
From: Ryan Gumbart, Land Use Administrator  
Date: April 12, 2023  
Re: Upper Valley Habitat for Humanity PUD Application

On March 8, 2023, I received an Application for Planned Unit Development Review from the Upper Valley Habitat for Humanity. The proposed project is located on parcel 5A-02-03 at 5771/5803/5805 US Route 5. The parcel is entirely within the Village district which allows for one principal use per parcel. The property for the proposed PUD includes 3 existing subdivided lots to which the aforementioned 911 addresses refer to. It has only one parcel ID as it has remained under common ownership.

Per my interpretation of the bylaws, I see potentially conflicting language that must be addressed. 5.5.4 (b) within the PUD General Standards requires that "The density requirements do not exceed the number of units permitted if the land were subdivided in accordance with district regulations." Therefore, if the land were to be subdivided, they could create two parcels and the density would remain limited to 1 principal use per lot. Section 5.5.6 Modification of Zoning Regulations allows the Planning Commission to modify the zoning district regulations for a proposed PUD. The section goes on to list the types of regulations that may be modified. Line (b) states "Height, Bulk and Spacing of Buildings." While neither density nor bulk are defined in our bylaws, I interpret them as synonymous given the context.

So, while 5.5.4(b) regulates density, 5.5.6(b) allows the Planning Commission to modify the density requirements. Therefore, it is my opinion that as the Land Use Administrator I have no choice but to notify the Planning Commission that I have received a complete application and the board must hold a hearing and act within 60 days of the scheduled sketch plan review.

The questions that I am left with are, what does "units" mean in 5.5.4(b)? Does it mean parcels in a subdivision? Does it mean principal structures or the units within the structures like a multi-family home? Does it apply to accessory dwelling units? Can a PUD be done on a single lot?

I would also question whether Section 1.7 of the bylaws becomes relevant here. This section states "To the extent that these Bylaws are incompatible or inconsistent with State or Federal law, they shall be interpreted or disregarded to the extent necessary to comply with State or Federal law." Our PUD Review bylaw is outdated and inconsistent with 24 VSA 4417 Planned Unit Development. The following is the language where our bylaws do not meet the requirements of the Statutes.



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

*(c) Planned unit development bylaws adopted pursuant to this section at a minimum shall include the following provisions:*

*(1) A statement of purpose in conformance with the purposes of the municipal plan and bylaws.*

*(4) Standards*

*for the review of proposed planned unit developments, which may vary the density or intensity of land use otherwise applicable under the provisions of the bylaws in consideration of and with respect to any of the following:*

*(A) The location and physical characteristics of the proposed planned unit development.*

*(B) The location, design, type, and use of the lots and structures proposed.*

*(C) The amount, location, and proposed use of open space.*

*(5) Standards requiring related public improvements or nonpublic improvements, or both; and the payment of impact fees, incorporating by reference any development impact fee ordinance adopted pursuant to chapter 131 of this title.*

*(6) Provisions for the proposed planned unit development to be completed in reasonable phases, in accordance with the municipal plan and any capital budget and program.*

The applicant has been informed that their application is not explicitly permissible per the existing bylaws but has requested to have their application reviewed by the Planning Commission.

Respectfully,

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

Ryan Gumbart

AGENDA ITEM

8

**Town of Weathersfield, Vermont**  
**Model Groundwater Protection Ordinance**

The following model ordinance is designed to be incorporated, as an overlay zone, into an existing zoning bylaw. An overlay zone functions within a zoning ordinance as a separate district that is placed over an existing district. The standards of the overlay zone do not exempt an applicant from meeting the standards of the underlying zone.

As the characteristics of all Source Protection Areas and all towns vary, it is recommended that municipalities consult with the Water Supply Division in tailoring this model ordinance to fit their specific needs.

**GROUNDWATER PROTECTION OVERLAY DISTRICT**

**A. TITLE**

This bylaw shall be known as the Groundwater Protection Overlay District Bylaw of the Town of Weathersfield (“GPOD Bylaw”). This bylaw is in addition to other districts already established through the Town of Weathersfield Zoning Ordinance.

