



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, August 14, 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 – July 24, 2023
-
6. **PUBLIC HEARING** – **Town Plan Amendment – Energy Section:** Review input from MARC
 7. **Aquifer Protection Overlay District:** Discuss input from MARC
 8. **Airport Overlay District:** Review map from MARC
 9. **Act 47 (HOME Act):** Review changes to statutes and implications for zoning bylaws
 10. **Grant opportunities:** Discuss various grants and options including consortium
-
11. Discussion of items for future agendas
 12. Any other business that can be legally discussed
 13. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, August 28, 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, July 24th, 2023
MARTIN MEMORIAL HALL, ASCUTNEY VERMONT
5459 Rt 5

DRAFT MINUTES

Planning Commission and ZBA Members in attendance:

Paul Tillman	Planning Commission
Howard Beach	Planning Commission
Michael Todd	Planning Commission
Joseph Bublat	Planning Commission and ZBA
David (Hank) Ainley	Planning Commission
Todd Hingdinger	ZBA

Ryan Gumbart – Land Use Administrator
Diana Day ZBA Recording Secretary

Members Not in attendance:

One member of the ZBA

Attendees:

Neil Daniels
Andrew Grimson
Michael Supranouitz
John Heats
Jack Kandurs
Julie Levey
Gary Rapanotti

Online Attendees:

“Beth + Brian”
Brian Bosenberg

1. Meeting was called to order by **Paul Tillman** at 6:31 P.M.
2. Agenda Review – No changes.

3. Comments from the Chair and land Use Administrator – No comments from the LUA. Paul Tillman talked about the open meeting laws and right to know act in regard to information sent in an email from the Towns attorney that is classified as “attorney client privilege”. This information does not have to be shared with the public as submitted by the attorney. Todd Hingdinger asked to talk about “ex parte communications” and the definition of “deliberative session”. Todd gave a brief description of the definition of each and how they should be handled if needed.
4. Comment from citizens regarding items not on the agenda – No comments from Citizens.
5. Approval of meeting minutes – July 10, 2023 – Discussion – Todd Hingdinger had some corrections for the ZBA part of the minutes and the date for the next scheduled Planning commission meeting needs to be changed.

Joseph Bublat made a motion to accept the minutes from July 10th, 2023 with correction.

Seconded by Mike Todd, Motion Passed 5-0

6. Public Hearing – Combined Hearing Continued – Habitat for Humanity PUD Project
Ryan Gumbart presented information about the number of units that could be on the PUD subdivision. The 4 units as presented fits within the bylaw definitions per Town Council. Habitat for Humanity will get the information asked for by the ZBA. Please see the ZBA minutes for more information.

Paul Tillman made a motion to continue the Hearing to August 28th at 6:30.

Seconded by Howard Beach, Motion Passed 5-0

7. Public Hearing – Town Plan Amendment – Energy Section: No update
Paul Tillman made a motion continue the Hearing to August 14th at 6:30PM

Seconded by Mike Todd, Motion Passed 5-0

8. Sketch Plan Review – Danials subdivision 1st meeting, Application # 23.07.19.SP

Please see **Attachment A** for sketch plan review application, map, and letter from the Neil Danials giving Gary Rapanotti authority to represent Neil in this process. Mike Todd asked to have the setbacks for any building envelope on the map.

Paul Tillman made a motion to approve the Sketch Plan Review application for Neil Danials – Application # 23.07.19.SP

Seconded by Mike Todd, Motion Passed 5-0

Paul Tillman made a motion to hold a public hearing for application 23.07.19.SP Neil Danials subdivision to be held on August 28th 2023 at 6:30PM.

Seconded by Mike Todd, Motion Passed 5-0

9. Zoning Bylaw Discussion – “Mixed use” – Apartments in commercial buildings – Ryan talked about what other Towns do to accommodate apartments in these areas with a “mixed use” definition. Ryan will keep this information and present some ideas when the board returns to the “usage table” discussions.
10. Planning Projects – Updates –
Ryan presented the planning project update list below.

PLANNING COMMISSION PROJECTS

Listed in order of priority

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
1. PUD Review – Habitat for Humanity	7/10 PC held Combined Hearing with ZBA. More information was requested from the applicant and a legal opinion was requested from Town Counsel.	Hearing is scheduled to be continued on 7/24.	Applicant will get requested information for review, LUA will get legal opinion from Town Counsel.
2. 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. 7/10 Hearing continued to 7/24.	Waiting on MARC to make changes as time allows.	Review changes, vote on adoption, if in favor warn hearing for SB review.
3. Zoning Bylaws Amendment – Use Tables & Definitions	Town Manager scheduled a SB hearing for 8/7.	Waiting for SB to hold hearing on 8/7.	Wait for vote from SB.
4. 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.
5. 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.
6. Subdivision Review – Ascutey Market	7/7 ZBA issued decision to deny applicant’s request for variance.	LUA is unaware of an appeal to the E. Court	None at this time. Project to be removed from list.

Future Projects:

- Add "Mixed Use" to Use Tables
- Update Floodways and Floodplains language
- Update Scenic Resources section of Town Plan
- Update Future Land Use Map in Town Plan
- Work with Fire and Police Departments on Standards for development

11. Discussion of items for future agendas – No other item for future agendas.
12. Any other business that can be legally discussed – No other business was discussed.
13. Adjourn – Meeting adjourned at 8:20 P.M.

Paul Tillman made a motion to adjourn at 8:20 P.M.

Seconded by Mike Todd, Motion Passed 4-0

The next regularly scheduled meeting of the Planning Commission will be Monday, August 14th, 2023 - 6:30 PM, Martin Memorial Hall.

Respectably submitted by,
Chauncie Tillman
Paul Tillman

Attachment A

July 3, 2023

I, Neil M. Daniels, Trustee of the
1998 Lillian Daniels Trust authorize Gary Rapanotti
to represent me in all matters pertaining to my
July 2023 2-Lot Subdivisions

Neil H. Daniels

July 3, 2023

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 # 23.07.19.SP

Applicant Name NEIL DANIELS TRUSTEE, 1998 WILLIAM DANIELS TRUST
Address (Mailing) 1998 East Camp Hill Road, Springfield, VT 05156
Telephone # _____ Email Address _____

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

Subdivider Name SAME GARY RAPANOVI
Address (Mailing) POB 828 SPRFLD, VT 05156
Telephone # _____ Email Address SURVEYOR@VERMONTTEL.NET

Name of Project SAME
Tax Map/Parcel Number 13-01-5
Location of Subdivision EAST CAMP HILL RD.

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

LOT 1 22.14 A
LOT 12 36.11 A
FOR FORESTRY PURPOSES

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.

[Signature] FOR NEIL DANIELS 7/19/23
Landowner Signature Date

(See checklist on reverse side)

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

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

Meeting date at which you should be present: July 24, 2023

FOR OFFICE USE

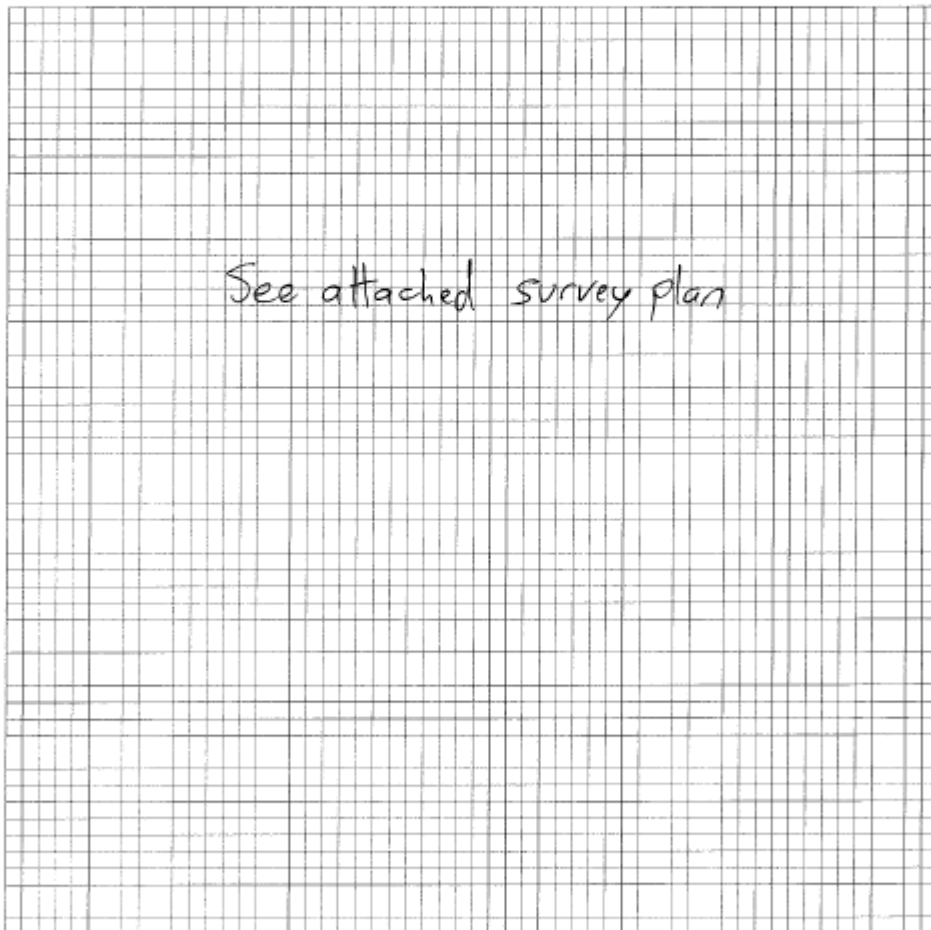
Date Received July 7, 2023 Fee Paid \$100.00
 Date presented to the Planning Commission _____

 Application No. 23.07.19.SUB Date of Notice NA
 Date received by AO July 19, 2023 Date of Hearing NA
 Fee Paid \$ 100.00 Date of Decision _____
 Date Paid July 19, 2023 Appeal granted _____ denied _____

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

Sketch Plan Drawing

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

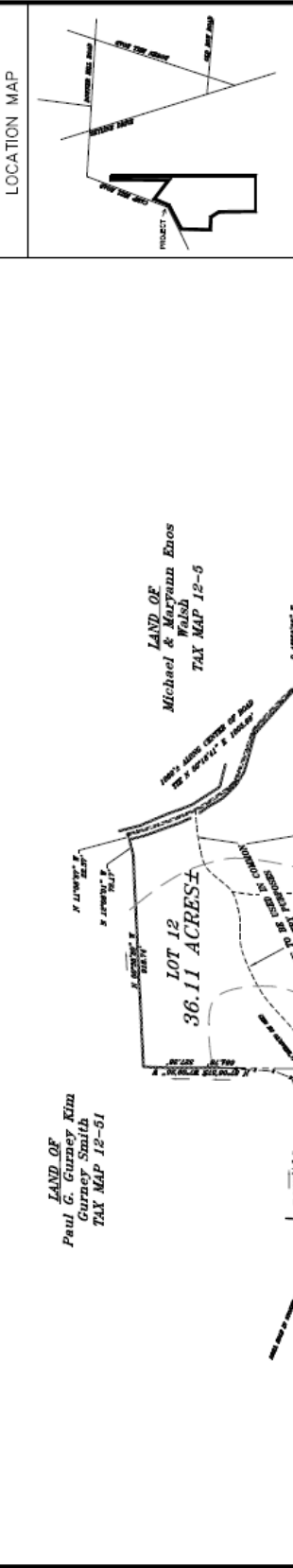
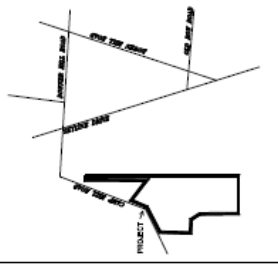


Land Use Administrator Signature _____

Applicant Signature _____



LOCATION MAP



Warning of Development Rights for Lots 1 & 12
 In order to comply with State of Vermont, water quality regulations, the grantee shall not construct, alter, or use any structures on the above mentioned lots if the useful occupancy of the structures will require the installation of a septic system. The above conditions shall apply if the grantee or someone obtains an approved permit from the town. This condition runs with the land and binds the grantee and successors in interest.

FINAL PLAT #
 Herein complete linkage of buildings and conditions applicable to the land.
 This plat is a plat of a building and its appurtenances.
 This plat is a plat of a building and its appurtenances, and of a portion of a building and its appurtenances.
 This plat is a plat of a building and its appurtenances, and of a portion of a building and its appurtenances, and of a portion of a building and its appurtenances.
 This plat is a plat of a building and its appurtenances, and of a portion of a building and its appurtenances, and of a portion of a building and its appurtenances, and of a portion of a building and its appurtenances.

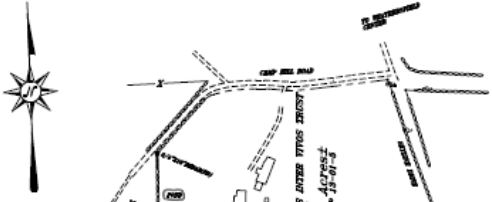
RECORDED WITH CHARGE
 REGISTERED FOR DEPOSIT
 At _____ o'clock _____ min. on _____
 and recording at _____ AM/PM _____
 record.

I hereby certify that the facts herein stated are true and correct as far as they are within my knowledge, and that I have duly read and understand the contents of this plat.

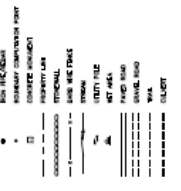
VT LS #33

GARY RAPANOTTI L.S.

Substantive Plats
 Not a Notary Public of the State of Vermont
 Public Trustee of the State of Vermont
 112 S. Main St., Suite 1000, Montpelier, VT 05602
 Phone: (802) 255-1343



- NOTES
1. The parcels shown were platted by Toned Station and UTM, 655, survey and record. The requirements for a platting survey are set forth by the State of Vermont.
 2. The bearings shown on this plan refer to Vermont State Plane grid north and serve only to define angular relationships between the courses shown.
 3. Refer to a survey, "Nell Daniels", by Southern Vermont Surveyors, revised 9/1/1997.
 4. Refer to a survey, "Daniels", by Gary Rapanotti L.S., drawing 19-1502, dated May 3, 2016.
 5. The parcel shown was conveyed to Ullin Daniels, trustee in volume 102 page 157 of the Westfield land records.



Zoning Board of Adjustment &

Planning Commission

July 24, 2023

Draft Meeting Minutes

1. Introductions

Zoning Board members present at the meeting were Todd Hindinger and Joseph Bublat. Ryan Gumbart, land use administrator, was also in attendance.

Planning Commission members present at the meeting were Howard Beach, Paul Tillman, Joseph Bublat, Mike Todd, and David Ainley.

The audience members were Andrew Grimson, Brian Bosenberg, Beth Huntoon, Neil Daniels, Gary Rapanotti, Julie Levy, John Heath, Jack Kauders, and Michael Supranowitz.

2. Call to order

Paul Tillman called the meeting to order at 6:31 PM.

3. Agenda Review

There were no changes.

4. Comments from the Chair and Land Use Administrator

Paul Tillman stated that the Town's attorney stated that any communication between his client(s) and him are exempt. It does not have to be shared.

Todd Hindinger read over the definition of exparte communication to everyone. Paul Tillman stated that if anyone has any doubt as to whether or not it is, be safe and don't say anything. The Select Board did discuss the ability to have online meetings because some people have not been able to get onto some meetings. They did not mention any meeting in particular. The Town manager is looking into better internet service for the Town Office. Todd Hindinger stated that Dave Fuller contacted him to make sure that the Bylaws are being followed. He informed him that they were. During a deliberative session, the members of the Board and Commission can discuss the hearing. Paul Tillman mentioned how the Select Board would like to see a quicker turnaround for the Zoning Board, less than 45 days. Todd Hindinger stated that the Board does them as quickly as they can. Some decisions take longer than others. Also, the Zoning Administrator is only part time.

5. Comment from citizens regarding items not on the agenda

There were none.

6. Approval of Planning Commission Meeting Minutes – July 10, 2023

Joseph Bublath made a motion to approve the minutes of July 10, 2023 with corrections. Mike Todd seconded it. All were unanimous. The motion passed.

7. Public Hearing: Combined Hearing: Habitat for Humanity PUD Project

Paul Tillman opened the hearing at 6:49 PM. Ryan Gumbart followed up with the attorney. The attorney agrees that there could be up to twelve dwellings units on this property. In reference to 5.5.6 C, the dwellings can be distributed among any number of buildings and the Planning Commission can modify the Zoning Regulations.

Paul Tillman wanted to know if anyone had spoken with the police chief in regards to his letter stating that this does have adverse effects. Ryan Gumbart stated that the Board and Commission can make a decision in regards to his comments. It does not have to address any specific undo adverse effect. He did not point to any specific standard. According to the subdivision regulations, this form is required to be filled out. Todd Hindinger stated that the form allows us to see what the municipalities have to say about any undo effects. He asked Ryan Gumbart how many new houses have been built in Weathersfield this year. Ryan Gumbart stated that there have been ten. Paul Tillman stated that the Board and Commission have to be able to defend their decision(s) from what is presented at the hearings. Ryan Gumbart stated that it is not a request for their approval. They do not have any standards. There are only State standards.

Andrew Grimson stated that it has not been figured out in regards to a 5,000 or 10,000 gallon water tank. He met with the Prudential Committee in regards to water for this project. They want him to come back once he has hired an engineer.

Todd Hindinger stated that the Zoning Board has a conditional use review and a site plan review. The form filled out by the municipalities will be looked at during those reviews. In the Board's decisions, there will be findings. Mike Todd wanted to know if the Planning Commission approves this subdivision, are they done. Paul Tillman stated no that we are still in the hearing. In the past, the Commission would come out of the hearing and make the decision. The Commission is making a decision for the PUD review. Ryan Gumbart stated that there are four reviews. They don't have to be all done at one time. It is still a combined hearing. The density question has been answered. The Commission could make a motion on the density. Hank Ainley stated that with the layout being presented, they are asking us for a modification for the density.

Mike Todd stated that the attorney says it could be two separate units. The Commission has latitude with the setbacks. Andrew Grimson stated that they still need to have the property surveyed and are in the process of purchasing the grange. Mike Todd stated that up to twelve units are allowed. Paul Tillman stated that the attorney said that the Commission has the ability to amend it. He does not feel comfortable with twelve units on this property. The applicants presented to us four buildings. We do have the latitude to go up to twelve, but I would like to stay with what was presented to us. Howard Beach stated that this application is for four buildings. He is fine with that. Paul Tillman, Mike Todd, Hank Ainley, and Howard Beach were in favor of the four buildings being allowed there. This solved the density question. Joseph Bublat was not. He stated that there still is an issue with the setback and the comments from the police and fire department. Mike Todd stated that they are trying to purchase the grange, so there might not be a setback issue. Paul Tillman stated that the comments from the police and fire department does not have to be solved now. Ryan Gumbart stated that a precedent can be set with the density issue within the currenct Bylaws. Mike Todd stated that each PUD is separate and might not be approved.

