



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, June 12, 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 – May 22, 2023
-
6. **PUBLIC HEARING** – **Town Plan Amendment – Energy Section:** No update
 7. **Zoning Bylaw Discussion – All Districts:** Apartments as an allowed use
 8. **Zoning Bylaw Discussion – Conservation (C-10):** Map and Use Tables discussion
 9. **Planning Projects:** Status update
-
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, June 26, 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

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Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
DRAFT Monday, May 22, 2023 6:30 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Michael Todd
Joseph Bublat
David (Hank) Ainley (Online)
Ryan Gumbart, Land Use Administrator

Attendees: Julie Levy, Brian Bosenberg, Beth Gorton, Rika Henderson, Ken Blum
Online Attendees: None

1. Call to Order made by Paul Tillman, Chair 6:34 pm.
2. Agenda Review
No Changes
3. Comments from the Chair and Land Use Administrator
None
4. Comments from Citizens regarding items not on the agenda.
None
5. Approval of Meeting Minutes – April 24, 2023 and May 8, 2023
Joseph Bublat made a motion to approve the minutes from April 24, 2023 with corrections as needed.
Michael Todd – 2nd
Discussion – none
Vote – unanimous

Joseph Bublat made a motion to approve the minutes from May 8, 2023 with corrections as needed.
Michael Todd – 2nd
Discussion – none
Vote – unanimous
6. Public Hearing – Town Plan Amendment – Energy Section: No Update
This is a continuation for the Town Plan Amendment Hearing.

Michael Todd made a motion to continue the Public Hearing for the Town Plan Amendment to Monday June 12, 2023 at 6:30PM.

Joseph Bublat – 2nd

No discussion

Vote - unanimous

7. Bylaw 4.21 – Drug and Tobacco Paraphernalia Establishments: Discussion was had about the bylaw and how it was adopted by the selectboard but not signed. The bylaw is in affect and in the latest bylaw version. The selectboard adapted it to take affect as of 21 days after the adoption vote of the selectboard on February 16th 2016. The board talked about any new changes in the State laws that may need to be updated, Ryan will look into any changes or amendments if needed and get back to the board.
8. Zoning Bylaw Amendment – Conservation District (C10): Map and Use Tables Discussion – Discussion was had about the C10 district and the history of the previous proposed changes. Paul Tillman stated that this meeting was just an informational and data collection meeting. The board has asked Ryan to include some informational items in the next packet so the board can get into a deeper discussion. These items include, Maps current and future land use, a copy of the new bylaws, copy of scenic views, map overlays, community survey results, any recommendations for the conservation commission, and a blank land use map to mark up.
9. Planning Projects: Status Update

PLANNING COMMISSION PROJECTS

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
Town Plan Amendment – Energy	2/13 Hearing opened, PC requested LUA to break out General Standards from the Solar Standards and to add a Wind Standards section. 5/8 Hearing continued to 5/22.	Waiting on LUA to make changes as time allows.	Review LUA’s changes, vote on adoption, if in favor warn hearing for SB review.
Zoning Bylaws Amendment – Use Tables & Definitions	PC voted to approve and send the proposed amendments to the SB.	Waiting on Town Manager to schedule and warn a SB hearing.	Hold a hearing at the SB and vote.
Zoning Bylaws Amendment – PUD Review	Not in hearing, PC requested LUA to format a PUD standards table based on district.	Waiting on LUA to make changes as time allows.	Review LUA’s changes, discuss further. Once finalized, warn bylaw amendment hearing.
Subdivision Review - <u>Hodgdon</u>	5/10 decision distributed to appropriate parties by LUA.	Waiting on landowner to notify LUA of placement of corner markers.	Applicant will record the survey plan with the Clerk.
Subdivision Review – Ascutney Market	3/27 PC voted to approve sketch plan.	Applicant has submitted an application for a variance review by the ZBA. The hearing has not been warned.	If ZBA votes in favor of the applicant, they would apply for a Final Plat Review by the PC.
PUD Review – Habitat for Humanity	4/24 PC voted to approve sketch plan.	Applicant has submitted an application for a variance,	If ZBA votes in favor of the applicant, they would come back the PC for Final Plat

		conditional use, and site plan review by the ZBA.	Review. Application submitted as part of PUD application. The PC has to schedule a hearing by 6/23.
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10. Discussion of items for future agendas

- Maps with overlays
- Town Plan Energy Section – continuation
- C-10

11. Any other business that can be legally discussed – none at this time.

12. Adjourn

Howard Beach made a motion to adjourn at 8:00 pm
Michael Todd – 2nd
No discussion
Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, June 12, 2023 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson

DRAFT

AGENDA ITEM

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Article 4: Specific Use Standards

4.1 Accessory Dwelling Unit

An accessory dwelling unit shall be a permitted use in all residential districts (Village, Hamlet, Rural Residential, Rural Residential Reserve, and Conservation) and a conditional use in the Highway Commercial district. An accessory dwelling unit shall be defined as an efficiency or one-bedroom apartment, located within or appurtenant (see Definitions) to an owner-occupied single-family dwelling, that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all of the following:

- a) The property has sufficient wastewater capacity.
- b) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling.
- c) Applicable setback and parking requirements specified in the bylaws are met.