**B. PURPOSE AND INTENT**

The Town of Weathersfield recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses can contaminate groundwater, particularly in shallow/surficial aquifers, or where contaminants can get into a bedrock aquifer. To ensure the protection of these drinking water supplies, this bylaw establishes a zoning overlay district to be known as the Groundwater Protection Overlay District (GPOD).

The purpose of the GPOD is to protect public health and safety by minimizing contamination of vulnerable aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent of the Town of Weathersfield to accomplish this through the adoption of this GPOD. The GPOD allows for appropriate land use regulations, in addition to those currently imposed by existing zoning districts or other state and federal regulations. It is intended that public education and cooperation will complement this effort.

The GPOD is superimposed on all current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities/uses allowed in a portion of one of the underlying zoning districts that fall within the GPOD must additionally comply with the requirements of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the GPOD.

**C. AUTHORITY**

1. This bylaw has been prepared and adopted pursuant to the provisions of 24 V.S.A. Chapter 117 (§ 4414(2)), known as the Vermont Municipal and Regional Planning and Development Act.

2. Pursuant to 24 V.S.A. Chapter 117, the [Zoning Board of Adjustment] of the Town of Weathersfield is authorized to review, approve, conditionally approve, and deny applications for land development, including sketch, preliminary and final plans, and installation. Pursuant to 24 V.S.A. § 4440(d) the [Board] is authorized to hire qualified persons to conduct an independent technical review of applications and to require the applicant to pay for all reasonable costs thereof.

#### **D. DEFINITIONS**

For the purposes of this section, the following terms are defined below:

1. **Aquifer.** A geological formation, group of formations or part of a formation either composed of unconsolidated rock, sand, gravel, or other unconsolidated soils, or composed of bedrock with an interconnected series of crevasses, fractures, joints, faults, cleavages, bedding planes, porosity, or other geologic features which allow groundwater to move in the subsurface environment and are capable of storing and yielding groundwater to wells and springs.
2. **Contamination.** An impairment of water quality by chemicals, biologic organisms, or other extraneous matter whether or not it affects the potential or intended beneficial use of water.
3. **Land Development.** The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.
4. **Facility.** Something that is built, installed, or established for a particular purpose.
5. **Gray Water.** All domestic wastewater except toilet discharge water.
6. **Groundwater.** Water below the land surface in a zone of saturation.
7. **Groundwater Protection Overlay District.** A zoning district that is superimposed on all underlying zoning districts in the Town of Weathersfield. It includes all lands that are included in the definitions of Zones A and B of the GPOD, and is included in the Official Map of the Town of Weathersfield. This district may include specifically designated recharge areas that collect precipitation or surface water and carry it to aquifers.
8. **Hazardous Material** means all petroleum and toxic, corrosive or other chemicals and related sludge included in any of the following:
  - (A) any substance defined in section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980;
  - (B) petroleum, including crude oil or any fraction thereof; or
  - (C) hazardous wastes, as determined under subdivision (9) of this section;

15. **Stormwater Treatment Practice (STP).** A stormwater treatment practice that is a specific device or technique designed to provide stormwater quality treatment and or quality control.

16. **Stormwater Runoff.** Precipitation that does not infiltrate the soil, including material dissolved or suspended in it, but does not include discharges from undisturbed natural terrain or wastes from combined sewer overflows.

17. **Time-Of-Travel Distance.** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer.

## **E. ZONES WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT**

### **1. Zone A: Drinking Water Critical Impact Zone.**

Zone A is defined as the area within the combined two-year time-of-travel distance and zones 1 and 2 as identified in an existing water system's Source Protection Plan where these zones have been mapped around a public water supply well(s) or around the location designated for a potential future water supply.

