



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Zoning Board of Adjustment Agenda

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

Tuesday, August 22, 2023 – 6:30 PM

- 
1. Call to Order
  2. Agenda Review
  3. Comments from Citizens regarding items not on the agenda
  4. Public Hearing: Application 2023.08.02.CU by Richard Davis for the change of use to residential at 78 Route 131 (Parcel: 05-03-36). The parcel is located in the Highway Commercial zoning district.
  5. Approval of Meeting Minutes – May 23, 2023
  6. Site Plan Review checklist
  7. Land Use Department Update
  8. Discussion of Items for Future Agendas
  9. Adjourn

**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

4

# PUBLIC HEARING

Davis Conditional Use Review – Single Family Dwelling

August 22, 2023

Item 1: Notice of Public Hearing

Item 2: Certification of Posting and Distribution

Item 3: Land Use Memo to Zoning Board

Item 4: Zoning Permit Application #2023.08.02.CU

Item 5: Community Facilities Sign-off Sheet

Item 6: 1978 Septic Inspection Form

Item 7: 2003 Zoning Permit (last use permit issued)

Item 8: 2008 Complaint Form

Item 9: 2020 Memo from Land Use Administrator

HEARING ITEM

1



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

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landuse@weathersfield.org

## Zoning Board of Adjustment

### NOTICE OF PUBLIC HEARING

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

**Remote option – Zoom details below**

**Tuesday, August 22, 2023 – 6:30 PM**

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A public hearing before the Weathersfield Zoning Board of Adjustment will be held at the Town Office in Ascutney on Tuesday, August 22, 2023, at 6:30 PM to consider the following application:

**Application 2023.08.02.CU by Richard Davis for the change of use to residential at 78 Route 131 (Parcel: 05-03-36). The parcel is located in the Highway Commercial zoning district.**

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

**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.

HEARING ITEM

2

**Certification of Posting and Distribution**

**Notice of Public Hearing**

Hearing Date August 22, 2023 Site Visit NA

I hereby certify that I have posted the attached "Notice of Public Hearing" in the following public places and mailed, faxed or emailed as noted said "Notice of Public Hearing" to the following parties on August 2, 2023 as required by the Vermont Statutes Annotated, Chapter 117, §4464



\_\_\_\_\_  
Ryan Gumbart, Land Use Administrator

Application # 2023.08.02.CU

Applicant's Name: Richard Davis

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

<input checked="" type="checkbox"/>	Inside Town Office	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Applicant's File	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Applicant (mailed)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Applicant (sign for posting on site)	<u>Posted by LUA August 2, 2023</u>
<input checked="" type="checkbox"/>	Landowner (mailed)	<u>August 2, 2023</u>
<input type="checkbox"/>	Agent (mailed)	<u>NA</u>
<input checked="" type="checkbox"/>	Newspaper (emailed)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Publication in newspaper	<u>August 5, 2023</u>
<input checked="" type="checkbox"/>	Abutters* (mailed)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Board Members (emailed)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Board Secretary (emailed)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Town Website (posted)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	3 Public Places	
<input checked="" type="checkbox"/>	Town Hall	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Ascutney Post Office	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Perkinsville Post Office	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Fire Dept. (signed CFSS)	<u>August 2, 2023</u>
<input checked="" type="checkbox"/>	Police Dept. (signed CFSS)	<u>August 8, 2023</u>
<input checked="" type="checkbox"/>	Highway Dept. (signed CFSS)	<u>August 14, 2023</u>
<input checked="" type="checkbox"/>	School sevice (signed CFSS)	<u>August 16, 2023</u>
<input checked="" type="checkbox"/>	Water District Manager (signed CFSS)	<u>August 14, 2023</u>
<input type="checkbox"/>	Other	<u>NA</u>
<input type="checkbox"/>	VT Secretary of Transportation**	<u>NA</u>