Paul Tillman made a motion to continue this Zoning Board and Planning Commission hearing to August 28, 2023 at 6:30 PM. Howard Beach seconded it. All were unanimous to continue this hearing.

Respectfully submitted,
Diana Stillson

AGENDA ITEM

6

Weathersfield Planning Commission
Amendment to the Weathersfield Town Plan
ENERGY

7.1 Introduction

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

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

Community: The primary energy problems in Weathersfield are less efficient older homes and dependence on energy from outside the Town.

Government: To provide a complete or accurate analysis of Town energy costs, the town government must establish a baseline of energy costs from municipal buildings, vehicles, and operations and diligently maintain the database to determine where energy costs may be stabilized or reduced.

7.1.1 This plan seeks to:

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

7.2 Non-Renewable Energy Usage in Weathersfield

7.2.1 Weathersfield does not have any local sources of non-renewable energy. The scarcity or abundance of non-renewable sources is entirely dependent on factors beyond the town.

WEATHERSFIELD TOWN PLAN

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

7.3 Renewable Energy Usage in Weathersfield

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

~~Weathersfield has significant potential to generate additional renewable energy from biomass, geothermal, hydro, solar, and wind sources.~~

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

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

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

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

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

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

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

7.3.5.3 *Woody Biomass*: Wood is used in a variety of forms to provide heat or to generate electricity. In the simplest form, wood from trees is split and ~~sold~~ used for firewood for wood-burning stoves and furnaces in home heating. The Weathersfield School uses wood chips to heat the school. Wood pellets are also a popular way to provide home heating.

Studies show that burning woody biomass to generate heat is far more efficient than burning it to generate electricity. Additional challenges to using woody biomass for energy production on a large scale are truck

WEATHERSFIELD TOWN PLAN

traffic (large logging trucks), waste heat (if the biomass is used for electricity production), and carbon dioxide emissions.

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

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

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

Commented [MH1]: There are people in the area who have geothermal heat pumps.

7.4 Energy Concerns

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

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

7.5 Energy Goals

7.5.1 To make efficient use of energy the Town seeks to:

7.5.1.1 Provide for the development of renewable energy resources,

7.5.1.2 Encourage weatherization,

7.5.1.3 Reduce emissions of greenhouse gases,

7.5.1.4 Prioritize energy efficient forms of transportation, and

WEATHERSFIELD TOWN PLAN

7.5.1.5 Promote land use policies that are likely to result in energy conservation.

7.6 Energy Policies

7.6.1 Energy audits should be conducted prior to undertaking major improvements to Town-owned buildings, and the Town should invest in priority energy efficiency upgrades as called for in energy audits.

Commented [MH2]: Apply for free energy audits through MERP before October 31!

7.6.2 All applicable new and/or renovated buildings that are heated or cooled are subject to the Vermont Residential Building Energy Standards or Vermont Commercial Building Energy Standards.

Commented [MH3]: This is more of a fact than a policy. If the town conditions the issuance of a CO on compliance with RBES and CBES, that would be a policy.

7.6.3 The Town encourages other methods to exceed the state energy code, such as through passive solar building orientation to take advantage of heating from the sun, landscaping to shade buildings and reduce summer temperatures, or using the “Energy Star” building performance rating system.

7.6.4 The current land use pattern requires people to drive to work and to other amenities. The Town encourages new housing, businesses, and other amenities in walkable/centralized areas. The reduction of sprawl and low-density development not only reduces energy consumption, but also can improve the local and regional economy. Refer to Future Land Use Map.

7.6.5 The Town particularly strongly encourages solar-renewable energy development, including of any scale, on building rooftop, properly sited, well-screened solar facilities, rooftop solar, as well as other types of renewables including methane digesters and micro-hydro.

Community Standards for all Electric Generation, Storage and Transmission Facilities

7.6.6 The following community standards are to be considered by the Town of Weathersfield and the Public Utility Commission (Section 248 review) in undertaking municipal all when developing any new or upgraded facilities that generate, store or transmit electricity, projects and programs, in and when updating Weathersfield’s Zoning Bylaws to address the development of energy solar facilities that are subject to local regulation, and in the review of any new or upgraded solar facilities in excess of 15 kW capacity, by the Town of Weathersfield and the Public Utility Commission (Section 248 review).

- a) **Plan Conformance:** New solar facilities and proposed system upgrades should be consistent with the Weathersfield Town Plan, the Vermont Comprehensive Energy Plan, the Vermont Long-Range Transmission Plan, and utilities Integrated Resource Planning (IRP).

WEATHERSFIELD TOWN PLAN

- b) **Benefits:** A demonstrated statewide public need that outweighs adverse impacts to local residents and resources must be documented for municipal support of new solar-facilities located within ~~or which may otherwise affect~~ Weathersfield. Facility development must benefit ~~Town of Weathersfield~~ local and State residents, businesses, and property owners in direct proportion to the adverse impacts of the proposed development on local and state residents, businesses and property owners.
- c) **Impacts:** New solar-facilities must be evaluated for consistency with community and regional development objectives and shall avoid undue adverse impacts to significant cultural, natural, and scenic resources and aesthetic values identified by the community in the Weathersfield Town Plan and the Scenic Resources Inventory. When evaluating the impacts of a proposed solar-facility under the criteria set forth in this Town Plan, the cumulative impact of existing solar-facilities, approved pending solar-facilities, and the proposed solar-facility shall be considered. ~~It is explicitly understood that a~~ proposed solar-facility ~~that, which~~ by itself, may not have an adverse impact may be deemed to have an adverse impact when considered in light-conjunction with ~~of the cumulative impacts of the proposed solar-facility and~~ existing solar-facilities and previously pending already approved solar-facilities that are awaiting construction.
- d) **Decommissioning:** All facility certificates shall specify conditions for system decommissioning, including required sureties (bonds) for facility removal and site restoration to a safe, useful, and environmentally stable condition. All hazardous materials and all structures, including foundations, pads, and accessory structures must be removed from the site and safely disposed of in accordance with regulations and best practices current at the time of decommissioning.

Additional Standards for Wind Generation Facilities ~~y Standards~~

7.6.7 For the purposes of this Plan, wind generation facilities include the following different classifications: utility-scale wind involves towers typically 70 meters or 230 feet tall at the hub); commercial- or community-scale wind towers are generally 50 meters or 164 feet tall; and residential-scale towers are usually no taller than 30 meters or 98 feet at the hub. The following standards apply to wind generation facilities in Weathersfield:

- a) Weathersfield has limited potential for utility-scale wind energy development, as areas with sufficient access to consistent wind are generally small in size and more than a mile away from three-phase power lines. Development of tThe identified prime wind sites (e.g. Weathersfield Center, Butterfield Hill, Pikes Peak) ~~are~~ is constrained by their proximity ~~relatively close~~ to established residences and/or ~~specifically identified~~ scenic, historic or natural resources identified in the Town Plan and/or Biological Natural

Commented [MH4]: Subjective. What is "small" in this context? E.g. in California, hub height has to be less than 50' if the parcel is less than 10 acres. Does VT have any such parameters?

WEATHERSFIELD TOWN PLAN

Areas of Weathersfield. The secondary wind sites (e.g. Skyline Drive, Hawks Mountain, Little Ascutney, Pierson Peak, Mount Ascutney) are largely in scenic or natural resources areas also specifically identified in the Town Plan and/or Biological Natural Areas of Weathersfield. Development in these areas would have a profoundly negative impact on critical viewsheds throughout the community, as the natural profile of the mountain forms an iconic backdrop from both in-town and rural valley locations. Because there are no other locations in Weathersfield that have suitable access to sufficient wind resources and necessary transmission, infrastructure, and availability, ~~or~~ are free from significant environmental constraints (Figure 6), no utility-scale (100 KW capacity or greater) wind energy facilities should be located in the town.

- b) Smaller scale wind projects, including residential-scale turbines (generally less than 10 KW) and commercial- or community-scale turbines installed at farms, residences or small businesses, ~~(up to 100 KW), installed at farms, residences or small businesses,~~ are encouraged as long as noise from the turbines does not adversely affect neighboring residential properties and as long as they are not prominently visible from any town-identified historic districts or scenic resources.
- c) Commercial- or community-scale wind generation facilities are subject to the Renewable Energy Electricity Siting Standards.

Commented [MH5]: It may be more clear to have "b" focus on residential scale and "c" focus on commercial/community scale.

Solar Generation Facility Standards

7.6.8 The Town strongly supports the development of residential-scale (up to 15 KW capacity ground-mounted) electricity generation from solar energy at homes, businesses, schools, and other institutions.

7.6.9 The Town also supports ~~–solar projects (between 15 KW and 150KW in size)~~ provided they are located on sites identified as having high potential for electricity generation based on solar resource availability and avoid "prohibited areas" as identified below. Moreover, any community solar project located on a site that is not a prohibited/exclusion area shall be considered as being located on a "preferred site" and eligible for all of the regulatory and financial incentives associated with larger scale solar energy installations pursuant to Public Utility Commission Rule 5.100 and 30 V.S.A. Section 248.

Commented [MH6]: Does this apply to all solar projects? Or just those less than 150 KW?

7.6.10 Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following Renewable Electricity Siting Standards.

Renewable Electricity Facility Siting Standards

7.6.11 ~~Solar~~ The Town ~~The term "solar facility" shall have the following meaning: a solar electricity generation and transmission facility with a 150kW (AC) or greater capacity, including all on-site and offsite improvements necessary for the development and operation, and on-going maintenance of the facility~~ of Weathersfield has developed standards for the development of solar-renewable electricity facilities

Commented [MH7]: Do these apply to all facilities including residential-scale solar and wind?

WEATHERSFIELD TOWN PLAN

for reference and use by facility developers and local property owners and for consideration in Section 248 proceedings (30 VSA §248). These standards are set forth below.

Solar Facility Siting Criteria

Weathersfield supports development of renewable energy generation facilities consistent with the policies and guidelines set forth in this plan. It recognizes that financial considerations require projects to be located in close proximity to electric power lines capable of distributing the load proposed to be generated and to have convenient access from major transportation networks for construction. However, the Town desires to maintain the open landscape and scenic views important to Weathersfield's sense of place, tourism economy, and rural cultural aesthetic. Not all electricity facilities proposed for the generation of electricity can meet this standard. Projects must meet the following criteria in order to be supported by this Town Plan:

- a) **Siting Requirements:** New solar facilities shall be sited in locations that do not adversely impact the community's traditional and planned patterns of growth of compact village centers surrounded by a rural countryside, including working farms and forest land. Solar Facilities shall, therefore, not be sited in locations that adversely impact scenic views, roads, or other areas identified in the Scenic Resources Section of this Plan, nor shall solar facilities be sited in locations that adversely impact any of the following scenic attributes identified in the Plan including: views across open fields, especially when those fields form an important foreground; prominent ridgelines or hillsides that can be seen from many public vantage points and thus form a natural backdrop for many landscapes; historic buildings and districts, and gateways to historic districts; and, scenes that include important contrasting elements such as water. The impact on prime and statewide agricultural soils shall be minimized during project design.
- b) **Preferred Areas:** The following areas are identified as preferred areas for solar facilities, and provided that they must also meet the Town's Preferred Siting Checklist:
 - ~~Roofs-mounted systems;~~
 - Parking lot canopies;
 - ~~Systems located~~ Areas in close proximity to existing large scale, commercial or industrial buildings;
 - Areas in close proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
 - ~~Reuse of~~ former brownfields;

Commented [MH8]: Renewable energy generation v renewable electricity generation?

Commented [MH9]: Areas that contain important water resources?

Commented [MH10]: Move this list of preferred areas to the solar section?

Commented [MH11]: Adjacent to? Abutting?

WEATHERSFIELD TOWN PLAN

- ~~Facilities that are sited in~~ previously disturbed areas, such as gravel pits, closed landfills, or former quarries.;
- c) **Prohibited (Exclusion) Areas:** Renewable energy facilities that ~~In addition to those areas that~~ do not meet the siting requirements set forth above, ~~development of solar generating facilities as well as all other renewable energy facilities~~ shall not be supported by the Town, and shall be excluded from (prohibited within), ~~and shall not be supported by the Town, in~~ the following locations:
- Floodways shown on Flood Insurance Rate Maps (FIRMs);
 - Class I or II wetlands;
 - Riparian buffers and setbacks as defined in Weathersfield's Zoning Bylaws;
 - Rare, threatened, or endangered species habitats or communities as mapped or identified through site investigation;
 - Core habitat areas, migratory routes and travel corridors;
 - Elevations at or above of 1,500 feet ~~in elevation or higher~~;
 - Steep slopes (>25%);
 - Habitat blocks of 500 acres or more ~~greater in size~~;
 - Areas ~~A site~~ in proximity to, and interfering with, a significant viewshed identified in the Scenic Resources sections of the Town Plan (see ~~Section 7.6 and~~ Section 5.3);
 - ~~A site that causes adverse impacts to~~ Areas containing historical or cultural resources, including state or federally designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan. Prohibited impacts to historical and cultural resources include:
 - Removal or demolition;
 - Physical or structural damage, significant visual intrusion, or ~~threat~~ interference with the use;
 - Significant intrusion ~~into~~ a ~~rural~~ historic district or a historically significant landscape ~~with a high degree of integrity~~;
 - Significant visual intrusion into a hillside that serves as a backdrop to a historic site or structure;
 - Creating a focal point that would disrupt or distract from elements of a historic landscape;
 - ~~A significant intrusion in a rural historic district or historic landscape that has a high degree of integ~~ Impairing a vista or viewshed from a historic resource where the vista or viewshed ~~that~~ is a significant component of ~~its the historic~~ character and ~~history of~~ use of the historic resource;

Commented [MH12]: The area or site wouldn't be the thing interfering with the viewshed

WEATHERSFIELD TOWN PLAN

- Visually overwhelming a historic setting, such as by being dramatically out of scale;
 - Isolating a historic resource from its historic setting, or introducing incongruous or incompatible uses, or new visual, audible, or atmospheric elements.
- d) **Mass and Scale:** Except for solar projects located on preferred sites, ~~solar~~ renewable energy ~~electricity~~ facilities larger than 10 acres, individually or cumulatively, cannot be adequately screened or mitigated to blend into the municipality's landscape and are, therefore, explicitly prohibited.

7.7 Energy Recommendations

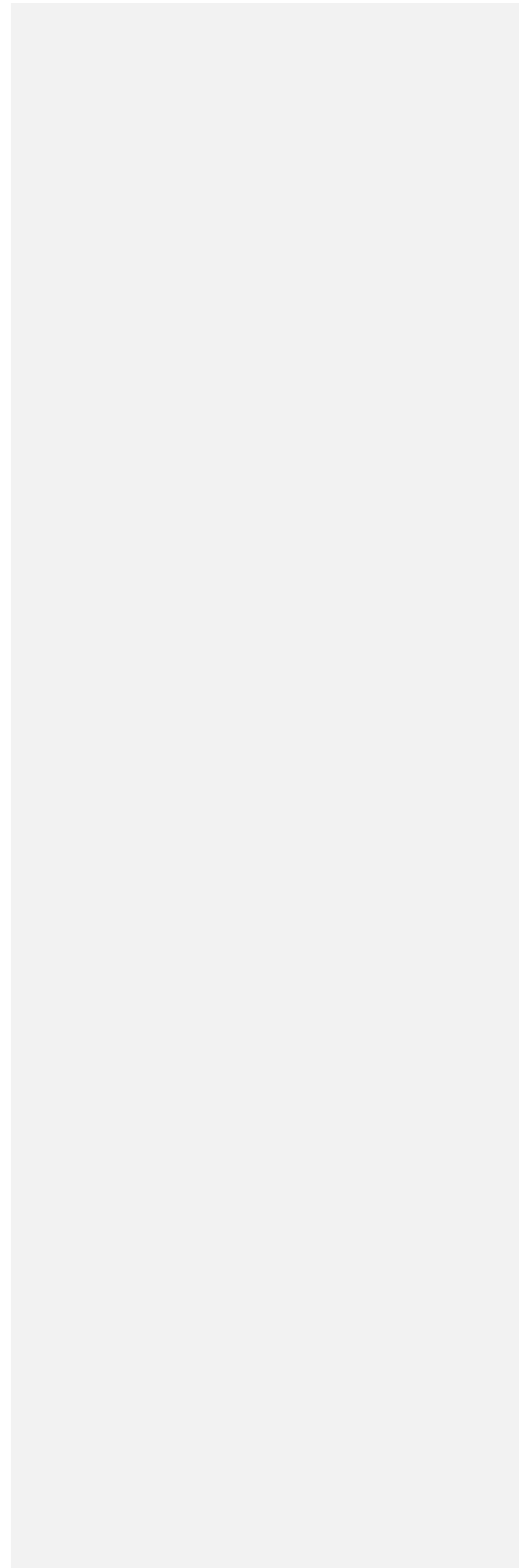
- 7.7.1 Broadly. Cost savings may be realized from:
- 7.7.1.1 Weatherization of buildings
 - 7.7.1.2 Energy efficient lighting
 - 7.7.1.3 Heating and air conditioning changes to more efficient mechanisms, such as air-source cold climate heat pumps
 - 7.7.1.4 Reduction in use ~~Conservation measures (reduction in use)~~
 - 7.7.1.5 Fuel-efficient vehicles
 - 7.7.1.6 Analysis of town vehicle operations
- 7.7.2 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).
- 7.7.3 The Town of Weathersfield may participate in the Public Utility Commission's review of new and expanded generation facilities to ensure that local energy, resource conservation, and development objectives are identified and considered in proposed utility development. This may include joint participation and collaboration with other affected municipalities and the Mount Ascutney Regional Commission for projects that may have significant regional impact. It is acknowledged that the PUC's primary focus is on administering state public policy and regulating actions that are directed at ensuring that utility services promote the general good of the state.
- 7.7.4 The Planning Commission, in consultation with the Select Board, should develop guidelines to direct local participation in Section 248 proceedings related to solar facilities located in Weathersfield or in neighboring communities which may affect the town. The guidelines should reflect levels of participation or formal intervention in relation to the type, location, scale, operation, and magnitude of a proposed project, and its potential benefits, detriments to, and impacts on the community.
- 7.7.5 Inform residents about Efficiency Excellence Network (EEN) contractors by providing links to EEN information through a municipal website or through other means.