#### ***Permitted Uses:***

*Public water distribution systems and facilities, accessory structures (to other permitted uses), parks, greenways, publicly-owned recreation areas such as foot, bicycle, and/or horse paths, playgrounds, ballfields and tennis courts, conservation areas, forestry, agriculture, camp, recreation facilities, single- and/or two-family dwellings, group home, home child care, home occupation*

#### ***Conditional Uses:***

*Accessory dwelling units, accessory uses, single- and/or two-family dwellings, schools (private and public), church, day care center, child care facility, kennel, garden center, health clinic, recreation, garden center, outdoor market, funeral home, cultural facility, agribusiness, agritourism, contractor's yard, restaurants, transit facility, telecommunications facility, office, inn, home industry, extraction and quarrying, community center, home business, home occupation, essential services, managed grazing of livestock, mobile home parks, recreation, forestry, telecommunications, wind energy conversion.*

#### ***Prohibited Uses:***

*Fuel or hazardous material storage, hazardous waste management, underground fuel storage tanks, fueling station, repair garage, body shop, car wash, laundromat, dry cleaner, machine shops, contractor's yard, bus garage, highway maintenance facility, slaughterhouse, junkyard, landfill, recycling center, commercial compost facility, industrial/commercial earth resource/groundwater extraction, on-site wastewater disposal systems, wastewater treatment facilities, open storage of road salt or other deicing chemicals, disposal of snow which has been brought in from outside the district, commercial metal plating/finishing/polishing, chemical/medical/bacteriological laboratories or manufacturing facilities, manufacturing facilities for electrical equipment/pharmaceuticals/plastic/fiberglass/rubber goods/textiles, commercial food processing, commercial photographic processing, commercial wood processing, printing establishments, concrete plants, furniture stripping establishments, commercial feeding of livestock,*

(D) "Hazardous material" does not include herbicides and pesticides when applied consistent with good practice conducted in conformity with federal, state and local laws and regulations and according to manufacturer's instructions.

(E) "Hazardous material" does not include livestock wastes.

9. **Hazardous Waste.** Any waste or combination of wastes of a solid, liquid, contained gaseous, or semi-solid form, including, but not limited to those which are toxic, corrosive, ignitable, reactive, strong sensitizers, or which generate pressure through decomposition, heat or other means, which in the judgment of the Secretary of the Vermont Agency of Natural Resources may cause, or contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability in nature, and its potential for assimilation, or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other living organisms, or any matter which may have an unusually destructive effect on water quality if discharged to ground or surface waters of the state. All special nuclear, source, or by-product material, as defined by the Atomic Energy Act of 1954 and amendments thereto, codified in 42 U.S.C. § 2014, is specifically excluded from this definition. The storage and handling of livestock wastes and by-products are specifically excluded from this definition.

10. **Primary Containment Facility.** A tank, pit, container, pipe or vessel of first containment of a liquid or chemical, excluding the storage and handling of livestock wastes and by-products.

11. **Public Water Supply.** Any system(s) or combination of systems owned or controlled by a person, that provides drinking water through pipes or other constructed conveyances to the public and that has at least 15 service connections or serves an average of at least 25 individuals daily for at least 60 days out of the year. Such term includes all collection, treatment, storage and distribution facilities under the control of the water supplier and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. In addition, this includes any water supply system with ten or more residential connections.

12. **Release.** Any unplanned or improper discharge, leak, or spill of a potential contaminant including a hazardous material and/or hazardous waste, excluding the storage and handling of livestock wastes and by-products.

13. **Secondary Containment Structure.** A double walled tank, catchment pit, pipe, or vessel that limits and contains a hazardous material or hazardous waste leaking or leaching from a primary containment area; monitoring and recovery are required excluding the storage and handling of livestock wastes and by-products.

14. **Spill Response Plans.** Detailed plans for control, re-containment, recovery and clean up of hazardous material and/or hazardous waste releases, such as during fires or equipment failures.

*pesticide/herbicide/fungicide storage, pesticide/herbicide/fungicide applications with the exception of those reviewed and approved by the Department of Health, industrial uses.*

c. **Two Year Time of Travel:** Approval of septic disposal systems within the two-year time of travel boundary is prohibited unless it can be demonstrated that the discharge from the septic disposal site is not hydraulically connected to the drinking water aquifer, or that additional information is presented to document that a two-year time of travel is met or exceeded to the existing or potential water supply source.