\*\*\*\*\*

\* Abutters - see attached list

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

HEARING ITEM

3





# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

To: Zoning Board of Adjustment

From: Land Use Office

Date: August 16, 2023

Re: Public Hearing August 22, 2023

**Davis: Conditional Use – Single family dwelling**

**Applicant:** Richard Davis

**Landowner:** Same

**Zoning District:** Highway Commercial - HC

**Parcel ID:** 05-03-36

**Lot size:** 0.3

**Address:** 78 Route 131

**Project summary:** In 1978 a permit was granted and a structure was built as a model home with a septic system sized for the number of bedrooms in the model home. In 1981 a permit was granted to change the use to a realty office. In June of 2003 Richard Davis was granted a permit for a change of use to a music office/storage. In August 2003 Richard Davis purchased the property with a deed covenant stating that the premises shall not be used for restaurant purposes. In 2004 a permit was issued to add a deck. In 2008 the Town received a verbal complaint that the property was being used as a residence. Richard stated that no one was living there. In 2010 Richard Davis applied was granted a permit for a sign to advertise DJ services. In 2020 the Land Use Administrator issued a memo stating that a change of use from a music business office to a home occupation would allow Richard to live in the building and would not need a permit. The Land Use Administrator also stated the Conditional Use Review would not be required since there would be no new development to review.

Richard Davis met with the current Land Use Administrator on August 2, 2023 to determine whether the property could be sold on the market and advertised as a single-family residence. Upon investigation it was determined that the last permitted use was for a music business office/storage. He was advised that single family dwelling is an allowed use in the district but would be subject to Conditional Use Review by the Zoning Board of Adjustment because the change in use constitutes “development” as defined in the bylaws. Richard Davis has submitted an application for a change of use for the structure to be used as a single family dwelling. The application was reviewed for completeness and was deemed complete on August 2, 2023.



# TOWN OF WEATHERSFIELD

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**Reasons for hearing:** During the initial review it was determined by the Land Use Administrator that the application must be referred to the Zoning Board of Adjustment for Conditional Use Review as required by Section 2.5.6 of the Weathersfield Zoning Bylaws which lists Single Family Dwelling as a Conditional Use in the Highway Commercial District. It was also determined that the lot does not meet the minimum lot size requirement of 3 acres as stated in Section 2.5.6. It appears that the property meets the definition of an Existing Small Lot per Section 3.4.1.1. It was also determined that the structure sits on Soils of Statewide Significance which are regulated by the Town under Section 3.2.1. However, the structure is existing and the lot contains less than the 3-acre minimum threshold to trigger the bylaw.

**Per Section 5.3 Conditional Use Review:**

The Board of Adjustment shall act to approve or disapprove any such request for conditional use within 45 days after the date of the final public hearing and failure to so act within such period shall be deemed approved.

The Board will base its decision on whether the proposed use will result in an undue adverse effect on:

- a) the capacity of existing or planned community facilities;
- b) the character of the area; and/or traffic;
- c) as well as whether all applicable general and special provisions of these Bylaws would be met.

The Board may attach certain additional requirements or conditions to a permit. After such decision is made, the applicant shall have fourteen (14) days to present the conditional use approval and conditions to the Administrative Officer along with an application for a zoning permit.

Respectfully,

Ryan Gumbart  
Land Use Administrator  
Weathersfield, Vermont

HEARING ITEM

4

# Town of Weathersfield

## Zoning Permit Application

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

**Property Information**

Address 78 ROUTE 131  
 Parcel ID (if known) 05-03-36  
 Lot Size (acres) 1/3 ACRE  
 Road Frontage (feet) 200' 223' (Deed)  
 Existing Principal Use (enter below, e.g. "single-family dwelling")  
*(if no existing Principal Use, leave blank)*  
Model home

**Permit Type (check all that apply)**

- New Principal Building or Unit (e.g. "single-family dwelling")
- New Accessory Structure (e.g. "shed")
- Alteration to Existing Structure (e.g. "new room addition")
- Change of Use (e.g. "personal service" to "restaurant")
- Demolition / Removal (e.g. demolition & removal of pool)
- Sign (one-sided square footage: \_\_\_\_\_ sq. ft.)
- Amendment/Renewal of Prior Permit (enter permit # below)