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The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 117 : Municipal And Regional Planning And Development

Subchapter 007 : Bylaws

(Cite as: 24 V.S.A. § 4412)

§ 4412. Required provisions and prohibited effects

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

- (1) Equal treatment of housing and required provisions for affordable housing.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw may require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. An accessory dwelling unit means a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

- (i) The property has sufficient wastewater capacity.

- (ii) The unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

(F) Nothing in subdivision (1)(E) of this section shall be construed to prohibit:

- (i) a bylaw that is less restrictive of accessory dwelling units; or

- (ii) a bylaw that regulates short-term rental units distinctly from residential rental units.

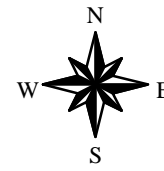
(G) A residential care home or group home to be operated under State licensing or

AGENDA ITEM

8

ZONE MAP OF WEATHERSFIELD VERMONT

SCALE: 1" = 4000'



ZONING DISTRICTS

- C10 Conservation 10
- H Hamlet
- HC Highway Commercial
- I Industrial
- RR1 Rural Residential
- RRR35 Rural Residential Reserve
- V Village

- U.S. Army Corps of Engineers Property
- Interstate 91 Right of Way
- HISTORIC PRESERVATION (reference action 6.11)
 - Weathersfield Center Meetinghouse and Grove
 - Dan Foster House and Grounds
 - Cascade Falls
 - Salmond Covered Bridge
 - Upper Falls Cover Bridge

- WATER
- TOWN LINE
- ROAD

NOTES

THIS MAP IS BASED ON THE TOWN OF WEATHERSFIELD, VERMONT PROPERTY MAPS. EXISTING DIGITAL FILES WERE OBTAINED FROM THE TOWN AND REVISED IN 2003 BY CARTOGRAPHIC ASSOCIATES, INC.

PROPERTY LINES CURRENT TO APRIL 1, 2011

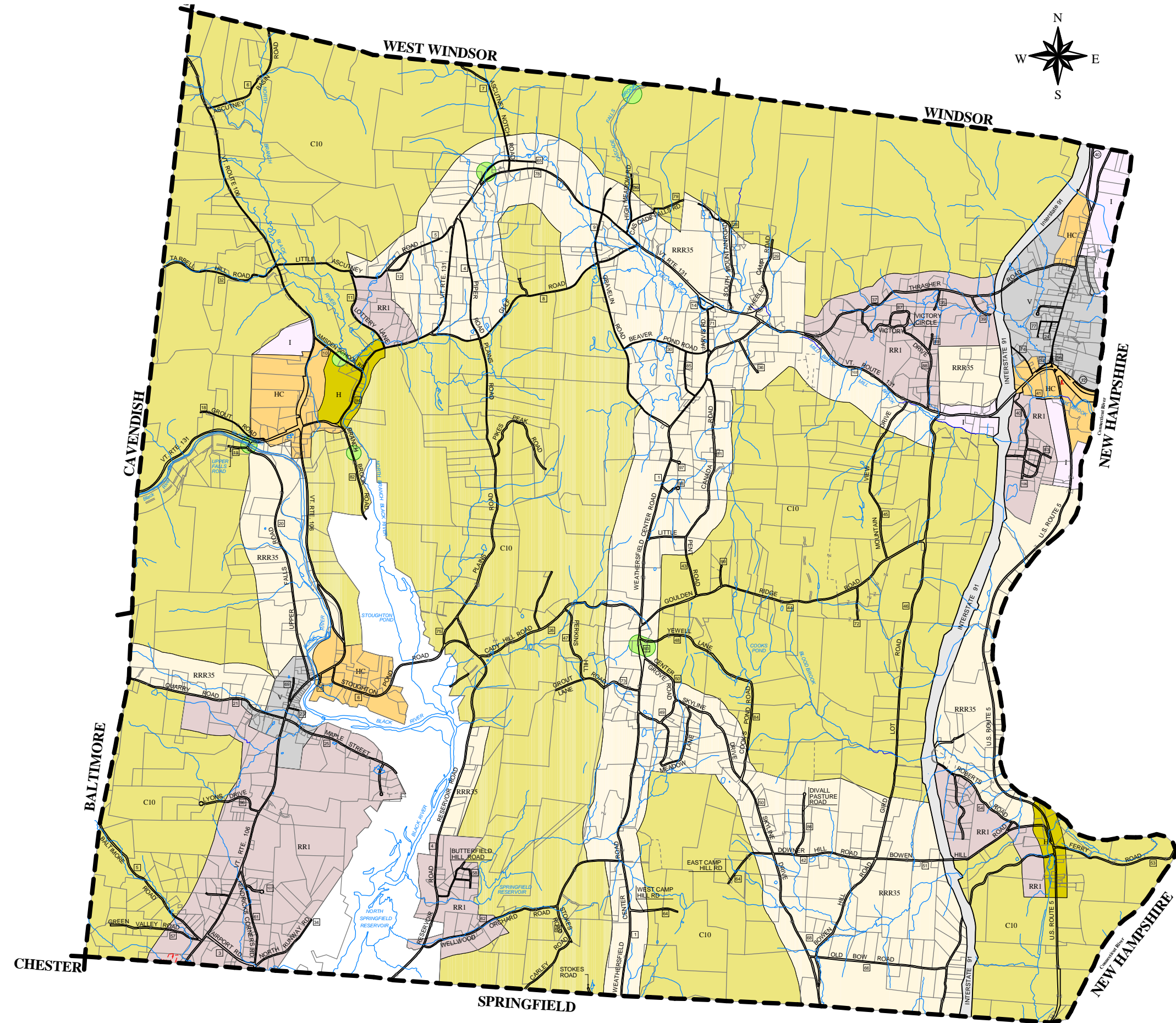
SOURCE OF ZONING INFORMATION IS FROM MAP ENTITLED: "TOWN OF WEATHERSFIELD, VT - ZONING, AS ADOPTED JANUARY 4, 1994" PREPARED BY SOUTHERN WINDSOR COUNTY REGIONAL PLANNING COMMISSION AND MICRODATA.