## **2. Zone B: Drinking Water Potential Impact Zone.**

Zone B is established as the remainder of the GPOD not included in Zone A, but deemed necessary to ensure adequate protection of public drinking water supplies. (*Note: Zone B is generally equivalent to a public water supply's Zone 3 as identified in their water system's Source Protection Plan.*)

- a. **Permitted Uses:** All uses allowed in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the GPOD.
- b. **Conditional uses:** All conditional uses permitted in underlying districts may be approved by the Town of Weathersfield Zoning Board of Adjustment provided they can meet performance standards outlined for the GPOD.
- c. **Performance Standards:** The following permitting standards shall apply to uses in Zones A and B of the GPOD:
  - Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and whose purpose is to intercept any leak or release from primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must have double walls and inspectable sumps.
  - Open liquid waste ponds containing hazardous material or hazardous wastes will not be permitted without a secondary containment system.
  - Storage of petroleum products in quantities exceeding (1,000) gallons at one locality in one tank or series of tanks must be in elevated tanks; such tanks must have a secondary containment system as noted above.
  - All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
  - All conditionally permitted facilities must prepare an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
    - (a) All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe 5-feet above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, 5-feet above the 100-year flood level and capable of containing 110 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
    - (b) All conditionally permitted facilities shall include fire fighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to



be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.

(c) For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overfill protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.

(d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Town of Weathersfield.

Since it is known that improperly abandoned wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells shall be properly plugged according to local and state regulations.

### **3. Liability.**

Nothing in this ordinance shall be construed to imply that the Town of Weathersfield has accepted any of an owner/developer's liability if a permitted facility or use contaminates groundwater in any aquifer.

## **F. DISTRICT BOUNDARY DISPUTES**

If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

The burden of proof shall be upon the owner(s) of the land to demonstrate where the boundaries of the district should be located with respect to their individual parcel(s) of land. If the owner(s) request that the Town of Weathersfield determine more accurately the boundaries of the district with respect to individual parcels of land, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist and charge the owner(s) for the cost of the investigation. If the location of the GPOD boundary in relation to a particular parcel is in doubt and the application already requires conditional use approval because of the requirements of the underlying zone, the Town Zoning Administrative Officer, interpreting the municipal zoning bylaw literally, shall inform the applicant whether he/she believes the project is located within the GPOD. If the project would not need conditional use approval based on the requirements of the underlying district, the Zoning Administrative Officer may still determine, based on the official map, that such project is located within the GPOD. Such decision may be appealed to the [Zoning Board of Adjustment].

**G. ENFORCEMENT AND PENALTIES**

1. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. §§ 4451, 4452 and 4454 or 24 V.S.A. §§ 1974a and 1977, et seq., in the discretion of the zoning administrator. A civil penalty of not more than \$200.00 per violation may be imposed for violation of this ordinance. The Zoning Administrative Officer shall issue a notice of alleged violation, which shall include the opportunity to cure the violation within seven days. If it is not cured after seven days, a municipal ticket may be issued immediately. The Zoning Administrative Officer may institute, in the name of the municipality, any appropriate action seeking an injunction, or other appropriate relief to prevent, restrain, correct, or abate that construction or use. Such action may be initiated in either the Vermont Environmental Court, or in the Vermont Judicial Bureau, as appropriate. Each day that the violation continues shall constitute a separate violation of this ordinance.

**H. ENFORCEMENT OFFICIALS**

1. The town zoning administrator and health officer shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.

**I. ENFORCEMENT**

**J. SEVERABILITY.** If any portion of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. **K. EFFECTIVE DATE.** This zoning bylaw shall become effective 21 days after its adoption by the legislative body. (Unless the town has determined to adopt, amend, and repeal zoning bylaws by Australian ballot, in which case, the bylaw shall become effective upon adoption by the voters of the Town of Weathersfield.