**Applicant**

Name(s) RICHARD P. DAVIS  
 Name(s) \_\_\_\_\_  
 Mailing Address PO BOX 436  
 City, State, Zip ASCUTNEY, VT 05030  
 Telephone # (802) 674-9519  
 Mobile # \_\_\_\_\_  
 E-mail Address rickdavis@music94.com

**Project Information**

Proposed Principal Use Definition (if new or changing, enter below)  
RESIDENTIAL - Home B12  
 Approximate Value of Development \$ \_\_\_\_\_  
 Total New Finished Floor Area 2080 sq. ft.  
 Total New Unfinished Floor Area \_\_\_\_\_ sq. ft.  
 Maximum Height \_\_\_\_\_ ft.  
 Number of Stories \_\_\_\_\_

**Landowner (if different)**

Name(s) \_\_\_\_\_  
 Name(s) \_\_\_\_\_  
 Mailing Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Telephone # \_\_\_\_\_  
 Mobile # \_\_\_\_\_  
 E-mail Address \_\_\_\_\_

**Filing Information (Staff Use Only)**

Zoning Permit # 2023.08.02.CV  
 Fee Collected \$219.00  
 Zoning Area HC  
 Permit Issue Date \_\_\_\_\_  
 Appeal by Date \_\_\_\_\_  
 Type of Review Required (check all that apply)  
 Administrative  
 Zoning Board of Adjustment  
 Conservation Commission  
 Flood Hazard / Agricultural Soils

**Decision (Staff Use Only) (circle one ONLY when review complete)**

APPROVED                      DENIED

Permit Expiration Date \_\_\_\_\_

Description of Project (please provide a complete description along with dimensions)

Use existing structure as single-family residence

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

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

project involve any **demolition and/or renovation**?

Yes  No

*Just contact the Lead and Asbestos Regulatory Program at (800) 439-8550 prior to demo/renovation.*

Does your project involve the installation of a **new manufactured home**?

Yes  No

*If yes, you must provide a copy of the HUD Form 309 with the Certificate of Compliance/Occupancy Application.*

Does your project involve work within a **Town or State right of way**?

Yes  No

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

Does your project involve **placement or removal of a mobile home**?

Yes  No

*If yes, you must obtain a bill of sale and mobile homes must be placed on a concrete slab. You must contact the Weathersfield Town Clerk at (802) 674-2626*

Does your project involve construction of or change of use to or from being a **public building**?

Yes  No

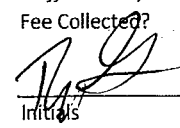
*If yes, you must contact the Vermont Department of Public Safety, Division of Fire Safety. A public building is any building that the public has the occasion to enter EXCEPT for owner-occupied, single-family dwellings, registered home day cares, and working farms, but INCLUDING single family homes becoming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

Does your project involve a **new home or business, change in # of bedrooms or change in use**?

Yes  No

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

**Permit Fee Calculator (Cash or Check only, payable to Town of Weathersfield)**

Principal Use	\$100 + 0.05 x <u>2080</u> sq. ft.	=	\$ <u>204.00</u>	Staff Use Only Fee Collected?  Initials
Accessory Use	\$30 + 0.05 x _____ sq. ft.	=	\$ _____	
Conditional Use	\$200 + 0.05 x _____ sq. ft.	=	\$ _____	
Permit Renewal	Expired permit renewal: \$30	+	\$ _____	
Variance	\$200	+	\$ _____	
Recording Fee	Applies to all applications	+	\$ 15	
<b>TOTAL</b>			<u>\$219.00</u>	