THIS MAP IS INTENDED FOR REFERENCE AND PLANNING PURPOSES ONLY. IT MAY NOT BE ADEQUATE FOR LEGAL BOUNDARY DEFINITION OR REGULATORY INTERPRETATION.

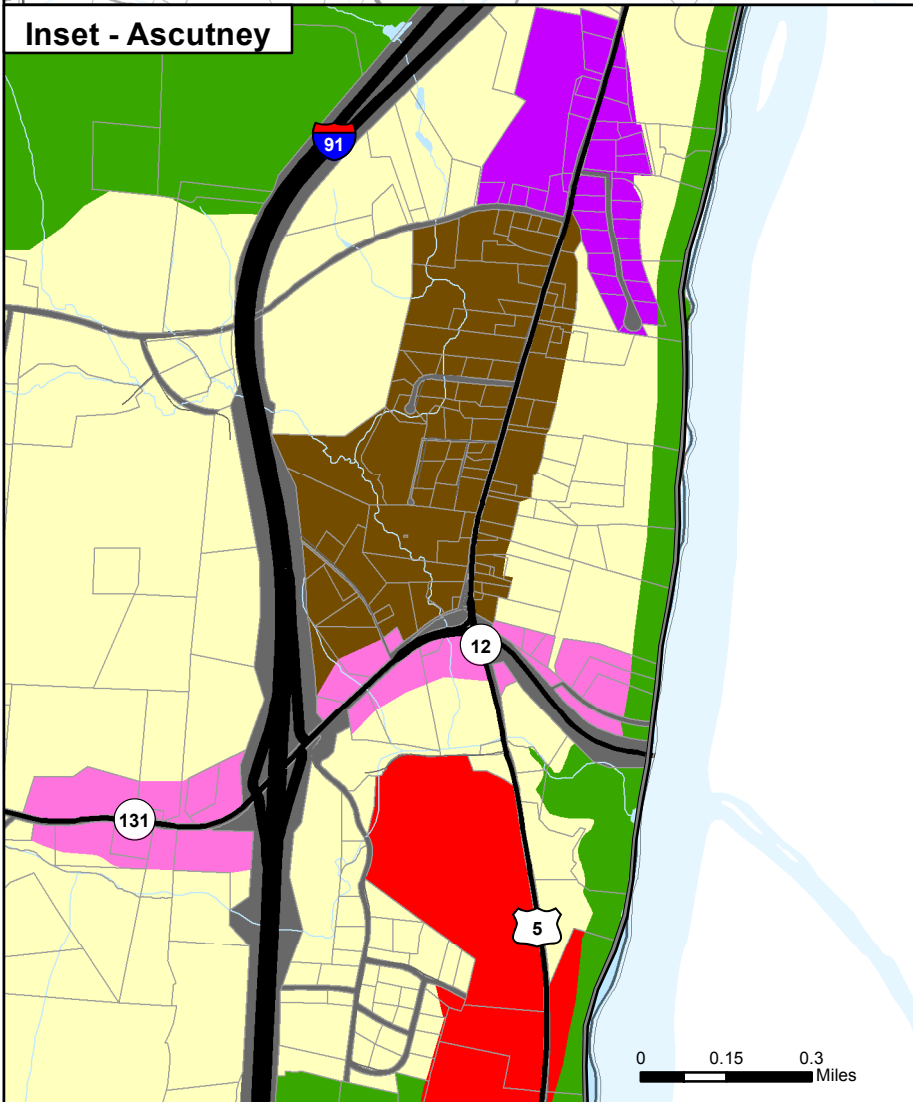
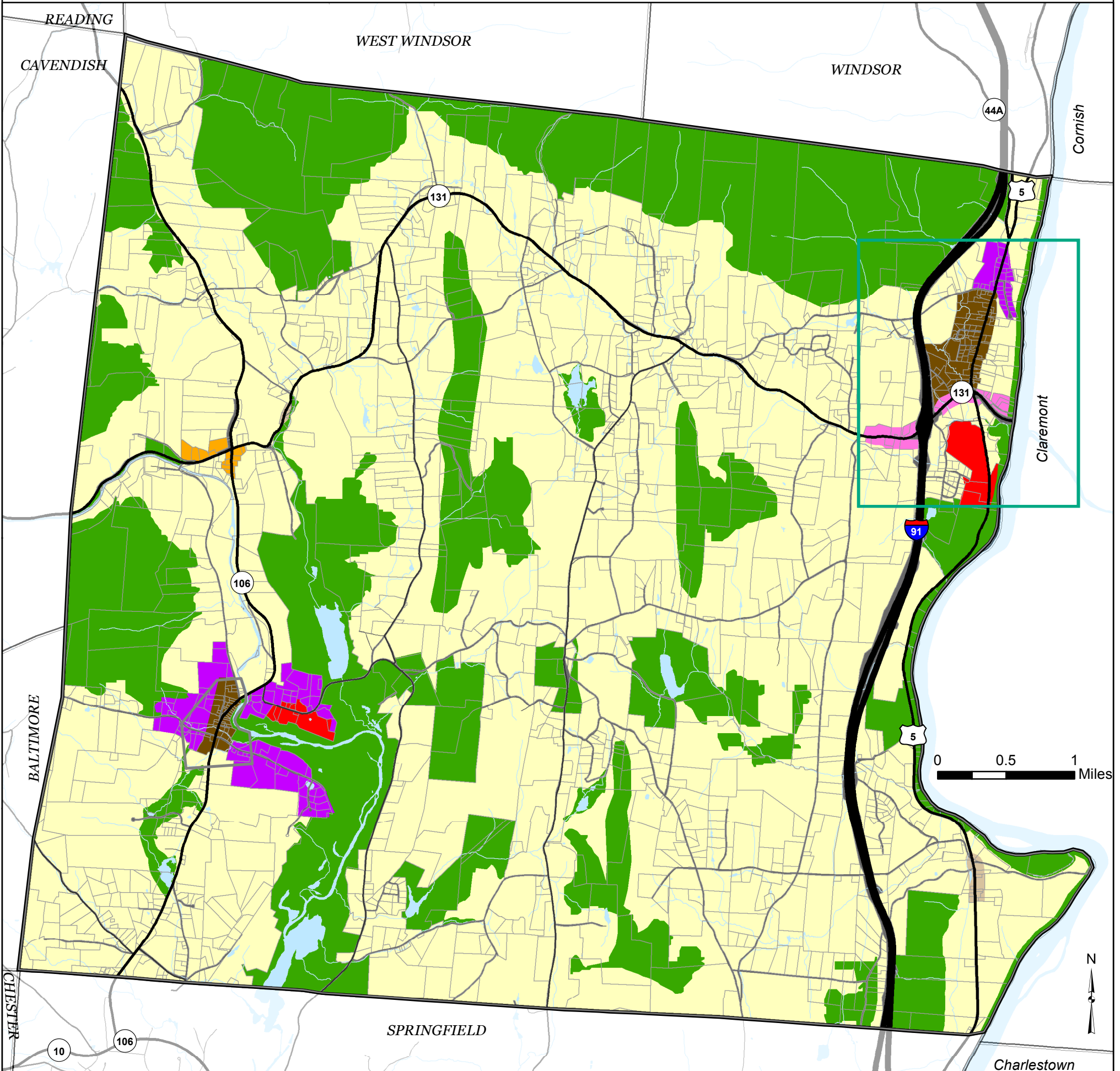
PRODUCED BY

CARTOGRAPHIC ASSOCIATES, INC.

PROFESSIONAL GIS CONSULTANTS
 MUNICIPAL MAPPING - GIS - PUBLIC WORKS INFORMATION MANAGEMENT
 11 PLEASANT STREET, LITTLETON, NH 03561
 (603)444-6768 - (800)322-4540 - FAX (603)444-1366
 WWW.CAI-INFO.COM



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Future Land Use Categories

- Village
- Hamlet
- Light Industrial
- Mixed Use - Downer's Corners
- Mixed Use - Interchange
- Residential
- Rural
- Conservation
- ROW
- Interstate
- US and State Highway
- Class 2 Town Highway
- Class 3 Town Highway


- River
- Lakes and Ponds
- Parcel Boundary
- Village of Perkinsville
- Weathersfield Boundary
- Other Town Boundaries

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: Future Land Use Categories (Town and RPC 2017), Parcel Boundary (CA 2016), Roads (VTrans 2015), Town & Village Boundaries (VCGI 2012 & NHGranit 2009), Rivers and Ponds (VHD 2008).