This zoning bylaw shall become effective 21 days after it has been adopted by a majority of the Selectboard of the Town of Weathersfield.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Signatures	Date

**ADOPTION HISTORY:**

1. Agenda item at Planning Commission public hearing held on \_\_\_\_\_.
2. Agenda item at Selectboard public hearing held on \_\_\_\_\_.
3. Read and approved at regular Selectboard meeting on \_\_\_\_\_ and entered in the minutes of that meeting which were approved on \_\_\_\_\_.
4. Approved by legislative body on \_\_\_\_\_ OR, if town is a rural town AND it has determined to use Australian ballot to adopt, amend, or repeal zoning bylaws, such vote occurred on \_\_\_\_\_.
5. Other actions [petitions, etc.]

**ADOPTION HISTORY:**

1. Agenda item at Planning Commission public hearing held on 10/12/2021.
2. Agenda item at Selectboard public hearing held on 11/16/2021.
3. Read and approved at regular Selectboard meeting on 11/30/2021 and entered in the minutes of that meeting which were approved on 11/30/2021.
4. Approved by legislative body on 11/16/2021 OR, if town is a rural town AND it has determined to use Australian ballot to adopt, amend, or repeal zoning bylaws, such vote occurred on N/A.
5. Other actions [petitions, etc.]