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- 7.7.6 Participating in the Safe Routes to School program will help reduce reliance on vehicle transport.
- 7.7.7 Inform residents and business owners about existing energy efficiency programs and incentives, especially weatherization services and financing options for low-to-moderate income household.
- 7.7.8 Appoint an Energy Coordinator or establish an Energy Committee to help implement recommendations in this Chapter.
- 7.7.9 Hold an information forum such as Button Up, and invite residents to speak about the energy improvements that they have made to their homes. Provide data that demonstrates why these improvements make sense for residents.
- 7.7.10 Assess the life cycle costs of potential energy improvements during design and construction planning. For example, investment in a new, efficient heating system may be more expensive up front, but more economical to operate over time.
- 7.7.11 Promote the use of cold climate heat pumps (aka air-source heat pumps, mini-splits or ductless heat pumps) as a highly efficient source of heat and air conditioning with education/presentations in coordination with the EEU's/electric utilities. These systems are a good option to retrofit existing houses, and can be used to supplement the existing heating system. They also provide air conditioning during the warmer months. Ground source (geothermal) heat pumps may also be suitable option. Heat pump water heaters are also an energy efficient option.
- 7.7.12 Promote the Go Vermont webpage, which provides rideshare, vanpool, public transit and park-and-ride options.
- 7.7.13 Seek grants and partnerships to fund the installation of electric vehicle -charging infrastructure at the park and ride lot, school or other town-owned properties.
- 7.7.14 Coordinate with MARC and Local Motion to promote the planned electric-bicycle lending library to help promote e-bikes as a viable form of travel.
- 7.7.15 Continue to financially support The Moover public transportation services, such as the commuter bus that serves the I-91 Exit 8 park and ride lot, to provide access to jobs for residents and encourage less single-occupant vehicle use.
- 7.7.16 The Town should work with electric and utility contractors to assist homeowners with switching to alternative heating systems such as wood pellet stove and air source heat pumps. Woody biomass can be sourced locally.

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- 7.7.17 If renewable energy systems are not practicable, encourage homeowners to replace old furnaces or boilers with a high-efficiency model.
- 7.7.18 Promote wood stove change-out programs that take older non-EPA certified stoves out of service and replace them with more efficient and lower emitting cordwood or pellet stove.



WEATHERSFIELD TOWN PLAN

The foregoing amendments shall be effective immediately upon signing.

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

Paul Tillman, Chairperson

Howard Beach, Vice-Chairperson

Joseph Bublat, Board Clerk

Mike Todd, Board Member

ATTEST:

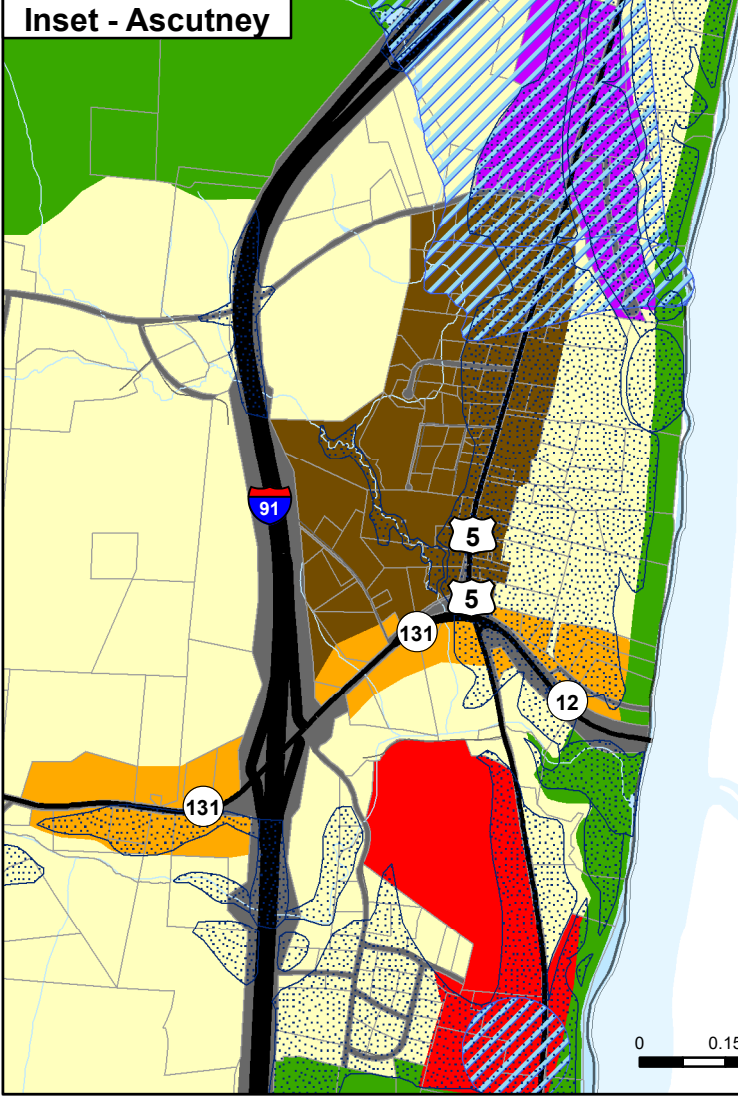
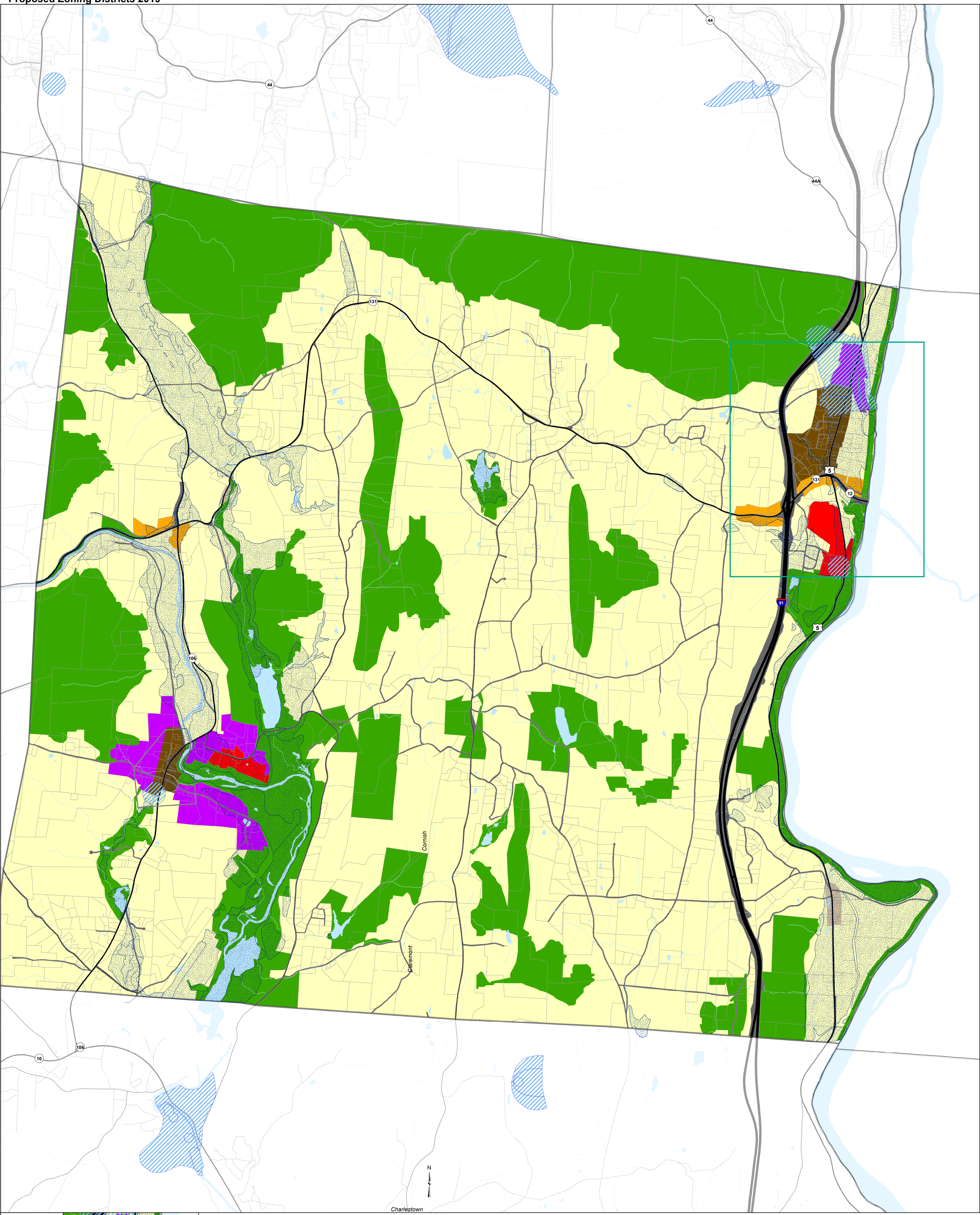
Received at the Town of Weathersfield

this ____ day of March, 2023.

Flora Ann Dango, Town Clerk

AGENDA ITEM

7



Proposed Zoning Districts

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

Other Features:

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

Infrastructure:

- 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).

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

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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

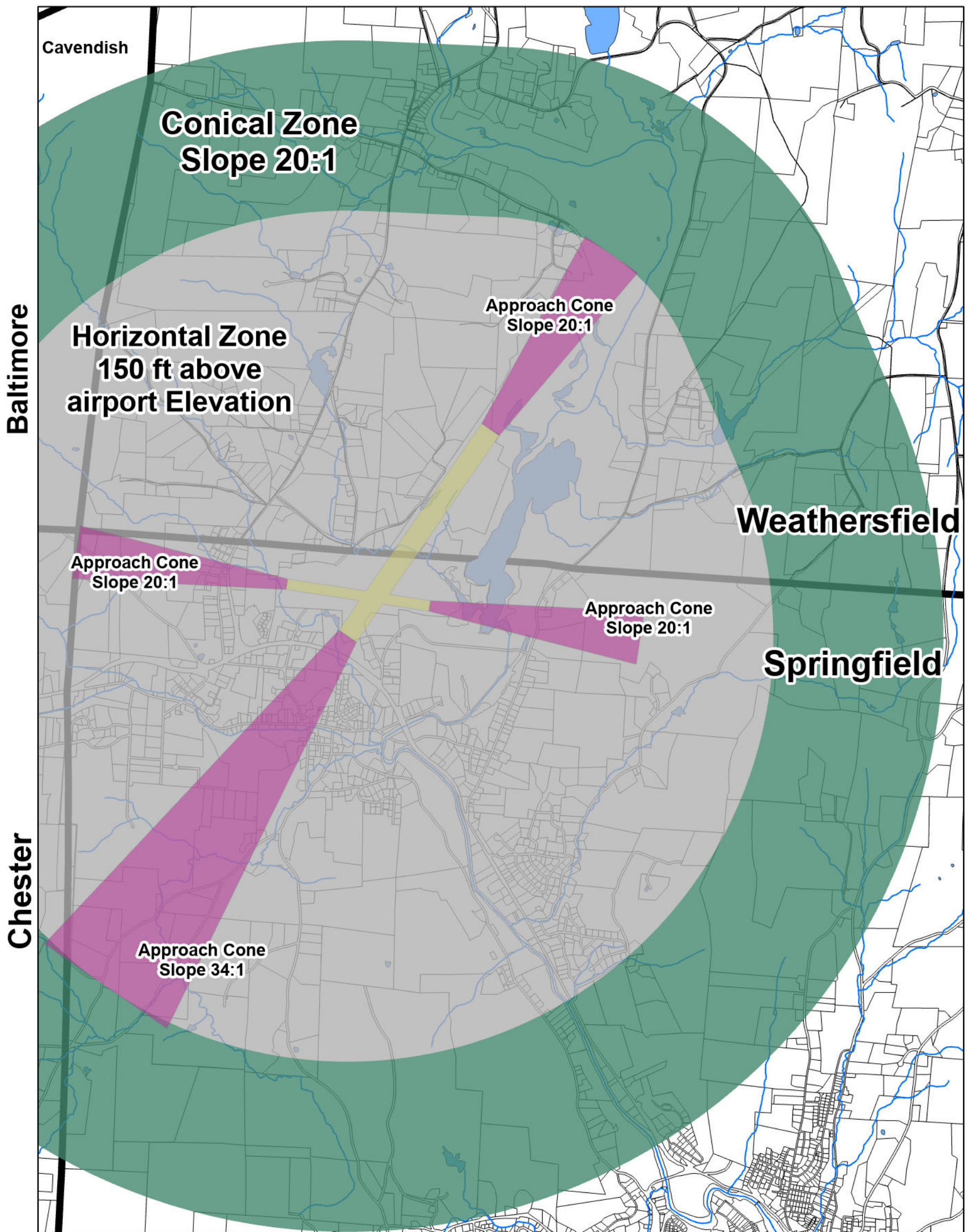
This bylaw shall be applied to the Black River and any stream shown on the Town's Water Resources and Flood resilience Map (A.N.R. 2011). These shall be referred to as protected streams (rivers). See Definition of stream, Section 8.

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.

AGENDA ITEM

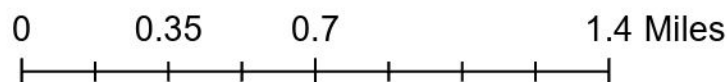
8

Town of Weathersfield Draft Airport Approach Overlay District



P.O. Box 320, Ascutney, VT 05030
802-674-9201 www.swcrpc.org

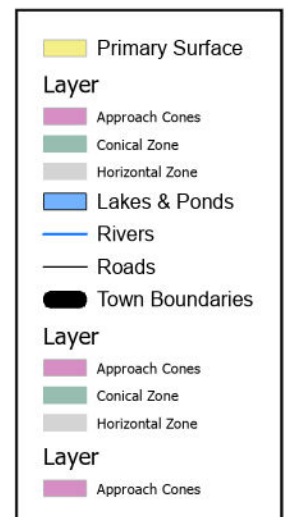
Sources: Roads (VTrans 2018); Town Boundaries (VCGI 2016);
Parcels: Cavendish (CAI 2009); Parcels: Springfield (CAI 2015);
Parcels: Weathersfield (CAI 2017); Rivers (VHD 2008);
Lakes and Ponds (2008); Primary Surface, Approach Cones,
Conical & Horizontal Zones (CTI 2007)



For planning purposes only. Not for regulatory interpretation. Data depicted on this map is based on best available information.

VT State Plane, Meters, NAD 83

Map Drawn 4/17/2019



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AAOD – Airport Approach Overlay District

Purpose: The purpose of the Airport Approach Overlay District (AAOD) is to provide an area of restricted use which protects the airport from injurious encroachment, and from nearby uses harmful to the operation of the airport and aircraft using it, pursuant to §4414(1)(C) of the Act. This district also provides for the safe and convenient use of lands within the district, and allows the airport to successfully coexist with its neighbors within and without the district.

- (A) Applicability.** The AAOD consists of the airport approach zones that are shown on the Official Zoning Map of Weathersfield and defined below. All properties affected by this overlay district shall be subject to Site Plan Review per Section 5.3 and the Special Provisions in this Section. The 11/29 runway is 75 feet wide and 3,000 feet long. The 5/23 runway is 100 feet wide and 5,498 feet long, and extends into the Town of Weathersfield. The airport approach zones are defined as follows:
1. **Primary Surface** is the area longitudinally centered on a runway, and extends 200 feet beyond each end of the paved runway surface. The vertical elevation of the Primary Surface is the same as the elevation of the nearest point on the runway centerline. The Primary Surface for the 11/29 runway is 250 feet. The Primary Surface for the 5/23 runway is 500 feet.
 2. **Approach Cones** are the areas longitudinally centered on the extended runway centerline and extend outward and upward from each end of the Primary Surface.
 - a. The Approach Cones for the 11/29 runway, extend outward from the Primary Surface for a distance of 5,000 feet, and are 1,250 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of 20 to 1 beginning at the elevation of the Primary Surface.
 - b. The Approach Cones for the 5/23 runway, extend outward from the Primary Surface for a distance of 10,000 feet, and are 3,500 feet wide at the end of each Approach Cone. The Approach Cones extend upward at slope of 34 to 1 beginning at the elevation of the Primary Surface.
 - 1) **Horizontal Zone** is the horizontal plane 150 feet above the established airport elevation, the perimeter of which is determined by swinging arcs of specified radii (10,000 feet) from the center of each end of the Primary Surface of each runway, and connecting the arcs by lines tangent to those arcs. The horizontal zone does not include the approach cones or primary surface.
 - 2) **Conical Zone** is the surface extending outward for a horizontal distance of 4,000 feet, and upward from the periphery of the horizontal surface at a slope of 20 to 1.
- (B) Allowed Uses.** All permitted or conditional uses in the AAOD shall be limited to those uses permitted in the underlying zoning districts.
- (C) Special Provisions.** All properties affected by this overlay district shall be subject to the following Special Provisions:
1. No use, structure or trees shall be permitted which could obstruct the aerial approaches to the airport (i.e. extend above tree line or otherwise restrict airport operations).

2. All uses shall comply with applicable FAA or other federal and state regulations.
3. No lights or glare shall be permitted which could interfere with vision or cause confusion with airport lights.
4. No use shall be permitted which will produce electrical interference with radio communication or radar operations at the airport.

(D) Implementation.

1. When granting Site Plan Approval for projects located all or in part within the AAOD, in accordance with Section 5.3 of these Bylaws, the Zoning Board of Adjustment shall establish conditions designed to implement the requirements of this Section.
2. Site plans for the Airport Overlay District shall include topographic elevations at structure locations and structure height in addition to the application requirements listed in Table 5.1.2.
3. The Zoning Board of Adjustment may consult with the Springfield Airport Commission and/or the Aviation Section of the Vermont Agency of Transportation to determine the potential impacts of a proposed use on the operations of the Hartness State Airport.
4. Complaints of violation of this Section shall be administered by the Zoning Administrator in accordance with all applicable provisions of these Bylaws and the Vermont Planning Statute.

AGENDA ITEM

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S. 100 implications for Municipal Zoning Regulations:

Parking (changes to 24 VSA 4414 (4) go into effect on December 1, 2024)

In residential districts served by municipal sewer & water, regulations may only require one parking space per dwelling unit, except in areas that are located more than one-quarter mile from public parking and then the regulations may require 1.5 parking spaces per unit for duplexes and multi-unit dwellings.