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.



**SOUTHERN WINDSOR COUNTY
REGIONAL PLANNING COMMISSION**
P.O. Box 320, Ascutney, VT 05030
802-674-9201 www.swcrpc.org
Map Drawn 09/28/2016

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Section 5.
ZONING DISTRICTS
MAP

CONSERVATION DISTRICTS ARE NECESSARILY APPROXIMATE. THE ACTUAL CONDITION OF THE LAND SHALL PREVAIL OVER BOUNDARIES INDICATED ON THE MAP.

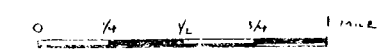
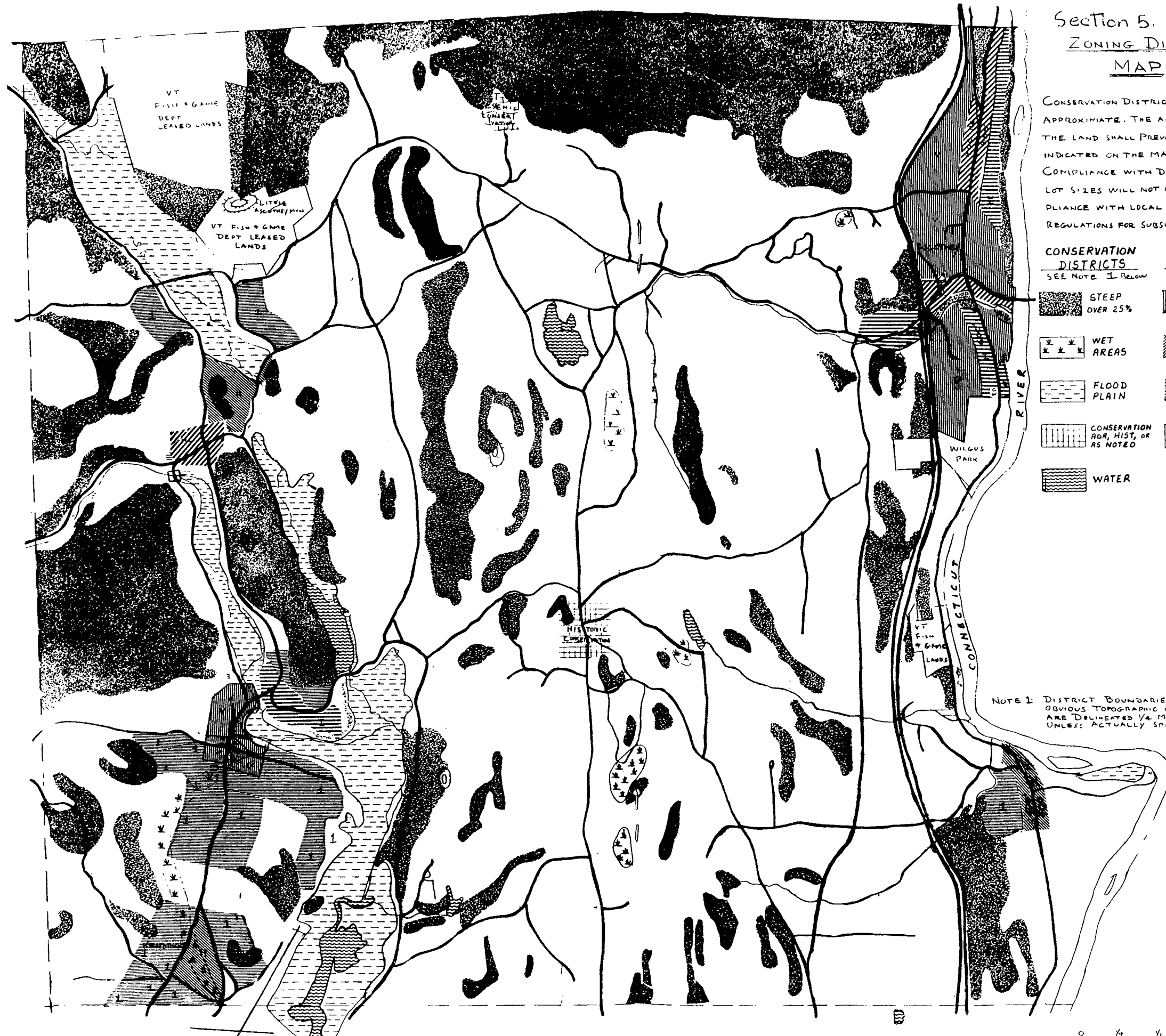
COMPLIANCE WITH DISTRICT MINIMUM LOT SIZES WILL NOT GUARANTEE COMPLIANCE WITH LOCAL OR STATE HEALTH REGULATIONS FOR SUBSURFACE SEWAGE SYSTEMS.