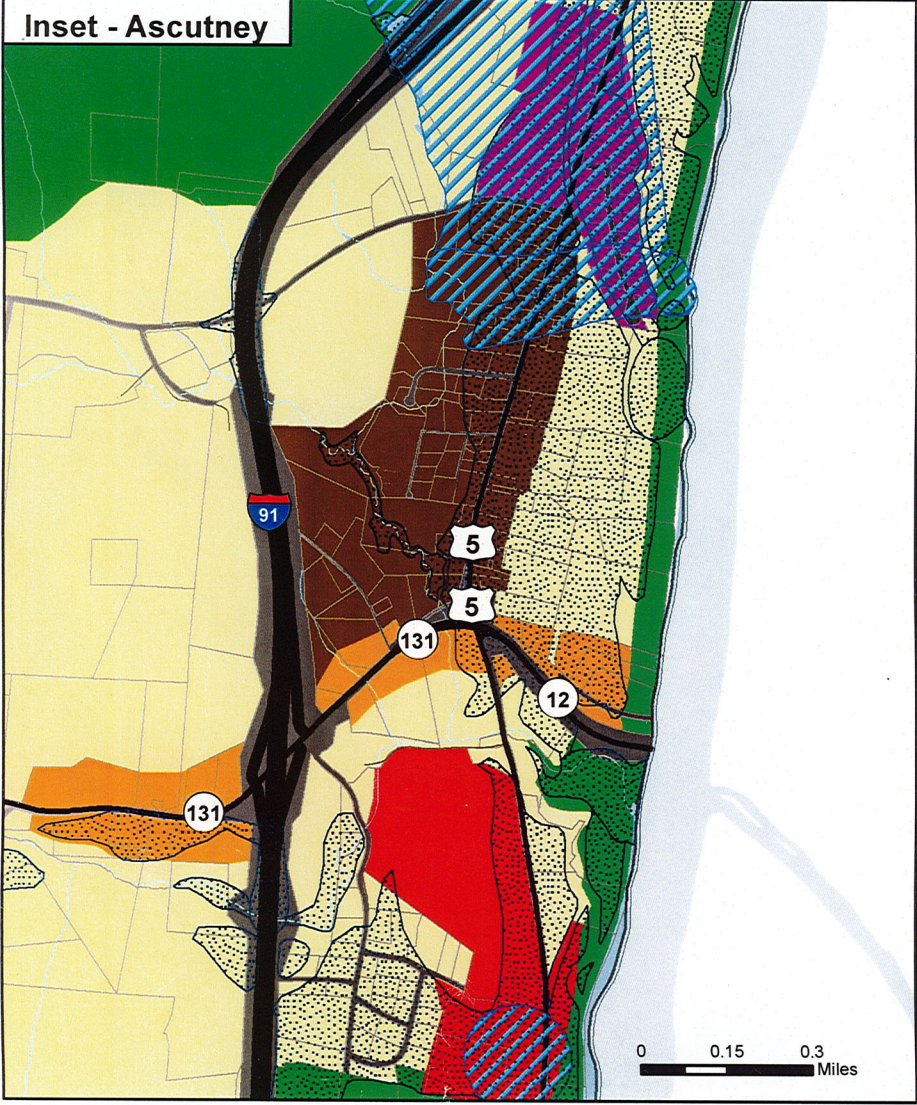
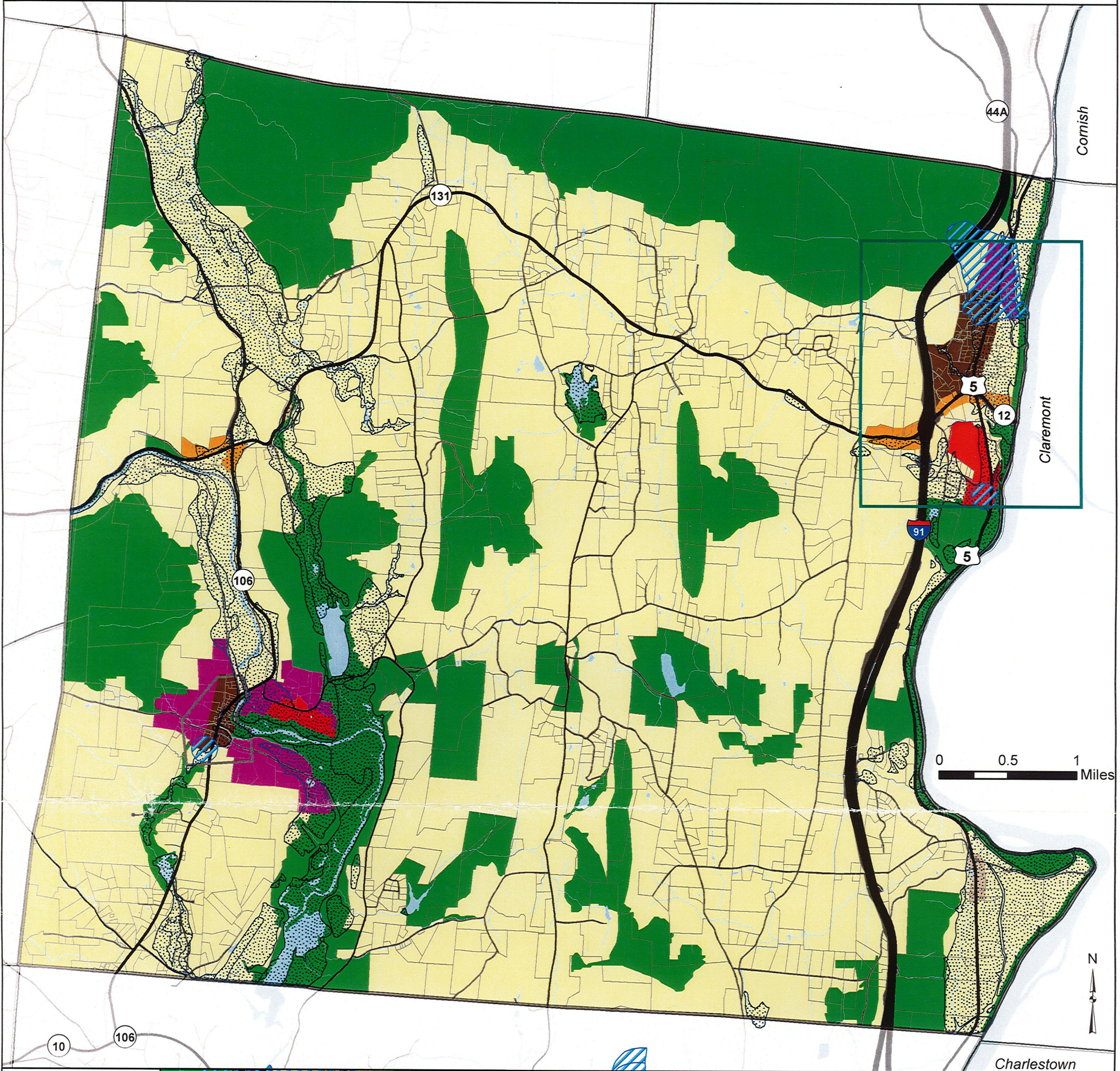
### 6.10.1

#### Application

This bylaw shall be applied to the Black River and any stream shown on the Town's Water Resources and Flood resilience Map (A.N.R. 2011). These shall be referred to as protected streams (rivers). See Definition of stream, Section 8.