**Landowner & Applicant Acknowledgements**

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

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

Landowner Signature

Richard P. Davis

Date 5/2/2003

Applicant Signature \_\_\_\_\_

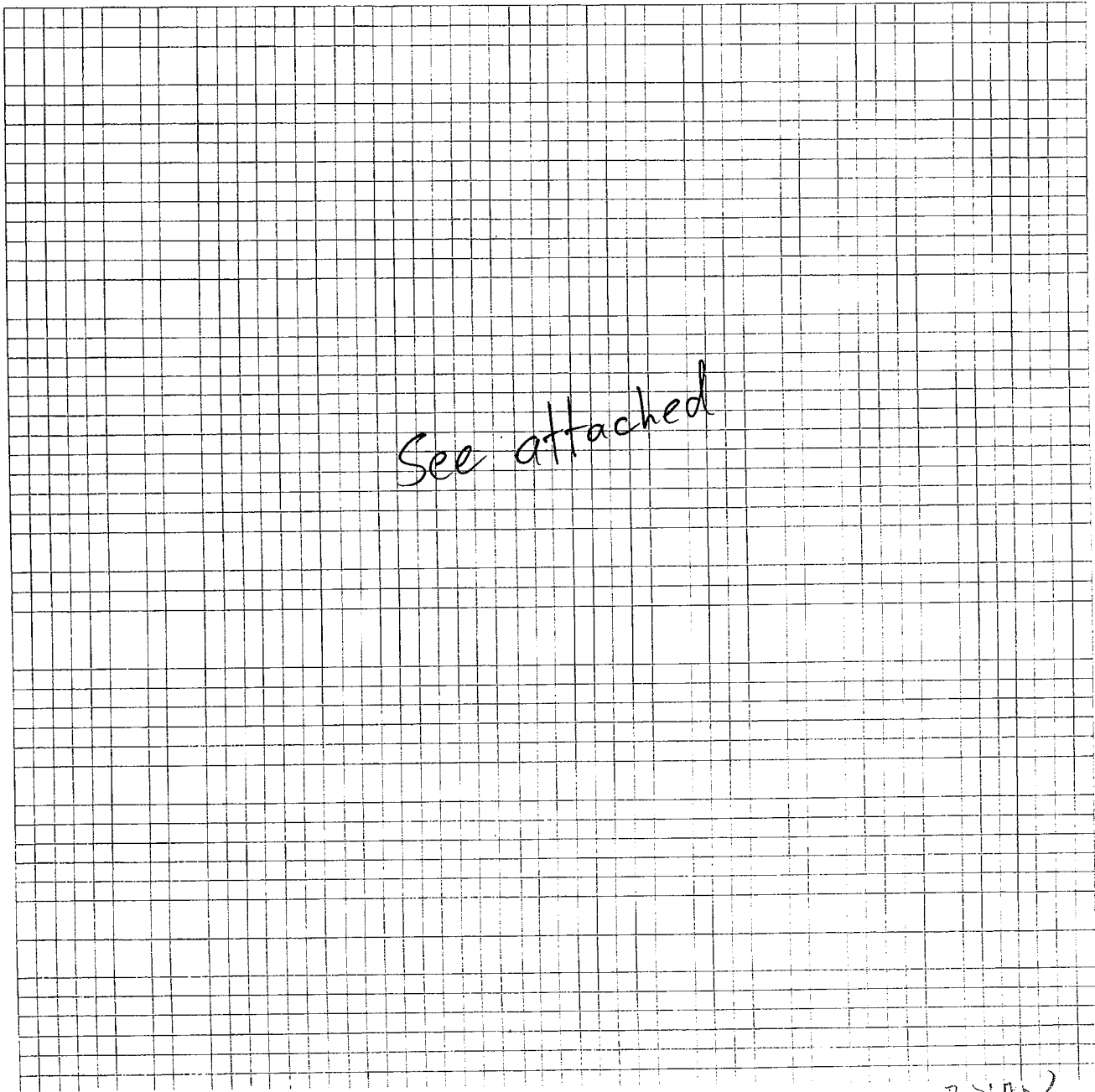
Date \_\_\_\_/\_\_\_\_/\_\_\_\_

**Site Plan Drawing**

*Draw an aerial view of the property described in this application showing the actual shape, property lines, and dimensions of land. Include the shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the front, size and rear property boundary lines (setbacks) and distances between each structure. Identify the existing and intended uses and areas of the use of and all buildings, and the location of septic/sewer and water utilities. Include any proposed signs in the drawing.*