In residential areas not served by both sewer and water, regulations may require 1.5 parking spaces per dwelling unit for duplexes and multi-unit dwellings.

Deed restrictions or covenants added after July 1, 2023 that conflict with these provisions shall not be valid, nor will they be valid if they require a minimum dwelling unit size.

Duplexes & Multi-unit Dwellings (changes to 24 VSA 4412 (1)(D) go into effect on July 1, 2023)

In residential districts served by municipal sewer & water, multi-unit dwellings with four or fewer units shall be a permitted use (unless the district requires multi-unit dwellings to have more than four units).

In all residential districts, duplexes are an allowed use with the same dimensional standards as single-unit dwellings.

Note: 24 VSA 4303 (39) has new definitions for “duplex” and “multi-unit (or multi-family) dwelling” which take effect on July 1, 2023.

Accessory dwelling units (changes to 24 VSA 4412 (1)(E) go into effect on July 1, 2023)

Except in flood hazard/fluvial erosion areas, single-family dwellings with ADUs are subject to the same requirements as single-family dwellings without ADUs. The criteria for converting an existing, detached, non-residential building to an ADU shall not be more restrictive than the criteria for a single-family dwelling without an ADU.

However, owner-occupied single-family dwellings with an ADU are considered public buildings (per 20 VSA 2730 (b)(4)) for fire safety purposes if any part of the structure is rented out (short-term or long-term).

Note: 24 VSA 4303 (38) has a new definition for “accessory dwelling unit” which takes effect on July 1, 2023.

Hotels (changes to 24 VSA 4412 (1)(H) go into effect on July 1, 2023)

Hotels shall not be prohibited from participating in the State’s General Assistance Program.

Density (changes to 24 VSA 4412 (12) go into effect on July 1, 2023)

In residential areas served by municipal sewer & water, the lot size for residential uses shall be 1/5 of an acre (8,712 sq. ft) or less, and building dimensional standards shall allow 5+ dwelling units per acre.

Density standards for multi-unit dwellings shall not be more restrictive than density standards for single-family dwellings.

Affordable Housing (changes to 24 VSA 4412 (13) go into effect on July 1, 2023)

In residential areas served by municipal sewer & water, bylaws shall permit affordable housing developments to exceed density limitations by 40% and height limitations by one floor (provided that the structure complies with fire safety code). So, lot size for affordable housing in these areas cannot exceed 6,222 sq. ft. and multi-unit dwellings can have four floors and 7 units/acre.

Emergency Shelters (changes to 24 VSA 4413 (a)(1)(G), (a)(2) and (a)(3) go into effect on September 1, 2023)

Emergency shelters join the list (state or community owned & operated institutions & facilities; schools; places of worship; hospitals; solid & hazardous waste facilities) of uses that may only be regulated with respect to: location, size, height, building bulk, yards, courts, setbacks, density, parking, loading, traffic, noise, lighting, landscaping, and screening. And only if regulations do not interfere with intended use.

Except for state owned & operated facilities, the above uses may be regulated for compliance with flood hazard/river corridor regulations, as long as the regulations do not interfere with the intended use.

Regulating the daily or seasonal hours of operation of an emergency shelter shall constitute interfering with the intended use.

Note: 24 VSA 4303 (40) has the following definition for “emergency shelter” which goes into effect on July 1, 2023: Any facility the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

Areas served by municipal sewer & water (change to 24 VSA 4303 (42) goes into effect on July 1, 2023)

A definition for “area served by municipal sewer and water infrastructure” was added (see statute for exact wording). Basically it means an area where residential connections to municipal water and wastewater systems are not prohibited by state regulations/permits; identified capacity constraints; or municipally adopted service & capacity agreements.

Such areas established by municipal ordinance or bylaw may exclude:

- Flood hazard/river corridor/fluvial erosion areas
- Areas (e.g. overlay districts) established to protect natural resources
- Areas where year-round residential development is not allowed
- Areas where connections are limited by state regulations/permits, identified capacity constraints, or municipally adopted service & capacity agreements
- Areas that are serviced by sewer & water to address a public health or environmental hazard
- Areas that serve a mobile home park that is not within an area planned for year-round residential growth
- Areas that serve an industrial site/park

- Areas where service lines are located to address a public health/environmental hazard, or to serve a mobile home or industrial park, but no connections or expansions are permitted
- Areas that, pursuant to a PUD or a Transfer of Development Rights, prohibit year-round residential development

24 VSA 4303 (42)(B) specifies that “Municipally adopted areas served by municipal sewer and water infrastructure that limit sewer and water connections and expansions shall not result in the unequal treatment of housing by discriminating against a year-round residential use or housing type otherwise allowed in this chapter.”

Preparation of Bylaws, Amendments or Repeals (changes to 24 VSA 4441 (c) & (h) and 4442(c) go into effect on July 1, 2023)

4441 (c) The written report that Planning Commissions are required to prepare when they consider bylaws, amendments, or repeals, must include findings regarding how the proposal effects the availability of safe and affordable housing and sections 4412, 4413 and 4414 of 24 VSA, Chapter 117.

4441 (h) Upon adoption of a bylaw or amendment, the Planning Commission shall prepare an adoption report that:

1. Confirms that zoning district GIS data has been submitted to DHCD.
2. confirms that the bylaw has been uploaded to the bylaw database.
3. Demonstrates conformity with sections 4412, 4413, and 4414.
4. Provides information on the municipal application of 24 VSA Chapter 117, subchapters 7, 9 and 10.

4442(c) Rural towns may no longer adopt bylaws by vote of the town. Bylaws shall be adopted by the legislative body.

Appeals of Administrative Officer decisions (Changes to 24 VSA 4465 (b)(4) to into effect on July 1, 2023)

Appeals shall not include the character of the area affected if the project has a residential component that includes affordable housing.

Subdivision Review (changes to 24 VSA 4418 & 4463 go into effect on July 1, 2023)

Bylaws may allow administrative officers to approve minor subdivisions.

Appeals to Environmental Division (changes to 24 VSA 4471 go into effect on July 1, 2023)

A determination by an AMP that a residential development will not result in an undue adverse effect on the character of the area shall not be subject to appeal if the development is within a designated downtown development district (*Springfield, Windsor*), designated growth center, or designated neighborhood development area.

Decisions (additions to 24 VSA 4464 (b) go into effect on July 1, 2023)

A decision rendered by an AMP for a housing development (or the housing portion of a mixed-use development) shall not:

- Require a lot size larger than the minimum
- Require more parking than the minimum established in the bylaws and in section 4414
- Limit building size (or reduce height or footprint) to less than that allowed in the bylaws
- Limit density to below that allowed in the bylaws
- Otherwise disallow a development to abide by the minimum or maximum applicable standards.

Except, a decision may require adjustments to the standards if the AO or the AMP issues a written finding stating: why the modification is necessary to comply with a local, state or federal permit, or a nondiscretionary standard in a bylaw or ordinance (e.g. setbacks from wetlands, SFHA/river corridors); **and** how the restrictions do not result in an unequal treatment of housing or an unreasonable exclusion of housing otherwise allowed.

Definition of Development (the additions to 10 VSA 6001 (3)(A) and (3)(D) go into effect on July 1, 2023)

Until July 1, 2026, the definition of development includes the construction of housing projects with 25+ units located entirely within a designated downtown, NDA, village center (with zoning & subdivision bylaws), or growth center, within five miles and within five years. For the purposes of this subsection, the construction of 4 or fewer units in an existing structure only counts as one unit.

Also until July 1, 2026, the definition of development does not include the construction of a priority housing project located entirely within a designated downtown, NDA or growth center.

To qualify for these exemptions, a person shall request a jurisdictional opinion under 10 VSA 6007 on or before June 30, 2026, and shall substantially complete construction on or before June 30, 2029.

Master Plan Permits (the addition to 10 VSA 6086b goes into effect on July 1, 2023)

A municipality with a designated downtown or NDA may apply to the District Commission for a Master Plan permit for (any portion of) that area. Municipalities are not required to own or control the affected property. Development of a lot within the Master Plan area shall only require a permit amendment. In NDAs, permit amendments shall only be issued for housing development.

In approving a Master Plan permit, and subsequent amendments, the District Commission may include specific conditions. An application for an amendment may use the findings in the Master Plan permit as a rebuttable presumption.

Discrimination

A person who violates a provision of Chapter 139 (Discrimination; Public Accommodations; Rental and Sale of Real Estate) of Title 9 shall be fined not more than \$10,000 per violation.

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Vermont Planners Association (VPA)
2023 Legislative Summary
June 16, 2023

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

Overall, 680 bills were introduced during the 2023 legislative session - 523 in the House and 157 in the Senate. Many weren't discussed at all, and most never made it out of their assigned committee. However, since 2023 is the first year of the legislative biennium, all bills that didn't become law are still "active" - meaning, they can be discussed and advanced in the 2024 session. VPA tracked a total of 70 bills with a planning nexus. See below for a summary of those that went somewhere, with an emphasis on those that made it across the finish line to become law.

CAVEAT. The 2023 session isn't over yet! The Legislature will reconvene on/around June 20 to consider various bills that the Governor vetoed. The most significant of which is the "big bill" - i.e., the State budget for the fiscal year that starts July 1, 2023. It's possible that the Legislature could do additional work as well - e.g., passing other bills that didn't quite make the finish line for the May adjournment.

H.31 – Aquatic Nuisance Control Committee & Report – Signed by the Governor on 6/12/2023

Originally written with a one-year moratorium on the use of pesticides to control aquatic nuisances (e.g., Eurasian water milfoil), this bill was revised to simply create a study committee. The committee's charge is to assess the environmental and public health effects of the use of pesticides, chemicals other than pesticides, biological controls, and other controls in comparison to the efficacy of their use in controlling aquatic nuisances. The committee shall provide a report with recommendations regarding whether and when pesticides, chemicals other than pesticides, or biological controls should be used to control aquatic nuisances in Vermont. Report due by December 15, 2023. Committee ceases to exist on April 1, 2024.

H.42 (Act 1) - Public Meetings, Covid-era Procedures Extension – Signed by the Governor on 1/25/2023

This bill was fast tracked and became law early in the session. It extends most of the covid-era public meeting allowances until July 1, 2024 - e.g., annual meeting scheduling, remote participation, fully remote public meetings, etc. Will there be a bill in 2024 to make fully remote public meetings an option more permanently? Stay tuned!

H.110 (Act 20) - Telecom Facility Review Authority – Signed by the Governor 5/25/2023

Municipalities lost the ability to regulate telecom facilities many years ago, in favor of review by the State Public Utility Commission (PUC). What you might forget, is that PUC authority over telecom facilities was supposed to sunset; thereby, returning regulatory authority to municipalities. This sunset has been extended time and time again, and this bill was just the most recent example. PUC authority will now sunset on July 1, 2026. The bill also requires the State Public Service Department and the PUC to collaborate on a report on the PUC process of siting telecom facilities, and how to make participation easier for municipalities and individuals. Input from VLCT, utilities, and any other interested parties required. Report due by January 15, 2024.

H.126 - Community Resilience and Biodiversity Protection – Became law without signature 6/12/2023

This bill sets a conservation vision and goals to conserve a percentage of Vermont's total land area - 30% by 2030 and 50% by 2050. Conserved land to include State, federal, municipal, and private lands. Conserved land shall include a mix within three categories: ecological reserve areas, biodiversity

conservation areas, and natural resource management areas. Each category is defined in the bill, but the percentage mix is to be determined, and guided by the conservation targets within Vermont Conservation Design. The bill charges the VT Housing and Conservation Board and the VT Agency of Natural Resources with an inventory of Vermont's conserved land and conservation policies by July 1, 2024. The bill also requires that VHCB and ANR develop a plan by December 31, 2025 to implement the conservation goals. Developing the plan requires at least 12 public meetings to solicit stakeholder input.

H.222 (Act 22) - Recovery Residences and Drug Treatment – Signed by the Governor on 5/25/2023

This bill seeks to reduce drug overdoses in a variety of ways – e.g., needle disposal, opioid treatments, drug checking for contaminants, etc. Section 9 of the law makes changes to the equal treatment of housing provision in 24 V.S.A. § 4412(1)(G) by stipulating that a recovery residence serving not more than eight persons shall be considered a permitted single-family residential use of property. A definition of recovery residence is also included. Effective on passage.

H.270 - Cannabis Regulation Revisions – Became law without Governor's signature on 6/14/2023

This bill makes a variety of changes to the State's regulation of the new cannabis industry. Section 5 of the bill clarifies and emphasizes limitations on municipal regulation of cannabis establishments – e.g., public nuisance ordinances cannot regulate outdoor cultivators; municipalities shall not regulate in a manner that has the effect of prohibiting the operation of a cannabis establishment. Section 6 of the bill exempts all outdoor cultivators subject to the Required Agricultural Practices from Act 250 review and from municipal zoning regulation (previously the exemption was much narrower). Essentially, this grants outdoor cannabis cultivators the same Act 250 and municipal zoning exemptions enjoyed by farming/agricultural uses. Effective on passage, but still awaiting action by the Governor.

H.479 - Transportation Bill – Signed by the Governor on 6/12/2023

Also known as the annual "T-Bill," this year's most significant provision (Section 35) is to establish a new Chapter 24 of Title 19 (Highways) that requires the state and municipalities to use "complete streets" principles (rather than simply considering them) when completing ANY transportation project, with some exceptions based on site / traffic factors as well as municipal and regional plan policies. The state and RPCs will be responsible for providing training on complete streets to municipalities. The T-bill also includes lots of relevant funding for roads, public transit, e-bike and electric vehicle incentives (including an "Electrify Your Fleet" program for which municipalities and businesses are eligible). The bill also establishes a new mileage-based fee for electric vehicles starting July 1, 2025.

H.145 (Act 3) – FY23 Budget Adjustment Act – Became law without Governor's signature 3/20/2023.

There is always a lot to unpack in budget bills, but here are the planning-related highlights:

- Section 45: \$30 million for the Department of Public Service and Vermont Community Broadband Board to leverage federal money and reduce the overall cost of universal broadband
- Section 65: \$6 million for the statewide Brownfields Revitalization Fund for direct grants of up to \$200,000 for assessment and remediation, as well as \$1 million total to be distribute to RPCs for their brownfields programs
- Section 95: \$3 million in assistance for municipal capacity to apply for state / federal funds, which can be distributed through RPCs, contractors, or directly to municipalities

H.494 – FY2024 Budget Bill – Vetoed by Governor 5/27/2023, awaiting potential override 6/20/2023

Again, planning-related highlights from this 336-page bill:

- Sec. B.1100(a)(3): \$500,000 in community grants related to health equity, pending creation of the Office of Health Equity
- Sec. B.1102(a) allocates \$10 million for the Vermont Rental Housing Improvement Program
- Sec. B.1102(b) allocates \$3 million to VAPDA to hire Housing Navigators included in S.100

- Sec. B.1102(c) allocates \$50 million in one-time funding for VHCBC to provide additional mixed-income housing and housing to address homelessness
- Sec. D.100 allocates \$7,545,993 in total to the Municipal and Regional Planning Fund, including:
 - \$6,211,650 million for RPCs
 - \$898,323 for municipal planning grants, of which up to \$500,000 may be used specifically for bylaw modernization grants
 - The remaining \$436,060 for the Vermont Center for Geographic Information
- Sec. F.5: another \$1 million was allocated to the Brownfields Revitalization Fund for assessment grants to property owners looking to redevelop contaminated sites. This is in addition to the \$1 million included in the FY2023 budget adjustment act (H.145 / Act 3).
- Sec. F.9 (Better Places Program): municipalities are now eligible for up to three projects in a given year (rather than just one)

S.3 (Act 13) – Prohibitions on Paramilitary Training Camps – Signed by the Governor on 5/8/2023

Those who have been following the [Slate Ridge case](#) will be interested to know that with this fairly short bill, the issue of regulating paramilitary training camps has passed out of the hands of zoning and into law enforcement (Chapter 13 of statute). However, this does not affect existing protections for hunting and sport shooting ranges in other sections of statute.

S.5 (Act 18) – Affordable Heat Act – Governor’s veto overridden on 5/11/2023

Act 18 is the result of two years of debate (and two vetoes) on a Clean Heat Standard that advances the state’s greenhouse gas emissions reduction goals from heating of buildings. The law is essentially a cap-and-trade system administered by the Public Utilities Commission (PUC) that requires fossil fuel providers to create or purchase “clean heat credits” for implementing measures like weatherization, fuel switching away from fossil sources, and increasing heating system efficiency. Though there are provisions ensuring equitable access to clean heat measures for low- and moderate-income customers, the Governor’s veto was based on concern about increased up-front costs for clean heat measures at a time when Vermonters are already struggling with affordability. The credit system will generate PUC-tracked data that may be informative for enhanced energy planning, but it’s unclear if that data will be shared with planners. Ultimately, this law does not implement the clean heat standard. It simply directs the PUC to come up with the rules/logistics to implement the clean heat standard, and deliver this by January 15, 2025 for review/approval by the Legislature.

S.100 (Act 47) – Housing Opportunities Made for Everyone – Signed by the Governor on 6/5/2023

The biggest piece of planning legislation to come out of this session, the HOME Act makes numerous changes to statutes related to municipal zoning, Act 250, and planning generally to equitably increase housing availability and affordability across the state. Several other studies related to regional planning, the designation program, Act 250, rural recovery, and energy code compliance are included in the bill, along with funding for housing programs. Most statutory changes are effective December 31, 2024, but a few are as early as July 1, 2023. [DHCD guidance on the bill is forthcoming](#), but here is a brief summary:

- In residential areas served by municipal water and sewer as defined in the bill, zoning must establish building and lot standards that allow for a minimum density of 5 dwellings per acre.
- In water / sewer service areas, affordable housing projects are entitled to a 40% density bonus and an additional floor of height.
- Duplexes must be allowed with the same dimensional standards as single-unit homes.
- Dwellings with up to 4 units must be an allowed use in residential zones served by municipal water and sewer.
- Municipal zoning cannot require more than 1.5 parking spaces per dwelling unit, and no more than 1 space per dwelling in areas served by public water and sewer or areas less than 0.25 miles from public parking.