2.3.1 WATER SOURCE PROTECTION AREAS; There are currently two private wellhead protection areas ( Country Estates and old Elementary School building) mapped in the Town of Weathersfield. In addition, Surficial Geologic Mapping done by the University of Vermont has identified several groundwater aquifers in town with the potential to supply significant amounts of potable drinking water. To protect these potential groundwater resources from contamination, the town has adopted the “GROUNDWATER PROTECTION OVERLAY DISTRICT BYLAW of the TOWN of WEATHERSFIELD.” This bylaw establishes what is known as the GROUNDWATER PROTECTION OVERLAY DISTRICT pursuant to 24 V.S.A. Chapter 117, Section 4414 (2). This district currently identifies the primary ( Zone A) aquifers on the town’s zoning map. Additional aquifers may be added as test wells confirm their viability.

BLANK




- Proposed Zoning Districts**
- Village (V)
  - Hamlet (H)
  - Highway Commercial (HC)
  - Industrial (I)
  - Rural Residential (RR1)
  - Rural Residential Reserve (RRR35)
  - Conservation (C10)
- River
  - Lakes and Ponds
  - Parcel Boundary
  - Village of Perkinsville
  - Weathersfield Boundary
  - Other Town Boundaries
- ROW
  - GroundWaterSPA
  - High Recharge Potential
  - Interstate
  - US and State Highway
  - Class 2 Town Highway
  - Class 3 Town Highway

VT State Plane, Meters, NAD 83  
For planning purposes only.  
Not for regulatory interpretation.

Data depicted on this map is based on best available information.

Future Land Use categories were last amended in September 2016 and May 2013. 2013 categories were likely adopted in 2013 as part of the Town Plan. The 2016 was adopted as part of the Town Plan on May 1, 2017.

Data Sources: Zoning Districts (Town and RPC 2019), Parcel Boundary (VCGI 2019), Roads (VTrans 2018), Town & Village Boundaries (VCGI 2016 & NHGrant 2009), Rivers and Ponds (VHD 2010).



**SOUTHERN WINDSOR COUNTY  
REGIONAL PLANNING COMMISSION**  
P.O. Box 320, Ascutney, VT 05030  
802-674-9201 www.swcrpc.org  
Map Drawn 09/17/2019



AGENDA ITEM

9

# Vermont Planners Association (VPA) Legislative Report – April 11, 2023

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*Reported by Alex Weinhagen, Kati Gallagher, Kerry Brosnan, and Darren Schibler*

With crossover in the rear view mirror, the Legislature's focus turns to reviewing the bills sent over by the other chamber. New bills may be introduced, but won't be passed this year (though they may be taken up during the second half of the biennium).

No new bills with a planning nexus were introduced in either chamber this week, so your VPA Legislative reporters followed up on existing bills.

## Updates on planning bills

### Senate

**S.100 - Omnibus Housing Bill** – The version of this bill that passed the Senate on March 31 is available on the Legislature's [website](#). The bill still has pre-emptions of municipal development review and zoning that are intended to boost housing production (e.g., parking minimums, residential density allowances, etc.). Interestingly, most of these provisions wouldn't take effect until December 1, 2024. The bill includes nothing as consequential on the State development review front to boost housing production. Duplicative State water/wastewater permits and fees will still be required for projects connecting to a municipal water/wastewater system. The very positive reform to eliminate this unnecessary State permit process was stripped from S.100.