<u>CONSERVATION DISTRICTS</u>	<u>RESIDENTIAL DISTRICTS</u>
SEE NOTE 1 BELOW	
STEEP OVER 25%	VILLAGE
WET AREAS	HAMLET
FLOOD PLAIN	RR1
CONSERVATION AGR, HIST, OR AS NOTED	RRR 3-5
WATER	

COMMERCIAL DISTRICTS

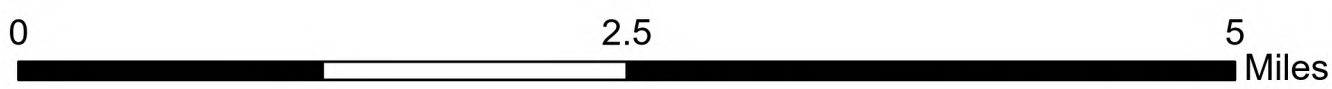
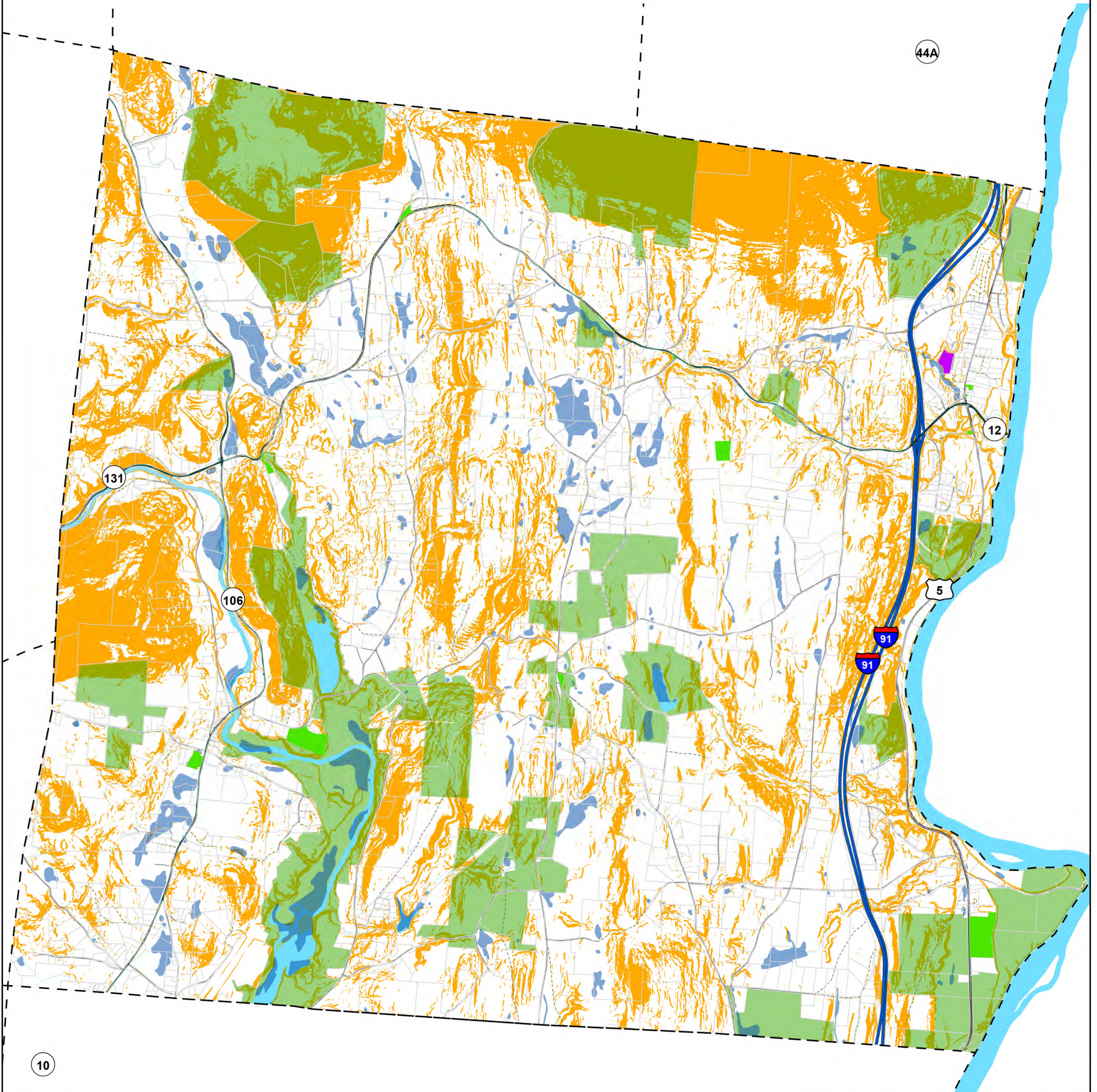
HIGHWAY COMMERCIAL
INDUSTRIAL

NOTE 1: DISTRICT BOUNDARIES UNDEFINED BY OBVIOUS TOPOGRAPHIC OR GEOGRAPHIC FEATURES ARE DELINEATED 1/4 MILE PARALLEL TO HIGHWAY UNLESS ACTUALLY SPECIFIED.