- There are new statutory definitions for accessory dwelling unit, duplex, emergency shelter, multi-unit dwelling, and areas “served by municipal water and sewer infrastructure.”
- There is a new process for reporting to and review of municipal bylaw amendments by DHCD.
- Statute now enables administrative minor subdivision review in municipal bylaws.
- New “by-right” provisions limit the modifications and conditions Appropriate Municipal Panels can impose on housing developments.
- Regional plans must include affordable housing targets, disaggregated to municipalities, and more detailed assessment of housing needs.
- Municipal plans must include specific actions to address housing needs.
- Rural towns under 24 V.S.A. §4303 can no longer vote to adopt municipal bylaws through town-wide Australian ballot by default, though the legislative body can still elect to use this process on a case-by-case basis.
- Until July 1, 2026 priority housing projects and certain housing projects with 25 or more units in designated centers are not considered “development” under Act 250.
- Municipalities can now apply for Act 250 master plan permits in downtowns and NDAs.

S.115 (Act 42) – Misc. Agriculture & Stormwater Provisions – Signed by the Governor on 6/1/2023

Among other things, this bill exempts properties regulated under Required Agricultural Practices from municipal stormwater fees. There was considerable debate and advocacy by VLCT and municipal stormwater regulators attempting to clarify that state or municipal stormwater operating permits and fees (for private / on-site stormwater management practices) are distinct from municipal stormwater utilities and fees, which are used to fund public stormwater initiatives implemented by municipalities as required under MS4 permits. Municipalities were concerned that exempting some land uses would lead to other exemptions and reduce funding to meet MS4 requirements. In the end, the Agency of Agriculture’s legal counsel prevailed on the basis of aligning with their interpretation of statutory limits.

For additional perspective, and information on a host of other bills related to municipalities, check out the 2023 legislative summary done by the Vermont League of Cities and Towns (VLCT):

<https://www.vlct.org/weeklylegislativereport/2023-legislative-wrap>

For more perspective on bills related to planning, check out the upcoming VT Department of Housing and Community Development (DHCD) legislative summary - <https://accd.vermont.gov/community-development/resources-rules/planning>. This one isn’t ready yet, but should be posted in the coming weeks. DHCD staff are highly involved in the legislative action, and often report on bills with a planning connection that VPA didn’t focus on. In other words, we highly recommend checking out their summary when it becomes available.

Online Resources

[Bill, Act and Resolution search page](#)

Past [VPA Legislative Reports](#)

DHCD Legislative Summary

VLCT Legislative Summary

BLANK



State of Vermont

Agency of Commerce and Community Development

Department of Housing and Community Development

National Life Building – North

One National Life Drive

Montpelier, VT 05620-0501

[phone] 802-828-3211

MEMORANDUM

TO: Municipal Planning and Development Review Officials

FROM: Vermont Department of Housing and Community Development
Jacob Hemmerick, Community Planning & Policy Manager
Maxwell Krieger, General Counsel

DATE: June 28, 2023

RE: Act 47 (S.100) Summary
Version 2

Vermont's General Assembly enacted several laws and amendments affecting state, municipal, and regional planning during the 2023 session, including the Housing Opportunities Made for Everyone (HOME) Act, Act 47 (S.100). The HOME Act amends several laws affecting state, municipal, and regional planning. As in past years, we are issuing this preliminary memo to inform local and regional officials of changes in statute and funding opportunities. The Department will develop and maintain a [separate resource webpage](#) to collect questions about the bill, post frequently asked questions, and issue guidance: <https://accd.vermont.gov/community-development/resources-rules/planning/HOME> .

The [Vermont Statutes Online](#) website is typically updated in October and does not include the prior session's changes until then.

The Department will issue an additional memorandum summarizing the other bills affecting municipal planning once the state budget is finalized. In compiling these updates, we owe thanks to the Vermont Planners Association's (VPA) legislative team and to the Vermont League of Cities and Towns' advocacy team (VLCT) for their companion legislative updates throughout the session, as well as the Vermont Association of Planning and Development Agencies (VAPDA).

PRELIMINARY SUMMARY

Act 47 (S.100) - Housing Opportunities Made for Everyone (HOME Act)

The Act amends the Planning and Development statute, Act 250, and other laws to enable new opportunities for housing development within state, regional, and local planning and development regulations.

The Act aims to address decades of state and local policies that have contributed to segregation and exclusion in Vermont. This legislation is an important part of a multi-pronged approach to mitigating the housing crisis, and every Vermont city and town can play a role in bringing about housing solutions, including ending unduly restrictive zoning. While some may find new ways to limit access and opportunities for more affordable homes and new neighbors, we hope cities and towns embrace the opportunity the new legislation offers to become more just and welcoming.

Currently, fifty-six municipalities in Vermont have received Bylaw Modernization Grants from the Department to expand housing opportunities. We expect the Budget Act will provide additional funding for new and revised bylaws through the [Municipal Planning Grant](#) and [Bylaw Modernization Grant](#) programs. We aim to announce these funding programs later this summer.

Effective Dates of the Act:

Effective upon passage: Section 46 on lead inspections

Effective July 1, 2023:

- Section 2, 1(D) on required provisions and prohibited effects for duplexes and small multiunit dwelling uses
- All other sections not otherwise listed below

Effective September 1, 2023: Section 3 on limited regulation of emergency shelters

Effective December 1, 2024:

- Section 1 on parking requirements
- Section 2, except 1(D), on other required provisions and prohibited effects (*[H.171 of the 2023 Veto session](#) would advance the effective date of this section to July 1, 2023*)

Sections 1-10 Municipal Zoning Reform

§1 – Minimum Parking Requirements: Amends [24 V.S.A. § 4414](#) (permissible types of regulation) In residential districts served by municipal sewer and water, municipalities cannot require more than 1 parking space per dwelling unit. But municipalities may

require 1.5 spaces for duplexes and multi-family dwellings in areas without sewer and water for multiunit dwellings if existing public parking is not sufficient, rounded to the nearest whole number when calculating the total number of required spaces for multi-unit dwellings.

§2 – Required Provisions and Prohibited Effects

Duplexes and small multiunit uses: Amends [24 V.S.A. § 4412](#) (required provisions and prohibited effects) Municipalities must allow anywhere single unit homes (also known as single-family or single-household dwellings) are allowed for year-round use. Municipalities must apply the same or less prohibitive dimensional standards to duplexes as would apply to a single unit dwelling. In areas served by municipal sewer and water, municipalities must allow multiunit dwellings with three or four units to be a permitted (not conditional) use.

Accessory Dwelling Units (ADUs) allowances: ADU review, dimensional, or other regulations must not be more restrictive than those for single-unit dwellings. For instance, if a single-unit dwelling is not subject to a special design review, the ADU may not be subject to design review. Also, the criteria to convert an existing detached nonresidential building (such as a carriage barn) to habitable space for an ADU must not be more restrictive than a single-unit dwelling without an ADU.

Hotels & Housing Assistance: Bylaws must not prevent or penalize hotels used to rent rooms with public funds for the purpose of providing Vermont General [housing] Assistance.

Dwelling unit density standards for allowed residential uses: In areas served by municipal sewer and water that allow residential development, bylaws shall establish lot and building dimensional standards that allow 5 or more dwelling units per acre for each allowed residential use and density requirements for multi-family cannot be more restrictive than those required for single-family dwellings.

Affordable housing and mixed used development density bonus: In municipal water sewer service areas that allow residential development bylaws must permit a dwelling unit density bonus of 40% and a bonus of one habitable floor above the height maximum.

§3 – Limited Regulation of Emergency Shelters: Amends 24 V.S.A. §4413 (limitations on municipal bylaws) Shelters must be regulated similarly to state or community-owned and operated institutions. Bylaws may not interfere with daily or seasonal hours of operation or otherwise interfere with the functional use of a shelter.

§4 – Definitions: Amends 24 V.S.A. § 4303 (definitions) to move the existing ADU definition from the ADU section to this section, establish a definition for a duplex, (to mean a two-unit dwelling with a shared wall or floor/ceiling), define emergency shelter (to

mean temporary shelter for homeless) and define multi-unit dwelling (to mean three or more dwelling units in same building).

Served by Water & Sewer Definition: amends definition to define "served by municipal water and sewer infrastructure" to mean an area where a connection is "available" to municipal water and direct or indirect wastewater system(s).

"Available" is not defined but could be interpreted as "possible" or "feasible" and not prohibited by State regulations and permits, known capacity constraints, or adopted service and capacity agreements. Municipalities can also establish specific service areas by ordinance or bylaw, provided they do not discriminate against year-round residential housing otherwise allowed. Such an ordinance may consider areas where year-round housing development conflicts with natural resource regulations, known service area prohibitions or limitations, areas served only to address public health hazards, mobile home parks outside areas planned for growth, and where year-round housing development is prohibited.

§5 – Preparation of Bylaws: Amends 24 V.S.A. §4441 (preparation of bylaws and regulatory tools) to enhance fair housing filing requirements for the State Plan & Bylaws Database and atlas to allow developers/researchers to go to one place for all adopted bylaws and access all zoning districts through the Vermont Open Geodata Portal. The Department is now in the process of updating procedures, forms and upload capabilities.

§6 – Limits on Local Appeals: Amends 24 V.S.A. §4465 (appeals of decisions of the administrative officer) adds "residents" to the list of potential individuals that may, in combination, appeal an appropriate municipal panel (AMP) decision with a 10-person petition. Depending on local governance, the AMP could be a planning commission, zoning board of adjustment, development review board, or legislative body (under interim zoning). The amendment also prohibits 10-person appeals for "character of the area" if the project has an affordable housing component.

§§6-7 – Subdivision Review: Amends 24 V.S.A. §4463 (subdivision review) to differentiate between major and minor subdivisions in bylaws to allow administrative officers to approve minor subdivisions. Municipalities may define "minor subdivision."

§9 – Character of the Area Appeals: Amends 24 V.S.A. §4471 (appeal to environmental division) to prohibit conditional use appeals when the AMP has determined the "character of the area" is met for residential development in some State designated areas (Downtowns, Growth Centers, and Neighborhood Development Areas). Other elements may be still appealed.

§10 – By Right Development Review: Amends 24 V.S.A. §4464(b) (appropriate municipal panel decisions) to require local boards to permit housing development as enabled in the bylaws with no restrictive modifications to projects. Developments that meet the requirements of bylaws and municipal standards, (along with any other permitting requirements) must be allowed. AMPs will no longer be able to require larger

lot sizes, require more parking spaces, limit the building size or height, or limit the density otherwise allowed by the bylaws except to meet a prerequisite permit. The section provides a mechanism for the AMP to deviate from the allowed standards with written findings that justify the adjustment.

§11 – Regional Plan: Amends 24 V.S.A. §4348a (elements of a regional plan) to direct DHCD to publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment (conducted every 5 years) for use by the eleven regional planning commissions in the regional plan’s housing element. Regional plans’ housing elements must now estimate specific housing needs by municipality and recommend actions that meet needs as part of the 8-year planning cycle.

§12 – Municipal Plan: Amends 24 V.S.A. §4382 (the plan for a municipality) municipal plan requirements to strengthen the local housing element. As part of the 8-year planning cycle, the plan must look at data on year-round housing to recommend a program for public and private actions that meets the housing needs of low- and moderate-income households, as well as the required provisions and prohibited effects section of the Planning Act.

§13 – Adoption of Bylaws: Amends 24 V.S.A. §4442 (adoption of bylaws) to remove the ‘rural town’ provision. Rural towns may now adopt bylaws in the same manner as an urban municipality: by a majority of the members of the legislative body following hearing. The legislative body retains the option to vote to put the bylaws to a popular vote and the voters retain the ability to petition for a popular vote on the bylaws following legislative body action.

§14 – Municipal and Regional Planning Fund: Amends 24 V.S.A. §4306 to allow DHCD to utilize 20% of the appropriated property-transfer tax funding for a new technical assistance and navigation program to help municipalities determine readiness and apply for neighborhood development area designation. DHCD intends to hire consultants on retainer for this purpose and will develop procedures for interested municipalities. DHCD may, in its discretion, allocate the remaining 80% of the funds between the bylaw modernization grants (BMG) and municipal planning grants (MPG). DHCD intends to run the BMG and MPG programs on a tandem timeline with an announcement this summer.

§§15-15a. – Regional Planning Report: the Vermont Association of Planning and Development Agencies (VAPDA), representing Vermont’s regional planning commissions, is directed to produce a report by December 15, 2023 on statutory recommendations to better integrate municipal, regional and state plans, and policies. VAPDA must also hire housing resource navigators to work with municipalities and regional organizations to find funding and identify housing opportunities (pending funding availability).

§§16-16a – Act 250 Definitions: Amends 10 V.S.A. §6001 to temporarily raise the Act 250 jurisdictional threshold for housing units from 10 to 25 in Designated Downtowns,

Neighborhood Development Areas, Growth Centers, and Villages with permanent zoning and subdivision regulations and allow any size [Priority Housing Project](#) (PHPs) within Designated Downtowns, Neighborhood Development Areas, and Growth Centers. Projects not completed before July 1, 2026 deadline can preserve the exemption by seeking a jurisdictional opinion before June 30, 2026 (the project must be substantially complete before June 30, 2029 to remain exempt). The amendment also treats the construction of four or fewer units in an existing structure as only one unit for the purposes of calculating the total number of units.

§17 – Master Plan Permits: Amends 10 V.S.A. §6086b (downtown development; findings; master plan permits) so municipalities can apply for master plan permit(s) for all of, or an area within, a Designated Downtown or Neighborhood Development Area. Subsequent development of lots within the area will only require permit amendments once a master plan permit is in place. Permit amendments in Neighborhood Development Areas will only be issued for housing development.

§18 – Act 250 Fees: Amends 10 VSA §6083a (Act 250 fees) to cap permit fees for individual permit or permit amendments, including portions of projects involving master plans, at \$165,000.

§18a – Act 250 Permit Delegation Report: Directs VAPDA, in consultation with the Natural Resources Board (which administers Act 250), to develop a proposed framework to delegate Act 250 administration to municipalities. The report is due by December 31, 2023.

§19 – Act 250 Changes Report: Amends the existing report established in Act 182 §41 (due on December 31, 2023) to additionally review the effects that changing the jurisdictional threshold 10 to 25 housing units statewide might have on housing affordability, home ownership, and natural resources.

§19a – Designated Area Report: Extends the report deadline to study the State's designation programs to December 31, 2023. DHCD is currently working with a consultant on evaluation, outreach, and recommendations to modernize the designation programs.

§19b-d – Act 250 Exemption for Electric Distribution Work: Exempts work and upgrades to existing utility lines and corridors from Act 250. Other permit processes (including §248 still apply). This exemption sunsets January 1, 2026. Any utility that uses this exemption between January 15, 2024, and 2026 must report to the House Committee on Environment and Energy and the Senate Committees on Finance and Natural Resources.

§20 – Covenants & Deed Restrictions: Amends 27 V.S.A. § 545 (covenants, conditions and restrictions of substantial public interest) to invalidate any deed restrictions or covenants established after July 1, 2023 if they establish minimum dwelling unit size or require more than one parking space per unit (if in an area served

by water and sewer), or more than 1.5 parking spaces for duplexes and multiunit dwellings in areas not served by water and sewer.

§21 – Class 4 Road Disclosure: Amends 27 V.S.A § 617 to require property owners to disclose to potential buyers if the property is on a class 4 highway or legal trail that is not required to be maintained by the municipality.

§§22-23 – Building Energy Code Study Committee: Creates a 15-member committee to study and recommend strategies to increase awareness of and compliance with State residential and commercial building energy standards with assistance from the Department of Public Service. The work will begin before July 15, 2023, and the report is due December 1, 2023.

§24 – Rural Recovery Coordination Council: Creates a 14+ member council to study ways to strengthen capacity and coordination between agencies and stakeholders involved in rural community development. Administrative support will be provided by the Vermont Council on Rural Development (pending budget approval), and the report is due December 15, 2023.

§25 – Agency of Natural Resources (ANR) Review of Water & Wastewater Connection Permits: Directs ANR to study the statutory and regulatory requirements and administrative processes governing issuance of potable water and wastewater connection permits to identify ways to streamline the process and reduce any duplicated effort on the municipal or state level. ANR will consult with DHCD, municipalities, engineers, licensed designers, and environmental organizations on alternative approaches. Report due January 31, 2025.

§25a – Utility Disconnection & Landlord Notification Rulemaking: Directs the Public Utilities Commission (PUC) to revise rules regarding utility service disconnections to require utilities to notify property owners if utility service to the property has been disconnected, even if the tenant is the ratepayer. **This would include water and sewer services provided by municipality, fire district, or private company.** Also allows remote disconnect by utility. Draft legislation that incorporates the rules is due January 1, 2024.

§26 – Accessory Dwelling Unit (ADU) Jurisdiction: Amends 20 V.S.A. § 2730 to clarify that ADUs that are not rented are not ‘public buildings’ and not subject to State Fire Safety Code Compliance and inspection.

§27 – Deleted

§28 – Criminal Penalty for Fair Housing/Human Rights Violation: Amends 9 V.S.A. 4507 to increase potential penalty from \$1,000 to \$10,000.

§29 – Fire & Building Safety Report: Requires the division to prepare a report identifying potential revisions to the Vermont Fire and Building Safety Code to increase construction of new and converted residential units. Report due January 15, 2024.

§30 – Deleted

§§31-45 – Programs

§31 – Homesharing Program: Directs DHCD to develop a home-sharing program, pending funding.

§32 – Mobile Home Park Task Force: Creates a multi-agency and stakeholder task force to be led by an appointed member of the House of Representatives to evaluate Vermont's mobile home park statute and the status of mobile home parks and mobile homes in the state. Funding is pending.

§§33-34 – First Generation Homebuyer Program: Amends existing program administered by the Vermont Housing Finance Agency to expand potential usership. Future funding is to be determined (TBD).

§§35-37 – Missing Middle Homeownership Program: Revises the existing missing middle program administered by the Vermont Housing Finance Agency (VHFA). Future funding TBD.

§§38-39 – Rental Housing Revolving Loan: Directs VHFA to create a revolving loan program to develop rental housing stock. Funding TBD.

§§40-41 – Vermont Rental Housing Improvement Program (VHIP): Revises existing VHIP program, administered by the Department of Housing and Community Development (DHCD) in partnership with the homeownership centers (HOCs), to allow for both grants and loans. Future funding TBD.

§42 – VHCB Appropriation: Appropriation to the Vermont Housing Conservation Board (VHCB) for mixed-income and affordable housing development. Funding TBD.

§43 – Rental Housing Stabilization Services: Directs Champlain Valley Office of Economic Opportunity to create and implement a rental housing stabilization program to provide technical assistance for tenants and landlords to access other funding opportunities. Funding TBD.