Site Plan Drawing

Draw an aerial view of the property described in this application showing the actual shape, property lines, and dimensions of land. Include the shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the front, size and rear property boundary lines (setbacks) and distances between each structure. Identify the existing and intended uses and areas of the use of and all buildings, and the location of septic/sewer and water utilities. Include any proposed signs in the drawing.



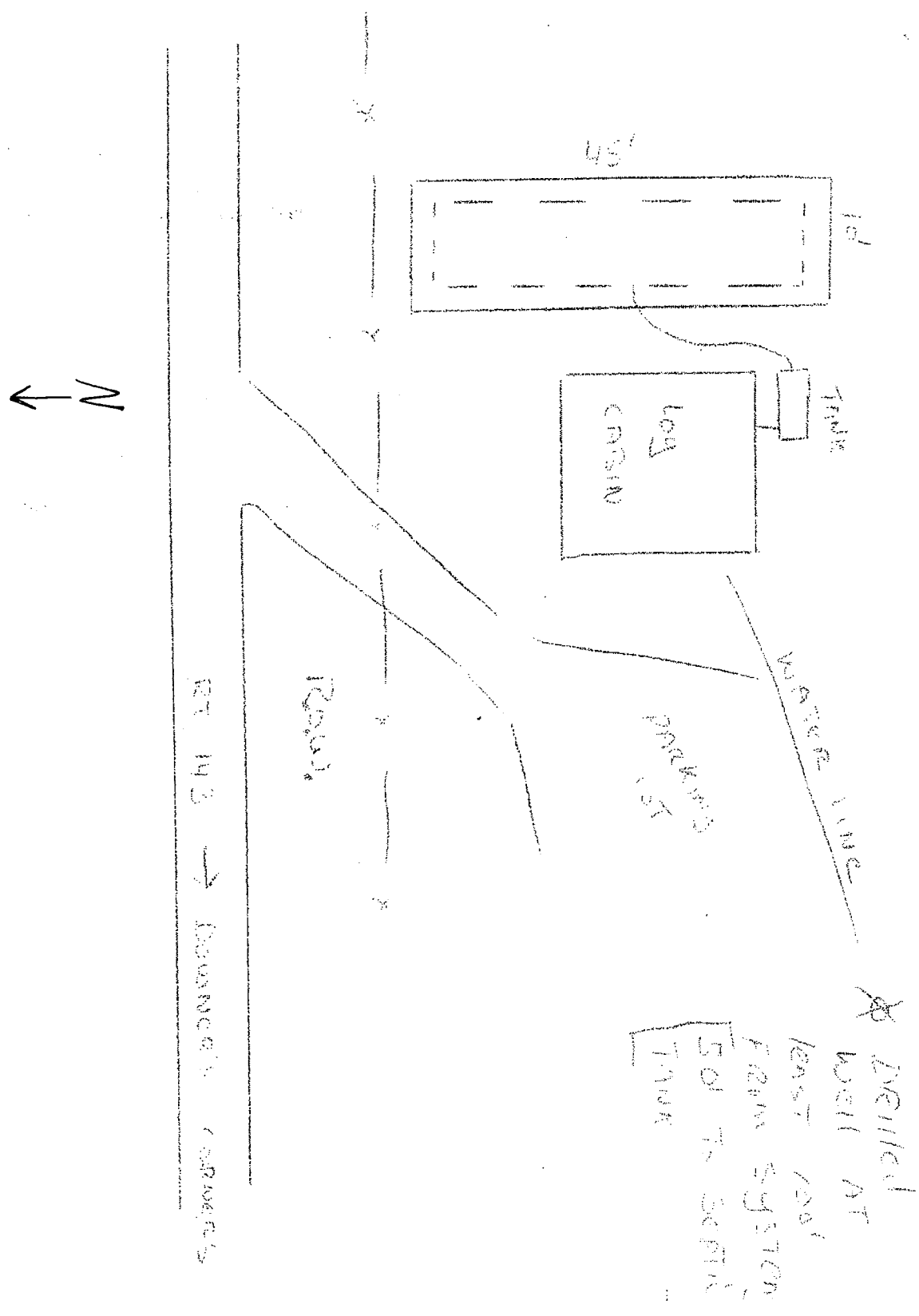
Land Use Administrator Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_