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Draft Development Constraints Map Town of Weathersfield



- | | | | |
|----------------------|----------------------------------------------------|----------------------------|-------------------------------------------|
| Town Owned Land | Steep Slopes (>25%) and High Elevations (>1,500ft) | State Highway | Forest Road, Legal Trail, or Private Road |
| School District Land | Parcels | Class 1 Town Highway | Wetlands |
| Conserved Land | Interstate | Class 2 and 3 Town Highway | Lakes and Ponds |
| | US Highway | Class 4 Town Highway | River or Stream |

Map for planning purposes only.
Not for regulatory interpretation.

DRAFT
September 26, 2022

VT State Plane, Meters, NAD 83
Data depicted on this map are for planning purposes only and are based on best available information from VCGI and other sources. Some of the data – for example, town boundaries and parcels – do not line up.

Data sources: Road centerline (VTrans 2022), Parcels (VCGI 2021), Elevations from Digital Elevation Model (DEM) VCGI 2016), Slopes (VCGI 2021), Conserved Public Lands (VCGI and Partner Organizations 2021), Town Boundary (Vermont from VCGI 2016 and New Hampshire from USGS/ Granit 2009)

- Development Prohibited layer includes:
- Elevations 1500ft or above
 - Slopes greater than 25%
 - Conserved land