§44 – Tenant Representation Pilot Program: Directs Vermont Legal Aid to create and implement a two (2) year pilot program for tenant representation in eviction cases. Funding TBD.

§45 – Rent Arrears Assistance Fund: Directs the Vermont State Housing Authority (VSHA) to create and implement a rent arrears program to assist eviction prevention for cases of non-payment of rent. Funding TDB.

§46 – Lead Inspection: Owners of rental target housing who perform work under 18 V.S.A. § 1764 are exempt from needed a license and liability insurance. Effective on passage.

§47 – Effective Dates (see above)

Prior DHCD memos summarizing the statutory changes starting in 2007 can be found at <http://acd.vermont.gov/community-development/resources-rules/planning>.



AGENDA ITEM

10

FY2024

Municipal Planning Grant

Program Description



Blue Rocks Amphitheater
conceptual rendering from the Village
of West Pawlet Master Plan, a FY22
Municipal Planning Grant project.
Find out more at
<https://www.regrowthplanning.com/pawlet>

Community Planning + Revitalization
Vermont Department of Housing and
Community Development
July 2023



AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Program Basics

In fiscal year 2024 (July 1, 2023 – June 30, 2024)¹, the Vermont Department of Housing and Community Development (DHCD) will grant funds to municipalities to promote planning, revitalization, and development activities that maintain Vermont’s land use goal of compact settlements separated by rural lands.

The Municipal Planning Grant (MPG) Program funds a wide range of municipal planning projects as allowed by [Title 24 of Vermont Statutes Annotated \(V.S.A.\) Section 4306 \(b\) and \(c\)](#). Projects that promote Vermont’s historic pattern of compact settlements surrounded by working farms, forest, and open space are given priority.

Each municipality may submit one application per year. The maximum grant amount is \$30,000 for individual municipalities and \$45,000 for group (consortium) applications. All applications are required to provide a minimum cash match of 10%.

Grant funds are regionally apportioned based on the percentage of municipalities with confirmed planning processes within each of Vermont’s [11 regional planning commission \(RPC\) regions](#). Eligible municipalities compete with their region for grant funding. Funding decisions are made by the DHCD Commissioner based on the competitive criteria listed under the *Grant Selection Process* later in this guide.

Grant Timeline

MPG projects must be completed within 24 months.

- September 1, 2023: Online application opens
- September 30, 2023: Deadline for RPC confirmation of municipal planning process
- **November 1, 2023: Application deadline, 6 p.m.**
- November 2023: Award decisions
- December 1, 2023: Start of grant term
- December 2, 2024: Mid-project report due
- November 30, 2025: End of grant term; Project is complete and all funds spent
- December 31, 2025: Final report and products submitted

Additional Funding for Zoning/Subdivision Bylaw Modernization

Local and statewide leaders increasingly recognize the need to grow housing opportunity, and Act 74 of 2023 makes funding available for bylaw modernization. These funds will be available to support municipal bylaw modernization amendments in FY24 to expand opportunities for housing, confront the State’s housing crisis, and ready communities for

Purpose of MPG: To Carry out Statewide Planning Goals (24 V.S.A. § 4302)

b) It is also the intent of the legislature that municipalities... shall engage in a continuing planning process that will further the following goals:

- (1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.
- (2) To encourage citizen participation at all levels of the planning process...
- (3) To consider the use of resources and the consequences of growth and development...

(c) In addition, this chapter shall be used to further the following specific goals:

- (1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside...

¹ Act 74 <https://legislature.vermont.gov/bill/acts/2022>

historic investments in housing development. **Applications will be due November 1**, at the same time as for the Municipal Planning Grant applications, although they will not be submitted through the GEARS system, but rather through a PDF application process.

Eligible Applicants

Single Municipality

Individual municipalities with a local planning process confirmed by the RPC (including an unexpired plan) on or before September 30, 2023, are eligible to apply. To be confirmed, a locally adopted plan must be approved by the regional planning commission, and the municipality must maintain efforts to provide local funds for municipal and regional planning purposes as required by [24 V.S.A. §4350](#). The Department does not require the submission of a plan confirmation letter from the Regional Planning Commission.

Municipalities without a confirmed local planning process may apply for funding only to create a municipal plan approvable by the RPC and must have voted to provide local funds for municipal and regional planning purposes. Grant proposals from municipalities that have received RPC recommendations to bring their plan into compliance with statewide requirements must propose to address the changes identified by the RPC.

Municipal organizations other than the governing body and the planning commission (such as the conservation or economic development commission) may also apply for a grant, but only with prior approval of the municipal governing body and planning commission.

Municipalities may not receive funding if they are suspended or debarred by the State or Federal Government; delinquent in submitting their subrecipient annual reports; or delinquent in submitting their single audit reports (if required).

Consortium

Two or more municipalities may apply jointly for a consortium application (requests of up to \$45,000). The application must address a shared issue and identify a lead municipality for financial administration of the project. The RPC may serve as grant administrator for a consortium (see consultant selection below). All municipalities in the consortium must have a confirmed planning process by September 30, 2023, and each municipality must submit a separate resolution form in support of the project. The consortium may involve or benefit municipalities that are not identified as a consortium member in the application. No member of a consortium application may apply for an individual MPG the same year.

Funding Amounts & Match

Single municipalities may apply for a grant of any amount between \$2,500 and \$30,000 with a minimum local cash match requirement of 10%, based on the total project cost.

A consortium of municipalities may apply for a grant of any amount between \$2,500 and \$45,000 with a minimum local cash match of 10%, based on the total project cost.

Any source of cash match funds may be used: federal, other state grants, municipal, private, or non-profit. Projects that demonstrate financial partnership with outside organizations or propose a local match that exceeds the minimum match amounts are

Eligible Municipalities

For the purposes of the Municipal Planning Grant Program, a municipality is defined by [24 V.S.A. §4303\(12\)](#). Under this definition an incorporated village is not considered a separate municipality unless the village adopts its own plan one or more bylaws either before, concurrently with, or subsequent to such action by the town.

considered to have higher levels of community support in the competitive criteria listed under the *Grant Selection Process* later in this guide.

In-kind contributions or contributions of municipal staff or others' time cannot be offered as a match. Documentation of total expenditures (including grant and match funds) are required at the close out of the grant. If a project is completed with less than the total project cost expended, the grant award and match funds required will be reduced proportionately.

Grant Amount	10% Match Amount	Total Project Cost
\$2,500 (Minimum)	\$278	\$2,777+
\$30,000 (Max. for Single Applicant)	\$3,333	\$33,333+
\$45,000 (Max. for Consortium)	\$5,000	\$50,000+

Municipalities seeking funds for large, multi-year projects are encouraged to separate projects into related, stand-alone phases, each with a defined product upon completion, and apply for a grant each year to complete the phases (See *Single Project Scope Requirement* below). Because funds are allocated competitively each year, MPG support for subsequent phases cannot be guaranteed.

DHCD reserves the right to award less than the amount requested, based on the availability of funds.

Note: Please keep in mind that municipalities that accept MPG funding are not eligible to apply for a [Better Connections Grant](#) for the same state fiscal year as the MPG award.

Eligible Activities

The Municipal Planning Grant Program supports a wide range of projects relating to planning and land use, and promotes cooperation, collaboration, and the exchange of ideas. Eligible projects must have a clear connection to planning and implementation of the municipal plan and will be reviewed for conformance with the regional plan, as well as statewide smart growth principles, planning goals, and land use policies.

Funds *may* be used to:

- ✓ Underwrite expenses for public meetings and hearings, informational workshops, citizen surveys, outreach, and notification costs
- ✓ Support research, data collection, capacity studies, inventories, and mapping
- ✓ Pay consultants, interns, regional planning commission staff, or legal fees associated with the project
- ✓ Purchase development rights, easements, and titles of properties for housing and conservation purposes identified in the municipal plan
- ✓ Purchase materials needed to produce a plan, bylaw, or implement or administer the project -- like writing supplies, maps, and copies
- ✓ Conduct other non-prohibited activities
- ✓ Pay a Regional Planning Commission with 'agent' status for project management expenses up to 5% of sub-contracted (non-RPC) expenses.

Funds *may not* be used to:

- ✗ Support political activities

- ✘ Support projects incompatible with the Regional Plan
- ✘ Pay regional planning commission dues
- ✘ Reimburse expenses incurred before the grant is awarded
- ✘ Subsidize tax mapping (see *Mapping Requirements* below)
- ✘ Pay municipal officials or municipal staff
- ✘ Capitalize a “reserve” fund for use beyond the grant period
- ✘ Purchase computer hardware, software licenses or subscriptions, or other equipment not related to a specific grant funded planning event
- ✘ Pay for the cost of administering the MPG grant such as municipal or regional staff time for documenting grant expenditures and submitting the progress report and close-out
- ✘ Support plans, bylaws and policies that violate the State or Federal Fair Housing Act. Fair housing training is available to all grantees and is encouraged for projects relating to housing and/or revisions to zoning bylaws. Please contact Shaun Gilpin, Housing Policy Specialist at shaun.gilpin@vermont.gov if you are interested in training opportunities.

Mapping Requirement

- All GIS mapping must follow applicable [VCGI data guidelines or standards](#).
- Parcel mapping projects may not be funded through MPGs.

Single Project Scope Requirement

MPG grants are limited to projects with a singular and well-defined focus – even if the proposal is part of a larger project (see example below). If multiple products or separate consultant projects are proposed for MPG funds, the application may not meet the single project scope requirement. This finding will result in a lower score and only one of the projects will be funded if a grant is awarded.

Example: work on both a municipal plan and bylaws in the same application will usually be considered two separate projects and typically both are not funded. However, a focused issue-oriented amendment of a plan section and the associated bylaws to implement that section of the plan, can be proposed as one project. For instance, a housing element of a plan and a bylaw amendment to adopt housing-ready regulations may be considered one project.

Use of MPG as Part of a Larger Project

MPGs may be used as part of a larger or phased project. A MPG may also be used in conjunction with grants from other programs. If you propose to use the MPG for a larger project, begin by assigning a discrete part of the larger project to the MPG. Choose a component that best meets the competitive criteria and can easily be completed within the 24-month MPG timeframe. Applicants may contact DHCD to ensure that the activity will meet the grant requirements.

Example 1: A municipality could use an MPG for the community outreach component of a major public project. In this instance, include the workplan for just the MPG portion of the project in the online application and submit the overall work plan for the larger project as an attachment.

Example 2: A major overhaul of bylaws typically requires two phases, first to prepare proposed amendments and then for the adoption process. A municipality could use MPG funds to focus on the preparation of amendments in one grant cycle and propose

consulting assistance for the adoption hearing process in a second cycle. A workplan that includes both phases may not be considered realistic.

Coordination with State Agencies

Some local planning and regulatory projects require coordination with state agencies that have planning and regulatory authority over the project. For projects where state authority can be anticipated, applicants must identify the relevant agencies as project partners and include a task for coordinating with that agency in the work plan. Applicants are also encouraged to review the work plan with any such agency and include comments from the agency as an attachment to the application.

Example 1: Any project (streetscape, traffic calming, sidewalk, water, wastewater etc.) that proposes work within a state Highway right-of-way must coordinate with appropriate sections at the Agency of Transportation. At a minimum, the District Transportation Administrator and the Permitting Services section should be involved. Early coordination will increase the likelihood that the work product(s) can be implemented in the future.

Example 2: A project to consider village wastewater solutions must coordinate with the [Department of Environmental Conservation \(DEC\) Water Infrastructure Financing Program](#) before submitting an MPG application, to ensure the work plan will result in a product that can be used to obtain state and federal infrastructure funding. The best evidence of this coordination is an email from DEC indicating review of the work plan. This can be attached to the application.

Grant Selection Process (Competitive Criteria)

DHCD uses competitive criteria to score and rank applications. The statewide priorities are updated annually to comply with policy initiatives, legislation, or current events – such as the housing crisis and recent flooding. Grants are awarded based on the application’s score and ranking compared to the scores from the other applications in the same region, as well as the amount of grant funds available. Applications scoring at or below 60 points will not be funded, and regional funds may be reallocated to high-scoring projects in other regions. The DHCD Commissioner reserves the sole right and responsibility to allocate grant funding. Applications are scored as follows:

Competitive Criteria Scoring Summary	Points
Project Readiness & Need	Section: 20
Issue & Urgency	5
Funding Need	5
Project Readiness	5
Project Management	5
Public Outreach & Project Partnership	Section: 20
Public Outreach	10
Project Partnership & Support	10
Statewide Priorities	Section: 35
Project Outcomes & Goal Consistency	5
Priority Projects	10
State Designated Area Projects	20
Project Approach	Section: 35
Work Plan	20
Budget & Cost Estimates	15

Application Quality & Past Performance	Section: 10
	TOTAL: 120

Project Readiness & Need (20 points)

Projects with a specific and documented problem the community is trying to solve, and a well-organized management team, demonstrate project readiness. Projects that are unable to qualify for funding through other sources demonstrate need, as well as projects that address an urgent matter.

Public Outreach & Project Partnership (20 points)

Planning projects are more successful: 1) when there is sustained public outreach throughout a project that involves those affected, including harder-to-reach and under-represented or under-served people, 2) when they begin with strong community support, and 3) when they are done in partnership with organizations outside the municipal government. Competitive applications will demonstrate how the project will outreach to the broader public and who supports and is part of the project from the outset. This includes necessary coordination with State agencies.

Statewide Priorities: Priority Projects (35 points)

Each year the program recognizes projects with outcomes that meet statewide priorities. Projects meeting at least one priority will receive 5 points. Projects meeting more than one priority will score 10 points. Projects that relate to state designated areas receive priority in accordance with 24 V.S.A. Chapter 76A. Refer to the [Application Guide](#) for scoring specifics. Because housing continues to be a concern statewide, projects that implement [Zoning for Great Neighborhoods](#) will receive highest priority. Refer to the [Application Guide](#) for examples of diverse projects that meet these categories:

- Projects related to recovery from the Vermont Flood of 2023
- Housing-related projects
- Physical improvement plans for a designated area, which may include pre-engineering water/wastewater visioning
- Pre-requisite planning to prepare for a new designation application (not including applications for Village Centers)
- Capital programs and plans, especially programs focused on climate resilience
- Age-friendly plans for ‘age-strong’ community design focused on children and seniors
- Innovative and statewide projects that serve as a replicable model for other communities

Project Approach (35 points)

Projects should have a well-thought out work plan and budget. Once grants are awarded, the work plan can only be changed via a grant amendment, so the scope of work and tasks described should be as accurate as possible. The work plan and budget submitted with the application will become part of the grant agreement.

Application Quality & Past Performance (10 points)

Reviewers consider the overall quality and clarity of the application, as well as applicants' past performance on timely grant reporting, accurate and complete closeout documentation, and completion of past projects that were awarded funds.

Application Guide

The [Application Guide](#) assists applicants in preparing a competitive application and allows applicants to prepare draft responses before submitting the application online.

Applicants can see each application question, read advice on answering the question, view how the response will be evaluated and scored by DHCD, and prepare a draft response -- all on one form. Because the online application within the State's [GEARS](#) software can be cumbersome to navigate, users are advised to complete their application in advance. DHCD recommends applicants prepare their responses offline, and then applicants can later copy and paste their narrative responses into the online form. The GEARS system will time out after forty minutes on one-page, even if you are actively entering in information. Please "save" often so applicants do not lose their work.

Grant Awards and Administration

Award notices are sent via email to successful applicants through the online [Grants Management System](#). In the event of partial funding, applicants are asked to submit a modified work plan and budget. Grant agreements and other required documents will be available online shortly thereafter. Completion and electronic submittal of these forms will be required for payment. All grants management forms and instructions will be available through the Grants Management System. Grant payments and reporting requirements are as follows:

- **First Payment** – Upon execution of the grant agreement, a requisition may be submitted for an advance payment of 40% of the award amount.
- **Second Payment** – Mid-project reports are due December 2, 2024. Requisition for 30% of the award may be submitted along with a progress report.
- **Final or Close Out Reimbursement** – Up to 30% of the award is made on a *reimbursement basis*. The reimbursement is made when the project and its deliverables, as detailed in Attachment A of the Grant Agreement, are complete, and the expenditures are properly budgeted and documented (copies of invoices and canceled checks or a detailed transaction report) showing that the funds were spent for the purposes specified in the grant agreement. Invoices must show that grantees have spent all grant funds and match funds, if applicable, no later than November 30, 2025. Funds that are unused as of that date, as well as expenditures that are ineligible or are not documented, must be returned to DHCD.

While grant activities must be completed by November 30, 2025, grantees have up to one month after that date to assemble a final report. Final reports must be submitted online no later than December 31, 2025.

Purchase of goods and services through the grant must conform with the procurement requirements defined in [Attachment D to the Grant Agreement](#). In most cases, consultants must be selected through a competitive process.

All final products and public communication must acknowledge funding from the Municipal Planning Grant Program, administered by the Vermont Department of Housing and Community Development, Agency of Commerce and Community Development. This means there should be a statement, usually on the cover page of the

final plan or product, such as “*This project was funded in part by a Municipal Planning Grant, administered by the Vermont Department of Housing and Community Development.*”

Amendments

Minor alterations to the work plan or the approved budget may be allowed, but only upon request and approval from DHCD. Substantial alterations are not allowed, and the final product must remain the same.

No time extensions are offered. Projects that cannot be completed within the grant period under the terms of the grant agreement are closed out. The grant will cover eligible work completed for documented costs; however, ineligible or undocumented costs will not be funded, and associated funds must be returned.

Consultant Selection

The rules for consultant selection are detailed in the grant agreement’s procurement provisions (see [Attachment D of the MPG Grant Agreement](#)). A Regional Planning Commission may help a municipality prepare a grant application and bid on a grant-funded project; this is not a prohibited activity.

Pre-Application Process

Consultants may be selected before the application is submitted. If a municipality is engaged in a competitive procurement process while developing the grant application and selects a contractor at that time, there is no requirement to re-open the selection process if the grant is awarded, provided the scope of work remains substantially similar to what was in the contractor’s proposal.

Simplified Bid Process

For contracts up to and including \$10,000, the grantee is required to obtain price or rate quotations from a reasonable number of sources, but no less than two, and maintain a record of the same in its files.

Competitive Bid Process

For contracts more than \$10,000, the grantee is required to use a competitive selection method, soliciting from an adequate number of sources. A Request for Proposals (RFP) or Request for Qualifications (RFQ) should be broadly publicized to permit reasonable competition. The grantee must maintain records in its files to document how the decision was made.