NOTE: Signature required for valid permit

T. HOME CRAFT, INC


Weather's Field 0/23

5/25/78





**weathersfield, VT**

Find Property    

**Parcel #: 05-03-36.000-000**

**CAI Property Card**

**Documents**

**Assessment**

ID : 435

PropertyAddress : 78 VT ROUTE 131

PropertyStreet : VT ROUTE 131

MapSheet : 05-0

OwnerName : DAVIS RICHARD P

CoOwnerName :

OwnerAddress : PO BOX 436

OwnerAddress2 :

OwnerCity : ASCUTNEY

OwnerState : VT

OwnerZip : 05030-0436

ParcelNumber : 05-03-36.000

GisFullNumber : 05-03-36.000

CamaFullNumber : 05-03-36.000-000

PID : 050336

P\_PROP : 050336

P\_SUB :

P\_NAME1 : DAVIS RICHARD P

P\_NAME2 :

P\_ADDR\_A : PO BOX 436

P\_ADDR\_B :

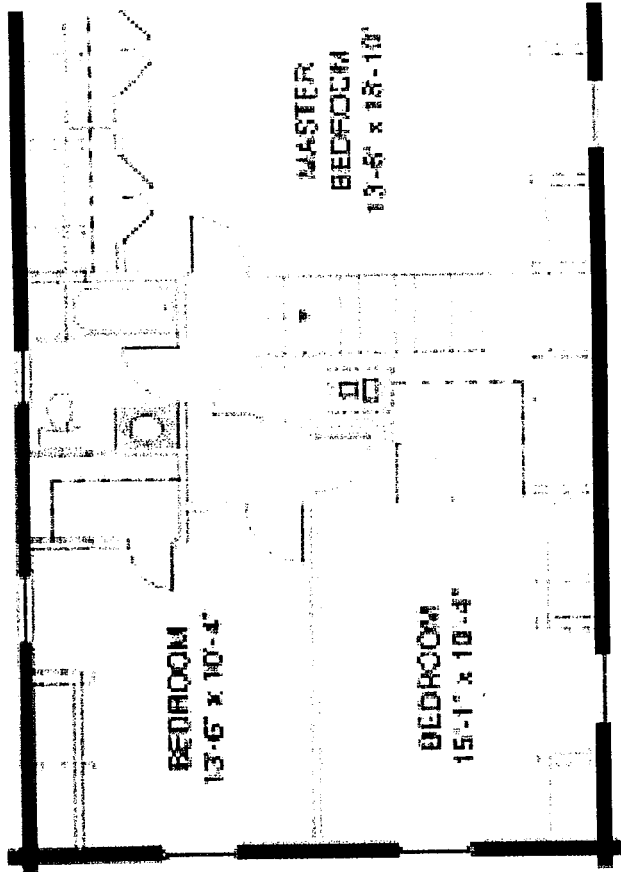






40'-0"