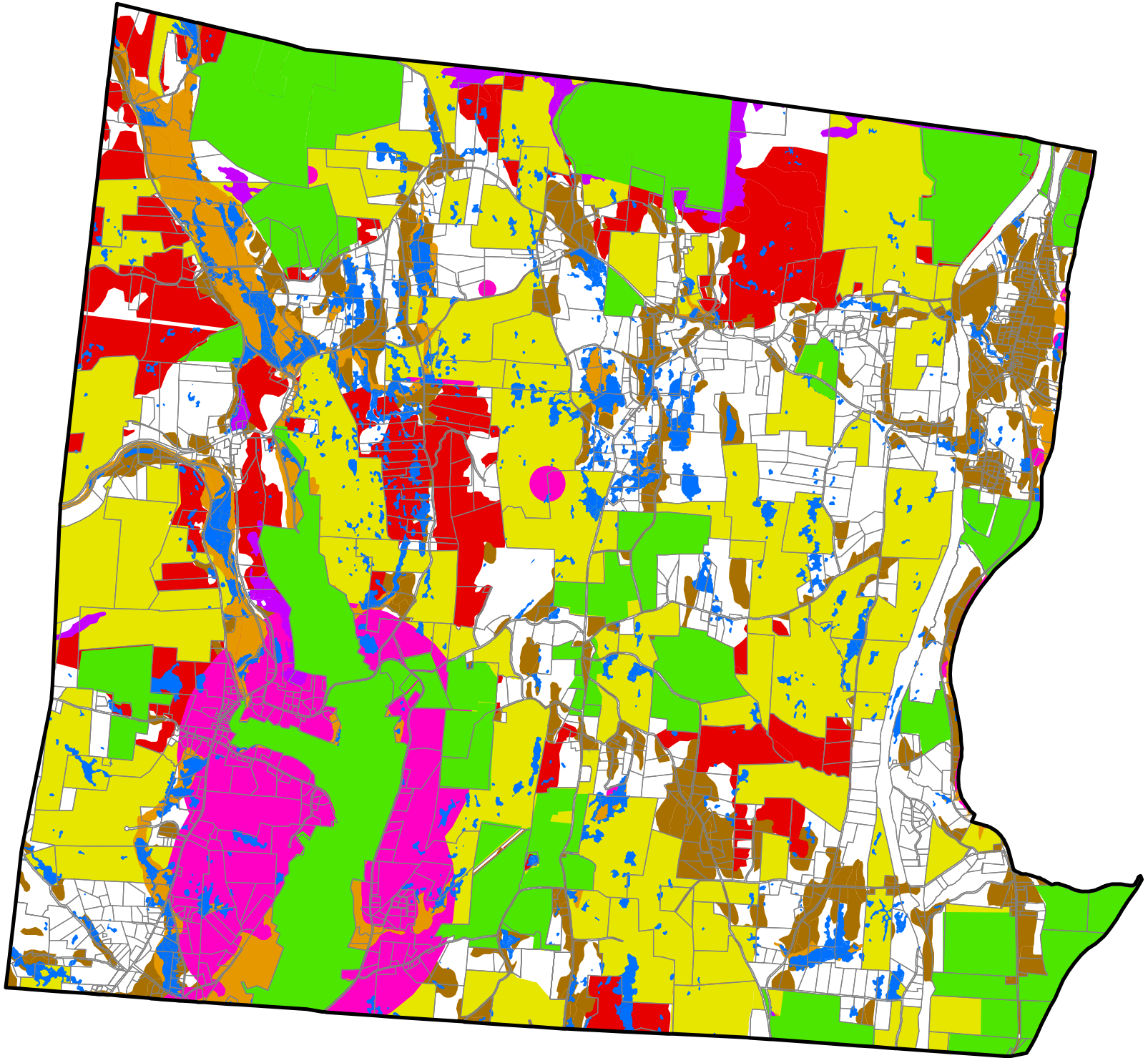


Mount Ascutney
Regional Commission

PO Box 320, Ascutney, VT 05030
www.marcvt.org









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WEATHERSFIELD DEVELOPMENT LIMITATIONS

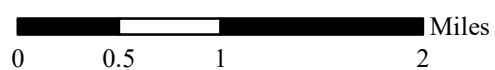


* Does not include steep slopes, deed restrictions, or open water

Legend

-  Prime Agricultural Soil
-  Deer Wintering Areas
-  Flood Hazard Areas
-  Use Value Appraisal Parcels
-  VT Protected Lands Database
-  Wetlands
-  Significant Natural Communities
-  Rare Threatened and Endangered Species

1:60,000



NOT A LEGAL SURVEY
Data obtained from State of Vermont

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CURRENT BYLAWS

2.5.5 Conservation (C-10)

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

Uses that do not require a Zoning Permit: The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

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

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

Permitted Principal Uses:

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

Permitted Accessory Uses:

- Accessory dwelling unit
- Accessory use or structure
- Adult day care service
- Athletic structures
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home
- Home occupations
- Ponds
- Seasonal roadside stand
- Signs, permanent
- Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility^{1,3}
- Campground, resort, children's camp^{1,3}
- Cemetery
- Church (see Semi-Public)^{superscript?}

CURRENT BYLAWS

- Contractor's storage^{1,3} (materials, machinery, heavy equipment)
- Family child care facility^{1,3}
- Inn/small hotel^{1,3} (must not defeat purpose of the District)
- Medical facility^{1,2,3}
- Extraction of earth resources^{1,2,3}
- Outdoor recreation facility^{1,2,3} (must not defeat the purpose of the District)
- Public water, sewage treatment plant^{1,2,3}
- School^{1,2,3}
- Semi-public^{1,2,3}
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock
- Home Industry
- Wireless Communication Facilities^{2,3}
- Single family PRD^{1,2,3}

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

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

Area, Land, & Structural Requirements:

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

CURRENT BYLAWS

Lot Area Minimum:

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

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

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

Building Height:

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

- 1 Site Plan Review required
- 2 General/Special Provisions apply
- 3 Certificate of Occupancy required

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PROPOSED BYLAWS

2.5.5 Conservation (C-10)

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

Uses that do not require a Zoning Permit: For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations.

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

Permitted Principal Uses:

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

Permitted Accessory Uses:

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

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

Conditional Principal Uses:

- Adult day care facility^{1,2,3}, Section 4.2.2
- Campground, resort, children's camp^{1,3}
- Public cemetery
- Contractor's storage yard^{1,3} (materials, machinery, heavy equipment)
- Family child care facility^{1,2,3}, Section 4.2.1
- Inn/small hotel^{1,3} (must not defeat purpose of the District)
- Medical facility^{1,3}
- Extraction of earth resources^{1,2,3}, Section 4.3

PROPOSED BYLAWS

- Outdoor recreation facility^{1,3} (must not defeat the purpose of the District)
- Public water, sewage treatment plant^{1,3}
- School^{1,3}
- Semi-public^{1,3} (primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Other uses^{1,2,3} (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

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

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

- Gasoline/service station
- Highway commercial
- Indoor recreation facility
- Industry
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park, Section 4.9
- Residential, Two-family (new construction)
- Residential, Multi-family
- Non-highway commercial
- Small enterprise
- Self-storage facility

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
2. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
3. Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant. Standards for soil suitability are available from the Soil Conservation Service.

Lot Area Minimum: 10 acres

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

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

PROPOSED BYLAWS

Building Height:

Maximum building height: 35 feet

Notes:

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

AGENDA ITEM

9

PLANNING COMMISSION PROJECTS

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
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PUD Review – Habitat for Humanity	4/24 PC voted to approve sketch plan.	Applicant has submitted an application for a variance,	If ZBA votes in favor of the applicant, they would come back the PC for Final Plat

		conditional use, and site plan review by the ZBA.	Review. Application submitted as part of PUD application. The PC has to schedule a hearing by 6/23.
Aquifer Protection Overlay District	Asked MARC to update Zoning Map to show overlay district	Waiting on MARC to make changes to map	Amend Sec. 2.3.1 and 4.1 of TP.