Exceptions

If the grantee is a “[rural town](#)” or a multi-town consortium has identified the regional planning commission as its agent, the simplified bid and competitive processes for hiring the RPC are not required.

Consultants working on an earlier phase of a multi-phase project may be re-selected for the project phase funded by the MPG, to maintain continuity between phases.

Regional Planning Commission as Agent
For rural towns with a population of less than 2,500 as defined in 24 V.S.A. §4303(25) , the regional planning commission may serve as an agent of the town for the Municipal Planning Grant. The agent is expected to prepare the application, support grant administration and will be exempt from competitive selection if serving as a project consultant, but the municipality must remain the financial administrator. RPCs may also serve as the agent for any consortium project.

Information

MPG Application Webpage - instructions and resources:

<https://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant/applicant-guidance>

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FY2024

Bylaw Modernization Grant

Program Description & Guide



Community Planning + Revitalization
Vermont Department of Housing and
Community Development
August 2023

Program Overview

In fiscal year 2024 (July 1, 2023– June 30, 2024)¹, the Vermont Department of Housing and Community Development (DHCD) has funding to grant to municipalities for land use, development, and zoning bylaw updates in support of a pedestrian-oriented development pattern that increase housing choice, affordability, and opportunity in areas planned in accordance with Vermont’s smart growth principles ([24 V.S.A. §2791](#)). This funding is intended to help municipalities confront the State’s housing shortage and ready areas for new housing investments.

Eligible Municipalities

For the purposes of the Bylaw Modernization Grant, a municipality is defined by [24 V.S.A. §4303\(12\)](#). Under this definition an incorporated village is not considered a separate municipality unless the village adopts its own plan and one or more bylaws either before, concurrently with, or subsequent to such action by the town.

Municipalities may submit an individual application for a maximum of \$25,000 or apply with other municipalities as part of a multi-town application. Regional planning commissions may submit multi-town grant applications as an agent for and on behalf of member municipalities. Multi-town applications are eligible for grants up to a maximum of \$60,000 based on a minimum number of participating towns (see details below). All successful applicants are required to provide a minimum cash match of 10%, which will be forgiven for all bylaw modernization projects where bylaw amendments are adopted prior to grant closeout.

A municipality may apply for Bylaw Modernization Grant funding in addition to a recent or fiscal year 2024 [Municipal Planning Grant](#), if there is demonstrated capacity to complete both projects. Municipal Planning Grant applications are also due November 1, 2023.

Grant funds will be available statewide. Geographic and regional balance will be strongly factored into awards. Funding decisions will be made by the DHCD Commissioner based on the criteria listed later in this guide.

Grant Timeline

Bylaw Modernization Grant projects must be completed within 24 months. The grant term will be January 1, 2024 – December 31, 2025. No time extensions will be granted.

- September 30, 2023: deadline for RPC-confirmed planning process
- **November 1, 2023: application deadline, 6 p.m.**
- December 2023: award decisions
- January 1, 2024: grant term begins
- January 1, 2025: mid-project report due
- December 31, 2025: project completion and all funds spent
- January 31, 2026: final report and products submitted

Eligible Applicants

Single Municipality

Individual municipalities with a confirmed local planning process by the regional planning commission (RPC), including an unexpired Municipal Plan, on or before September 30, 2023, are eligible to apply. To be confirmed, a locally adopted plan must be approved by

¹ Act 182§28 <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT182/ACT182%20As%20Enacted.pdf>

the regional planning commission, and the municipality must maintain efforts to provide local funds for municipal and regional planning purposes as required by [24 V.S.A. §4350](#). Applicants can verify the plan date on the [municipal planning data center](#).

All applications require approval of the municipal governing body and planning commission by resolution. Municipalities may not receive funding if they are suspended or debarred by the Federal or State Government; delinquent in submitting their subrecipient annual reports; or delinquent in submitting their single audit reports (if required).

Multi-Town Application

Two or more municipalities may apply jointly, with one lead municipality serving as the grant's fiscal agent and grantee. RPCs may submit the grant application as an agent of and on behalf of eligible member municipalities as part of a multi-town grant application (see agent status under consultant selection below). Multi-town applications are eligible for the maximum funding amounts as shown below. The multi-town application must recommend a common project approach that supports efficiencies across municipalities.

Minimum Number of Participating Towns	Maximum Multi-Town Grant Amount
2	\$35,000
3	\$40,000
4	\$45,000
5	\$50,000
6	\$55,000
7	\$60,000

All municipalities in the multi-town application must have a confirmed planning process, and each municipality must submit a separate resolution form in support of the project. No member of a multi-town application may apply for an individual bylaw modernization grant the same year.

Funding Amounts & Match

This grant requires a 10% cash match with an identified source of funds in the application.

The minimum required cash match will be forgiven for all municipalities whose bylaw amendments are adopted prior to grant close out.

Individual Municipality Application

Single municipalities may apply for a grant of any amount between \$2,500 and \$25,000 with a minimum local cash match requirement of 10%, based on the total project cost.

Multi-Town Application

A group of municipalities may apply for a multi-town grant of any amount between \$2,500 and \$60,000 with a minimum local cash match of 10%, based on the total project cost. The minimum required match will be *proportionally and evenly* forgiven for all bylaw

modernization projects adopted prior to grant closeout, based on the number of participating municipalities (see example below).

Match Forgiveness

Below are examples showing how the required cash match and match forgiveness work.

Application Type	Grant Award	Town Matching Contribution (10%)	Total Project Cost	Total Reimbursement Paid to Municipality at Closeout	
				Bylaw is adopted by closeout (Grant + Match)	Bylaw is not adopted by closeout (Grant only)
Single Municipality	\$25,000	\$2,778	\$27,778	\$27,778	\$25,000
Multi-Town (7-town example)	\$60,000	\$6,667	\$66,667	\$66,667	\$60,000
<i>Total Reimbursed if 5 out of the 7 towns adopt bylaws by closeout: (Grant + 5/7th of the Total Matching Contribution)</i>				\$64,734	

Municipalities whose bylaws **ARE NOT** adopted prior to closeout will NOT have the required 10% cash match reimbursed at grant closeout.

Matching Funds

Any source of **cash** match funds may be used: federal, other state grants, municipal, private, non-profit, or regional planning commission. Projects that demonstrate financial partnership with outside organizations or propose a local match that exceeds the minimum required match amounts are considered to have higher levels of community need in the competitive criteria (shown below).

In-kind contributions or contributions of staff or others' time cannot be offered as a match. Documentation of total project expenditures, and proof of payment by the municipality, including grant and match funds, is required at the close out of the grant. If a project is completed with less than the total project cost expended, the grant award and required match funds will be proportionately reduced.

Application Type	Min. Grant	Max. Grant	Min. Match
Single Municipality	\$2,500	\$25,000	10% of total project cost
Multi-Town	\$2,500	\$35,000 - 60,000	10% of total project cost

Municipalities seeking funds for large, multi-year projects are encouraged to separate projects into related, stand-alone phases, each with a defined product. You may apply for subsequent grants through the Municipal Planning Grant Program to complete later phases (See *Single Project Scope Requirement* below).

DHCD reserves the right to award less than the amount requested, based on the availability of funds or scope of work.

Eligible Activities

Funds *may* be used to:

- Underwrite expenses for public meetings and hearings, informational workshops, citizen surveys, outreach, and notification costs.
- Provide accommodations and incentives for under-represented and lower-resourced people impacted by the project to participate in surveys, focus groups, or events; these could include accommodations like event childcare, translation services, or transportation reimbursement.
- Support research, data collection, capacity studies, inventories, and mapping.
- Pay consultants, interns, regional planning commission staff, or legal fees associated with the project.
- Purchase materials needed to produce a bylaw or implement or administer the project -- like writing supplies, maps, and copies.
- Conduct other non-prohibited activities.

Funds *may not* be used to:

- Support political activities.
- Support projects incompatible with the Regional Plan.
- Pay regional planning commission dues.
- Reimburse expenses incurred before the grant is awarded.
- Subsidize tax mapping (see *Mapping Requirements* below).
- Pay municipal officials or municipal staff.
- Capitalize a “reserve” fund for use beyond the grant period.
- Purchase computer hardware, software licenses or subscriptions, or other equipment not related to a specific grant funded planning event.
- Pay for the cost of administering the grant (such as municipal or regional staff time for documenting grant expenditures and submitting the progress report and close-out).
- Support plans, bylaws, and policies that violate the State or Federal Fair Housing Act. Fair housing training is available to all grantees and is encouraged for projects relating to housing and/or revisions to zoning bylaws. Please contact Shaun Gilpin, Housing Policy Specialist at shaun.gilpin@vermont.gov if you are interested in training opportunities.

Mapping Requirement

- All GIS mapping must follow applicable [VCGI data guidelines or standards](#).
- Parcel mapping projects may not be funded through this program.
- Any new GIS data layers created as a result of the project will need to be submitted via the [GIS Data Submission Online Intake Form](#) at closeout.

Single Project Scope Requirement

These grants are limited to projects with a singular and well-defined focus, even if the proposal is part of a larger project. If multiple products or separate consultant projects are proposed for these funds, the application *may* not meet the single project scope requirement. This finding will result in a lower score and only one of the projects will be funded if a grant is awarded. Applications for parts of larger projects must identify this in the application and explain any funding or sequencing dependencies.

Coordination with State Agencies

Some local regulatory projects require coordination with State agencies that have planning and regulatory authority. For projects where State authority can be anticipated (such as projects that regulate setbacks from State highways or plan community septic systems), applicants must identify the relevant agencies as project partners and stakeholders and include a task for coordinating with that agency in the work plan. Applicants are also encouraged to review the work plan with any such agency and include comments from the agency as an attachment to the application.

Project Eligibility

All grant-funded projects must:

- Increase housing choice, affordability, and opportunity in areas planned for pedestrian-oriented smart growth, which may include areas within and adjacent to [State designated areas](#).
- Consult Vermont Housing Finance Agency's [community housing profile](#) and [housing-ready toolbox](#).
- Consult the [Enabling Better Places: A Zoning Guide for Vermont Neighborhoods](#).
- Consult the [Neighborhood Development Area](#) designation checklists as a model for pedestrian-oriented smart growth neighborhoods, as appropriate.
- Identify municipal water and wastewater disposal infrastructure, municipal water and sewer service areas, and the constraints on that infrastructure based on the best available data;
- Increase allowed housing types and uses, which may include duplexes, to the same extent as single-family homes;
- Include parking waiver provisions in areas planned for smart growth consistent with smart growth principles [as defined in section 2791 of this title](#) and as appropriate;
- Review and modify street standards that implement the complete streets principles as described in [19 V.S.A. § 309d](#) and that are oriented to pedestrians
- Reduce nonconformities by making the allowed standards principally conform to the existing settlement within any area designated under chapter 76A of this title and increase allowed lot, building, and dwelling unit density by adopting dimensional, use, parking, and other standards that allow compact neighborhood form and support walkable lot and dwelling unit density, which may be achieved with a standard allowing at least four units per acre or allowing the receipt of a State or municipal water and wastewater permit to determine allowable density or by other means established in guidelines issued by the Department;
- Restrict development of and minimize impact to important natural resources, including new development in flood hazard areas, undeveloped floodplains, and river corridor areas, unless lawfully allowed for infill development in §29-201 of the [Vermont Flood Hazard Area and River Corridor Rule](#);
- Update the municipal plan's housing element, if needed and as provided in subdivision [4382\(a\)\(10\)](#) of this title related to addressing lower- and moderate-income housing needs, and implement that element of the plan through the bylaw amendments; and

- Comply with State and Federal Fair Housing Act, including the fair housing provisions of Vermont's Planning and Development Act.

Vermont's Smart Growth Principles

(13) "Smart growth principles" means growth that:

(A) Maintains the historic development pattern of compact village and urban centers separated by rural countryside.

(B) Develops compact mixed-use centers at a scale appropriate for the community and the region.

(C) Enables choice in modes of transportation.

(D) Protects the State's important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts.

(E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries.

(F) Balances growth with the availability of economic and efficient public utilities and services.

(G) Supports a diversity of viable businesses in downtowns and villages.

(H) Provides for housing that meets the needs of a diversity of social and income groups in each community.

(I) Reflects a settlement pattern that, at full build-out, is not characterized by:

(i) scattered development located outside compact urban and village centers that is excessively land consumptive;

(ii) development that limits transportation options, especially for pedestrians;

(iii) the fragmentation of farmland and forestland;

(iv) development that is not serviced by municipal infrastructure or that requires the extension of municipal infrastructure across undeveloped lands in a manner that would extend service to lands located outside compact village and urban centers;

(v) linear development along well-traveled roads and highways that lacks depth, as measured from the highway.

Competitive Criteria

DHCD will use a set of competitive criteria to score and rank applications meeting the eligibility requirements. Grants are awarded based on the application score, the amount of grant funds available, and geographic equity. Applications scoring at or below 50 points will not be funded. The DHCD Commissioner reserves the sole right and responsibility to allocate grant funding.

Competitive Criteria Scoring Summary	Points
Community Need	25
Project Approach & Budget	25
Priority Locations	25
Public Outreach	25
TOTAL	100

Community Need

Projects that identify a clear commitment to meet the project eligibility requirements and thoroughly explain the community’s housing goals, need, and urgency will be most competitive. Refer to the community profile on housingdata.org.

Project Approach & Budget

Successful applications and projects focus on the work plan and budget. Competitive approaches will demonstrate that the project is realistic for a 24-month period, effectively sequenced, and reflects proactive public outreach.

Priority Locations

As a location-based grant, applications that target bylaw modernization in the following eligible smart growth areas will be most competitive.

- ✓ High-demand housing markets with limited affordability and cost-burdened households
- ✓ Projects that relate to state designated areas in accordance with [24 V.S.A. Chapter 76A](#)
- ✓ Redevelopment-ready and infill-ready areas served by unconstrained water and wastewater
- ✓ Projects that relate to areas likely to result in near-term housing development
- ✓ Projects that relate to areas eligible for [Neighborhood Development Area \(NDA\)](#) designation (also known as ‘neighborhood planning’ areas mappable on [Vermont’s Planning Atlas](#))
- ✓ Municipalities that will use this funding to prepare for and pursue [NDA designation](#)

Public Outreach & Project Partnership

Planning projects are more successful when:

- There is sustained public outreach throughout a project;
- There is clear community support at the outset; and
- They are done in partnership with organizations outside the municipal government.

Competitive applications will demonstrate how the project’s design and process will outreach to the broader public and stakeholders. This includes any necessary coordination with relevant State agencies *as well as* underserved, historically discriminated against, under-represented, cost-burdened, and lower-resourced populations in the community. The most competitive applications will include effective

ways to integrate the participation of and meet the needs of diverse stakeholders impacted by the project.

Zoning can have the effect of excluding and segregating populations. Equity-oriented projects that measure and consider ways to overcome disparities, income segregation, cost-burdens, or unfair impacts to certain populations will be more competitive.

Application

The fillable PDF application is available on the [Bylaw Modernization Grant](#) webpage. Applications will be submitted by email.

Grant Awards and Administration

Applicants will be notified of award decisions via email in December.

In the event of partial funding, applicants are asked to submit a modified work plan and budget. Grant agreements and requisition invoice forms will be sent to each successful applicant after awards are announced. Completion and submittal of these requisition forms will be required for payment.

Granting term – January 1, 2024 – December 31, 2025.

Grant payments and reporting requirements are as follows:

- **First Payment** – Upon execution of the grant agreement, a requisition may be submitted for an advance payment of 40% of the award amount.
- **Second Payment** – Mid-project progress reports are due January 1, 2025. Requisition for 30% of the award may be submitted along with a progress report, including specific reporting requirements.
- **Third, or Final Reimbursement** – Up to 30% of the award is made on a *reimbursement basis*, after a successful grant closeout.
- **Close out Documentation Requirements** – The reimbursement is made when the following information is submitted, reviewed, and approved by the Department.
 - **Final Project Report** – the report shall be written on a form provided by the Department.
 - **Final Product** – copies of any final products, as detailed in Attachment A of the Grant Agreement. The final product must include evidence that the Bylaw Modernization Grant program, administered by the Department of Housing and Community Development, is credited for funding on the product itself.
 - **Financial documentation** – including a summary ledger to accurately maintain financial records throughout the grant period, and
 - Copies of all invoices and receipts for all project expenditures, including match funds, and one of the following:
 - Copies of all canceled checks, or
 - A detailed transaction report which includes: date, recipient, check number, and amount. The report must be signed and certified by the Treasurer as true and accurate.

- Canceled checks or detailed transaction reports **must** demonstrate that all invoices have been paid by the municipality.
- **GIS Work** – If GIS work was done with grant funds, and if new data layers were created, please confer with the consultant and have them submit the new data layers via the [GIS Data Submission Online Intake Form](#).

While grant activities, and all costs associated with the project, must be completed by December 31, 2025, grantees have up to one month after that date to assemble a final report. Final reports must be submitted no later than January 31, 2026.

Purchase of goods and services through the grant must conform with the procurement requirements defined in [Attachment D to the Grant Agreement](#). In most cases, consultants must be selected through a competitive process.

All final products and public communication must acknowledge funding from the Bylaw Modernization Grant Program, administered by the Vermont Department of Housing and Community Development.

Amendments

Minor alterations to the work plan or the approved budget may be allowed but only upon request and approval from DHCD. Substantial alterations are not allowed, and the final product must remain the same.

No time extensions are offered. Projects that cannot be completed within the grant period under the terms of the grant agreement will be rescinded.

Consultant Selection

The rules for consultant selection are detailed in the grant agreement’s procurement provisions (see [Attachment D of the Grant Agreement](#)).

Pre-Application Process

Consultants may be selected before the application is submitted. If a municipality engaged in a competitive procurement process while developing the grant application and selected a contractor at that time, there is no requirement to re-open the selection process if the grant is awarded, provided the scope of work remains substantially similar to what was in the contractor’s proposal.

Simplified Bid Process

For contracts up to and including \$10,000, the grantee is required to obtain price or rate quotations from a reasonable number of sources, but no less than two, and maintain a record of the same in its files.

Competitive Bid Process

For contracts more than \$10,000, the grantee is required to use a competitive selection method, soliciting from an adequate number of sources. A Request for Proposals (RFP) or

Regional Planning Commission as Agent

For rural towns with a population of less than 2,500 as defined in [24 V.S.A. §4303\(25\)](#), the regional planning commission may serve as an agent of the town for the Bylaw Modernization Grant.

The agent is expected to prepare the application, support grant administration and will be exempt from competitive selection if serving as a project consultant, but the municipality must remain the financial administrator.