31'-0" DECK

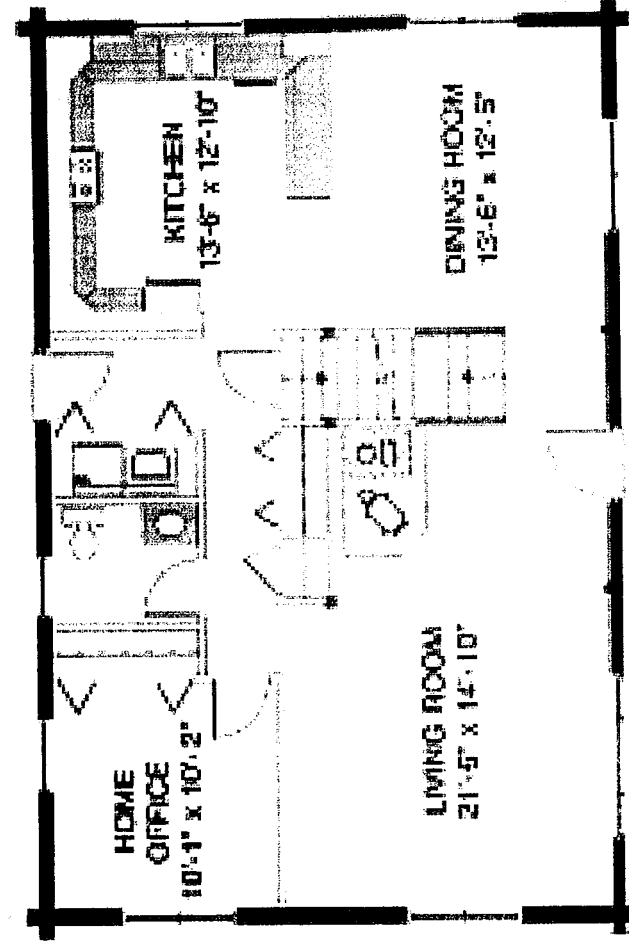


PORCH ROOF BELOW

CABLE  
DOWNER

SECOND FLOOR PLAN

40'-0"



PORCH

CABLE  
DOWNER

FIRST FLOOR PLAN

First Floor	1040 Square Feet
Second Floor	1040 Square Feet
Total Area	2080 Square Feet



1141  
*NEWPORT*

Town of Weathersfield

Date: 08/02/2023 Time: 10:58:41

Clerk: osavage

Account: 050336

Name: DAVIS RICHARD P

Comments:

Description	Amount
Land Records	10.00
Land Records	3.00
Land Records	2.00
Zoning Permits	204.00

TOTAL 219.00

Check 5176

Thank you

# Zoning Permit Application Review Checklist

Date received: August 2, 2023

1. Is the proposed project "development"? Y

Land Development or Development:

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

Structural Development:

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

Structure:

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

Building:

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

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

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

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

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

5. Pull parcel file. ✓

6. Check Use Tables:

- Does the project neatly fit into any of the uses listed in the district table? Single family dwelling
  - If yes, is a zoning permit necessary? Y
  - If no, does the proposal need to go to the ZBA for a determination? N
  - If no, is the use prohibited? N
- What approvals are needed? conditional use
  - Flood plain N
  - Highway access N
- Lot size – Minimum 3.0, Existing 0.3
- Frontage – Required 200, Existing 223
- Setbacks – Required: Front 40, Rear 25, Side 25
- Setbacks – Existing: Front 80+, Rear 25, Side 80+
- Height – Required <35, Proposed Existing
- Check specific use standards
- Check Development Review (Article 5)

Other requirements to consider?