Very little substantive or bold Act 250 reform remains in the bill. Act 250 "reform" includes:

- A temporary increase in the jurisdiction trigger (from 10 to 25 units) ONLY within designated downtowns, neighborhood development areas, and growth centers, and ONLY until July 2026.
- A temporary Act 250 exemption for priority housing projects in any size community ONLY within designated downtowns, neighborhood development areas, and growth centers, and ONLY until July 2026. More limited (size-constrained) exemptions already exist for priority housing projects in communities with populations under 10,000. The same blanket exemption already exists for priority housing projects in communities 10,000 or over.
- Master Plan permitting – Municipalities can seek an Act 250 master plan permit for an area within a designated downtown or neighborhood development area. Once granted, actual development consistent with the master plan permit would only require an Act 250 permit amendment rather than a separate Act 250 permit. In neighborhood development areas, this would only apply to residential development.
- Enhanced Designation – A municipality can seek "enhanced designation" for any designation area (e.g., downtown, neighborhood development area, growth center, village center). If received, any development within that designation area would be exempt from Act 250 review. In order to receive the enhanced designation, the municipality would have to apply to the Natural Resources Board, and demonstrate that the municipal development review bylaws are identical or at least consistent with model bylaws to be created by the Natural Resources Board.

All of the very positive fiscal provisions were stripped out of the bill, and presumably landed in the big budget bill instead (H.494). Hard to say for sure, as the big budget bill is relatively inscrutable for those outside the Legislature's money committees and the Administration.

S.100 will be discussed in two House Committees – [House General and Housing](#), and [House Environment and Energy](#). House General and Housing got an introduction to the bill last week. House Environment and Energy will get their introduction this week (Tuesday, 4/11), and will begin taking testimony on Wednesday (4/12), including input from VPA. House Environment and Energy is also looking for input on H.68 – most provisions of which were incorporated into S.100, albeit with revisions. Some problematic provisions related to municipal zoning pre-emption (e.g., parking minimums, residential density minimums) are still in the bill, so VPA will largely be reiterating the testimony we provided on the Senate side.

NOW is the time to engage with your Representative and with Representatives on the two committees noted above. If this bill is going to be effective, they need to hear more from municipal officials. VPA can help! Reach out, and we can help you be heard.

**S.115 - Misc. Ag & Stormwater Provisions** – This bill passed the Senate on Tuesday (4/4). As reported previously, this bill includes a study provision to consider exempting agricultural operations from regulation and fees by municipal stormwater utilities with the intent of better aligning with statutory limits as interpreted by the Agency of Agriculture. Interestingly, it also suspends all municipal stormwater fees and assessments on property's subject to the State's Required Agricultural Practices for one year (July 1, 2023 – July 1, 2024). Strange to study an exemption, but also provide the exemption before the study is even conducted.

**S.5 – Affordable Heat Act** – The bill passed the Senate on March 3, and is being considered by the House Environment and Energy Committee. Testimony and discussion ongoing.

## House

**H.126 – Biodiversity & Conservation** – As reported last week, after some amendments, this bill was approved by the full House on 3/24, and is scheduled for testimony before the Senate Natural Resources & Energy Committee on Thursday 4/13.

**H.276 – Rental Registry Study** – As reported last week, this bill was significantly pared down to a report due this December to assess cost, design, and implementation of a registry and consider the different possible ways to do it. The bill now rests with the Senate Committee on Economic Development, Housing, and General Affairs. VPA submitted a letter in support of the bill and the rental registry.

**H.222 – Reducing Overdoses / Recovery Residences** – This bill passed the House and will receive testimony this Tuesday 4/11 in the Senate Committee on Health and Welfare. As reported last week, one portion of this bill would require municipalities permit recovery residences as a single-family dwelling, similar to residential care homes and group homes. H.222 includes extensive details on how recovery residences would operate internally, which has evolved over the past few sessions. It was amended to include the definition of “recovery residence” that was part of H.241.

**H.31 – Aquatic Nuisance Control** – (no updates) This bill passed the House on Wednesday 3/29, and is now awaiting consideration by the Senate Committee on Natural Resources and Energy. As previously reported, this bill creates a study committee to look into the use of pesticides for the control of aquatic nuisances (e.g., Eurasian water milfoil).

## **Online Resources**

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