RPCs may also serve as the agent for any multi-town group, including rural and non-rural towns.

Request for Qualifications (RFQ) should be broadly publicized to permit reasonable competition. The grantee must maintain records in its grant file to document how the decision was made.

Exceptions to Bid Process

If the grantee is a “[rural town](#)” or a multi-town group (which may include rural and non-rural towns) and has identified the regional planning commission as its agent in the application, the simplified bid and competitive processes for hiring the regional planning commission are not required.

Consultants working on an earlier phase of a multi-phase project may be re-selected for the project phase funded by the Bylaw Modernization Grant to maintain continuity between phases with approval by DHCD.

Information

<https://accd.vermont.gov/content/bylaw-modernization-grants>

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AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

2023 Community Partnership for Neighborhood Development Grant Program Overview

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Introduction and Grant Basics

The Community Partnership for Neighborhood Development Program (the Program) is a competitive reimbursement grant program available to Vermont municipalities and non-profit organizations. The Program supports investments in the development of inclusive, smart-growth neighborhoods by funding municipal planning, site control, design, scoping, and surveying for the development of a pilot neighborhood. The Program aims to pair targeted and coordinated investments with planning to make transformative projects possible. Thank you for your interest!

Program Objectives

The Program aims to advance the Governor's vision to leverage ARPA funding in ways that make lasting and transformative changes in communities by piloting a new approach to coordinated cross-government and cross-organization investment. The Neighborhood Partnership Program aims to demonstrate how targeted and coordinated investments paired with planning support can support the development of homes in inclusive, smart growth neighborhoods.

The Program aims to fund planning and pre-development work that supports the creation of smart growth neighborhoods that:

- Serve as a successful model for acquiring or banking of development-ready land for new neighborhood development or infill development within an existing, developed neighborhood.
- Serve as a successful model for the integration of planning and implementation processes for water, sewer, and other public utilities and services with land use planning and transportation investments in new or upgraded streets.

Application Process

Complete the [Grant Application Form](#) and submit required documents. Incomplete applications will not be considered.

2023-2024 Grant Timeline

- **Program Announcement:** July 28, 2023.
- **Informational Webinar:** August 9, 2023.
- **Application deadline:** Applications are accepted on a rolling basis until funds are exhausted and will be reviewed quarterly. Review deadlines: September 1, 2023, December 1, 2023, March 1, 2024, May 31, 2024.
- **Award decisions:** Within 60 days of application deadline.
- **Project started:** 60 days after grant award.
- **Project Term:** Two years.
- **Final Report Due:** 30-days after grant term ends.

Email supporting documents to accd.cpr@vermont.gov. Application Materials **MUST** be submitted electronically in PDF format.

Program Funding

A total of \$900,000 in one-time funding is available for the Program. The source of these funds is the State's ARPA revenue replacement funds. **Awards may range between \$100,000 and \$500,000.**

Program Partners

The Program represents a cooperative effort between state agencies and external funders to demonstrate how targeted and coordinated investments paired with planning support can support the development of homes in inclusive, smart growth neighborhoods. Partners include the Vermont Department of Housing and Community Development, the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, the Vermont Bond Bank, the Vermont Economic Development Authority, the Vermont Housing and Conservation Board, the Vermont Association of Planning and Development Agencies, the Vermont League of Cities and Towns, the Vermont Regional Development Corporations, U.S. Rural Development, and Green Mountain Power.

Eligible Applicants

Funding may be awarded to an eligible municipality or non-profit organization proposing the creation of a new neighborhood development or infill development within or immediately adjacent to an existing, developed neighborhood in keeping with the program objectives. While funds must be awarded to a municipality or non-profit organization, we strongly encourage partnerships, including partnerships with for-profit developers.

For the purposes of the Program, a municipality is defined by [24 V.S.A §4303 \(12\)](#). Under this definition, an incorporated village is not considered a separate municipality unless the village adopts its own village plan and one or more bylaws either before, concurrently with, or subsequent to such action by the town.

Municipalities are ineligible to receive funds if they are (a) suspended or debarred by the State or Federal Government; (b) delinquent in submitting their [subrecipient annual reports](#); or (c) delinquent in submitting their Single Audit Reports (if required).

Priority will be given to organizations that can demonstrate:

- a) A stable administrative structure.
- b) Prior housing development experience. (Organizations without significant housing development experience are required to enter into joint ventures with more experienced organizations.)
- c) A development team with good technical expertise.
- d) A satisfactory record of performance and payments under any previous loan and grant agreements with the State.

Eligible Projects

Funding may be awarded to an eligible municipality or non-profit organization that is proposing the creation of a new neighborhood development or infill development within an existing, developed neighborhood in keeping with the program objectives. While funds must be awarded to a municipality or non-profit organization, we strongly encourage partnerships, including partnerships with for-profit developers. Funds may be awarded to support:

- Municipal planning that directly supports project development
- Project scoping including market studies
- Preliminary financial feasibility analysis/pro forma development
- Permit fees (those necessary to apply for financing)
- Legal fees
- Consultant fees
- Site control including appraisal fees
- Land surveying
- Site assessment, including, but not limited to, traffic and access analysis, natural resource assessment, stormwater and drainage analysis, utility system analysis
- Architectural fees for preliminary architectural design work (site and floor plans, elevations, renderings).
- Engineering fees, including but not limited to, water, wastewater or sewer system design, energy supply system design and energy modeling, and sustainability assessments
- Costs related to preparation of construction plans and specifications
- Community engagement

Funding shall support projects that lead to the construction of neighborhoods that are:

- Compact and human-scaled, with a developed-area density of at least eight (8) dwelling units per acre, including modestly sized dwellings on small lots; characteristic of Vermont's smart growth principles, as provided in [24 V.S.A. §](#)

[2791](#); located in close proximity to existing residential, employment, and civic uses;

- Provide for a mix of housing types, styles, tenure, and sizes to accommodate diverse households of varying composition, age, and income, including not less than 25 percent of the units with perpetual affordability and 35 percent of the homes affordable at 80 percent of the area median income; and
- Provide for a mix of transportation modes with interconnected streets and sidewalks; and be designed to enhance historic resources, climate readiness, energy efficiency, environmental quality, resident health, and overall livability.

Ineligible Projects

The Program funds eligible planning and pre-development activities only. The following are not eligible expenses or uses for Program funds.

- Site preparation, environmental clean-up, or construction costs
- Political or Religious Activities
- Projects inconsistent with the goals of the Municipal or Regional Plan
- Regional Plans and Municipal Plans beyond the scope of the specific project proposal
- Municipal-wide bylaws and standards beyond the scope of the specific project proposal
- Municipal staff time and administrative costs
- Costs related to displacement and relocation
- Refinancing of existing debt
- Offset a reduction in net tax revenue
- Make a deposit into a pension fund
- Service debt or replenish financial reserves
- Fund programs, services, or capital expenditures that include a term or condition that undermines efforts to stop the spread of COVID-19
- Any plans, bylaws and policies that violate the State or Federal Fair Housing Act.
- Fair Housing Training is available to all grantees and is encouraged for projects which relate to housing and/or revisions to zoning bylaws. Please contact Shaun Gilpin, Housing Division Director for the Department of Housing and Community Development at Shaun.Gilpin@vermont.gov if you're interested in participating in a training.

Grant Selection Process

The Program Manager will review submitted applications to ensure they are complete

and meet all Program requirements. Incomplete submissions and those that do not meet Program requirements will not be considered for funding.

Following application review by the Program Manager, the Grant Selection Committee will evaluate all complete submissions. The Grant Selection Committee is comprised of representatives from the Vermont Department of Housing and Community Development, the Vermont League of Cities and Towns, the Vermont Association of Planning and Development Agencies (VAPDA), and the Vermont Bond Bank.

The program also has a steering committee that consists of representatives from the Vermont Housing Finance Agency, the Agency of Natural Resources, the Agency of Transportation, the Department of Public Service, the Vermont Economic Development Authority, the Vermont Housing and Conservation Board, and the Vermont Regional Development Corporations. The VAPDA and Vermont Regional Development Corporation representatives will not review nor score applicants from their respective regions. Award decisions will be announced within 60 days of each application deadline.

Grant Selection Criteria

Projects are selected primarily on Program criteria scores, but consideration is also given to grant amounts requested and to fairly distributing grant funds to smaller or economically distressed communities. Program Managers will consult with other state agencies to gain further insights about the proposed projects as appropriate. DHCD reserves the sole right and responsibility to allocate grant resources and modify the Program as needed.

Community Partnership for Neighborhood Development Scoring Criteria Summary	Points: 100
Project Purpose and Need	Section: 35
Project Purpose	10
Community Need & Underserved Community Index	5
Building on Past Efforts and Demonstrated Prior Commitment	20
Alignment with Program Objectives	Section: 20
Community Capacity and Project Management	20
Work Plan, Schedule, and Budget	Section: 25
Work Plan	15
Budget	5
Schedule	5
Equitable Engagement, Project Outreach, and Partnerships	Section: 20

Equitable Engagement and Project Outreach	20
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Project Purpose and Need – 35 Points

The project addresses a documented local or regional housing need or opportunity and builds on past planning or community efforts, such as a VCRD community visit, Working Community Challenge plan, formation of a housing committee, completion of a housing study, etc.

Alignment with Program Objectives – 20 Points

The project supports the Community Partnership for Neighborhood Development Program Purpose and Objectives:

- Serve as a successful model for the acquisition or banking of developable- or development-ready land for new neighborhood development or infill development within an existing, developed neighborhood; or
- Serve as a successful model for the integration of planning and implementation processes for water, sewer, and other public utilities and services with land use planning and transportation investments in new or upgraded streets.

Work Plan, Schedule, and Budget – 25 Points

The work plan is well developed, detailed, and focused. Tasks are appropriate for the proposed project, timeline, and budget that will be covered by this grant funding. The timeline must be realistically achievable by **December 31, 2026**, and the budget must be supported by recent estimates whenever possible.

Equitable Engagement, Public Outreach, and Partnerships – 20 Points

Competitive applications will demonstrate engagement with community members and partners from the project's outset through an equitable and inclusive process, connecting with diverse socioeconomic groups, under-served, and under-represented populations in the community, in addition to cooperation and coordination with relevant local, regional, and state stakeholders. Letters of support from the business and economic development community, local organizations and regional partners are required to demonstrate this support.

Application Quality and Past Performance

The application submission is complete, well-written, clearly identifies the project, and is internally consistent. Up to 5 points may also be deducted for poor performance (e.g., not adhering to deadlines for progress reports, invoices) on previous state grants.

Grant Award Notification

Award decisions, and an official grant award letter will be sent via email to successful applicants. DHCD will coordinate with successful applicants to collect forms, and other information needed to prepare a draft grant agreement. Grantees will have an opportunity to review the draft grant language, prior to grant execution, which will be done via the digital signing service DocuSign. All grant management forms and instructions will be provided via email. The grant agreement articulates the roles and responsibilities of all parties throughout the project process, details the Scope of Work, Payment Provisions, includes [Attachment C: Standard State Provisions for Contracts and Grants](#), and Additional Grant Procedures. The grant award is not final, or executed until signed by the grantee, and the Commissioner of DHCD.

In the event of partial funding, applicants will be asked to submit a modified work plan and budget.

Program Administration & Grantee Obligations

Demographics: Optional demographics will be collected from applicants to ensure the program is supporting impacted and disproportionately impacted groups in accordance with the U.S. Department of the Treasury's Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule.⁵ The overview states, "The pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as 'disproportionately impacted' households."

All personally identifiable information will be kept confidential. Demographic data will be aggregated prior to reporting to preserve confidentiality.

Monitoring: Monitoring may be performed to ensure appropriate use of all program funds and to meet federal guidelines. Monitoring activities may include financial procedures and record keeping (distribution of funds), data collection, demographics tracking (to check equity), award decision tracking, summary of program activities and outcomes, quarterly and annual reports, and/or site visits.

Duplication of Benefits: Funds awarded by this program cannot be duplicated by other federal and state funds or federally forgiven loans to cover the same project costs. Audits may be conducted by the State or by the program administrator to check for

instances of duplication of benefits. Final determination of whether there has been a duplication of benefits and the amount to be repaid, if any, will be made by the State and/or program administrator.

Conflicts of Interest: All parties involved in this program shall comply with all applicable federal and state conflict of interest rules. Parties shall fully disclose any conflicts of interest or potential conflicts of interest. Parties shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors or potential contractors.

Equity: The income gap for families in Vermont, or the gap between increasing costs and incomes, is becoming untenable and, for many, impossible to navigate. The inability to cover rising housing costs with current incomes is a fair housing issue because it limits access to safe, standard housing and inherently creates housing instability for our most vulnerable.

According to the U.S. Department of the Treasury's *Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule*, Coronavirus State and Local Fiscal Recovery Funds ensure that governments have the resources needed to "Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity." In order to support equity for all potential applicants to the program, the approach to the program will be done with an intent to reduce disparities.

According to the *State and Local Fiscal Recovery Funds Recovery Plan Performance Report Template*, reporting will be conducted on the "efforts to promote equitable outcomes, including economic and racial equity."

As part of the State of Vermont's commitment to build on local, state, and national efforts to advance equity and to increase meaningful inclusion and representation of BIPOC (Black, Indigenous, and People of Color) communities and other historically marginalized populations, the following may be considered:

- Assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with housing.
- Consideration of the social vulnerability index.
- Consideration of geographic equity.
- Services to provide long-term housing security and housing supports.
- Translation or interpretation services may be requested through the program administrator. Services to be provided by contractor (Voiance/CyraCom) or community outreach specialist.
- Other strategies that provide impacted and disproportionately impacted communities with services to address the negative economic impacts of the pandemic.

- *How well are historically underserved, marginalized, or adversely affected groups served by the program?*
- *How equitable and practical is the ability for residents or businesses to become aware of the services funded by the program?*
- *Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?*
- *How are intended outcomes focused on closing gaps and/or reaching universal levels of service? How are the measurable outcomes disaggregated by race, ethnicity, and other equity dimensions where relevant for the policy objective?*

Eligible Costs: Program grants can be spent on direct and indirect project related costs. Eligible costs include consultant costs, postage, travel, supplies and printing. Equipment purchases and indirect costs, including general municipal administrative overhead, are NOT eligible costs. Costs incurred prior to signing the Program grant agreement with the Department of Housing and Community Development are NOT eligible project costs. All expenses, and costs, that will be applied to the grant will need invoices, and proof of payment submitted.

Grant Administration: Grant term, and period of performance, will be two-years, with an optional amendment to extend the term as needed, not to exceed December 31, 2026. All grantees are required to submit project invoices, progress reports, deliverables, and supporting financial documentation, on a quarterly basis, beginning upon execution of the grant agreement. The reimbursement is paid after the quarterly progress reports, deliverables, and any supporting financial documentation is reviewed and approved in accordance with Attachment B: Payment Provisions, as defined in the grant agreement. Final payment will be issued when the project, its deliverables, and all additional supporting and financial documentation is submitted, reviewed, and approved as detailed in the grant agreement. Financial documentation must include a detailed budget report, copies of all invoices, and proof of payment for all invoices. Proof of payment can be either canceled checks, or a detailed transaction report (detailed transaction reports must include, vendor name, date of payment, check number, amount, and must contain a certification by the treasurer certifying everything is true and accurate. Invoices must show that grantees have spent all grant funds and match funds, within the granting term. No charges can be applied prior to grant execution, and no later than December 1, 2026. Funds that are unused as of December 1, 2026, as well as expenditures that are ineligible or have not been documented, must be returned to DHCD.

While grant activities must be completed by December 31, 2026, grantees have an additional month to assemble the final report. The final close-out report and the project reports/files must be submitted electronically via email within 30-days of closeout, or no later than January 31, 2027, whichever occurs first. For more information, review the grant administration guide on the [Program website](#).

Minor alterations to the work plan or the approved budget may be allowed, but only upon written request and approval from DHCD. Substantial alterations are not allowed, and the proposed outcome must remain the same. Projects that cannot be completed within the grant period under the terms of the grant agreement will have funds rescinded and will be closed. For projects that cannot be completed, DHCD will cover eligible work completed and documented costs, however, ineligible, or undocumented costs will not be funded and associated funds must be returned.

A condition of all grant awards will be that all final products and public communications must acknowledge funding from the Community Partnership for Neighborhood Development Program, administered by DHCD.

Reimbursement: The Program is a milestone, deliverable based reimbursement grant program, with a percentage held aside for reimbursement upon successful grant closeout. Applicants will submit quarterly requisitions for reimbursement and supporting documentation for work completed during the period of the request. Supporting documentation shall include, at a minimum, copies of paid invoices, copies of cancelled checks or a detailed transaction report, and any other evidence that funds were spent for the purpose specified in the grant agreement, such as specific deliverables. Grantees should ensure they have enough funds on hand to bridge Program expenses while they await reimbursement. Final payment will be issued once Grantee submits all final products, financial documentation, and notarized certification of 100% project completion.

Milestone for Reimbursement	Percentage of Total Grant Award
Grant Execution	10%
Quarterly Progress Reports with Invoice (<i>no more than eight</i>)	80% (10% per quarter)
Final Reimbursement after Grant Closeout	10%

Reporting: Grantees are required to submit progress reports on a quarterly basis. Detailed reporting requirements will be outlined in the grant agreement.

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AGENDA ITEM

11

PLANNING COMMISSION PROJECTS

Listed in order of priority

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
1.			
PUD Review – Habitat for Humanity	7/24 PC held Combined Hearing with ZBA. Board agreed on number of buildings and density. More information was requested from the applicant.	Hearing is scheduled to be continued on 8/28.	Applicant will get requested information for review, LUA will get legal opinion from Town Counsel.
2.			
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. 7/24 Hearing continued to 8/14.	MARC comments have been received.	Review changes, vote on adoption, if in favor warn hearing for SB review.
3.			
Zoning Bylaws Amendment – Use Tables & Definitions	SB held hearing and continued hearing to 8/21 to allow time for public input.	Waiting for SB to vote on adoption.	If adopted, bylaw shall take effect 21 days after adoption.
4.			
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.
5.			
Aquifer Protection Overlay District	Howard and Ryan have met with MARC and discussed details.	Waiting on MARC to make changes to map.	Determine if amendment to ordinance is needed. Confirm ordinance is on file. Adopt map to accompany ordinance.

Future Projects:

- Add "Mixed Use" to Use Tables
- Update Floodways and Floodplains language
- Update Scenic Resources section of Town Plan
- Update Future Land Use Map in Town Plan
- Work with Fire and Police Departments on Standards for development