7. Is anything non-conforming? (Article 3.4) Y : Minimum lot size

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

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

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

#### Application Completeness

- Copy of WW permit or letter, Access permit for new access
- 911 Location
- Parcel ID
- Lot size (tax bill if unknown)
- No  Compliant
- Road frontage (3.1) (deed if unknown or measure on ground)
  - Compliant
- Existing principal use
- Applicant name/address/phone number/email
- Landowner name/address/phone number/email
- Correct permit type
- Project information section
- Description with dimensions, clear enough to determine use
- Check boxes
- Correct fees
  - Collected
- Signatures & date
- Site plan drawing
  - North arrow
  - Full property boundaries with dimensions
  - All existing and proposed structures with measurements
  - Uses identified
  - Location of septic and water utilities
  - Location of access and frontage distance (3.1.1)
  - Proposed sign location
  - Streams, water bodies and wetlands
  - Locations of easements or rights-of-way
  - Setback distance

## General provisions

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

## Specific Use Standards

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

## Notes

\* No setback distance provided - called, provided 25' distance between structure and rear boundary line

HEARING ITEM

5



2023.08.02.CU

Applicant Name Richard Davis

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

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

#### Highway Department

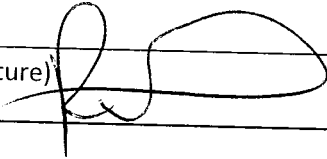
- I certify that the proposed project will not have an undue adverse impact on the:
  - town's roads or
  - the transfer station.
- The proposed project will have an undue adverse impact on the:
  - town's roads
  - the transfer station.

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

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

\_\_\_\_\_

\_\_\_\_\_

Highway Superintendent (Signature)  \_\_\_\_\_

Date 8/14/23

#### Police Department

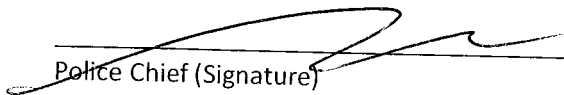
- I certify that the proposed project will not have an undue adverse impact on the Weathersfield Police Department.
- I find that the proposed project will have an undue adverse impact on the Weathersfield Police Department. The impact will be \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

Police Chief (Signature)  \_\_\_\_\_

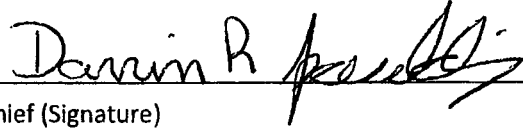
Date 8-8-23

**Ascutney/West Weathersfield Volunteer Fire Department**

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

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

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

  
Chief (Signature)

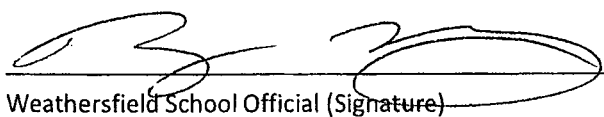
8/2/23  
Date

**School Services**

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

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

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

  
Weathersfield School Official (Signature)

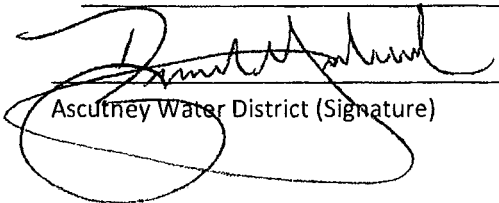
8/16/2023  
Date

**Ascutney Water District (Community Water System)**

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

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

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

  
Ascutney Water District (Signature)

8/14/23  
Date

Contact names and numbers for Department Heads

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

HEARING ITEM

6

INITIAL INSPECTION REPORT

1. Specialist Roger L. ... Date 3/28/77

2. Lot location 1500 ...

3. Owner's Name VI ...

Address ... Tel. ...

4. Contact (if not owner) \_\_\_\_\_

5. Soil Map No. \_\_\_\_\_ Series No. \_\_\_\_\_ Group No. \_\_\_\_\_

6. Specific site comments: (water table, pan, bedrock, etc.)  
...

7. Percolation test results: Est. 5 min Actual \_\_\_\_\_

SPECIFIC DESIGN DETAILS

8. Septic tank: 1000 gal concrete Minimum size, gallons

9. Filter field: 1 x 20 ft

- 10. Site Modifications: See Sketch.
A. Surface drainage required: Yes \_\_\_ No ✓
B. Subsurface drainage required: Yes \_\_\_ No ✓
C. Benching required: Yes \_\_\_ No ✓

SPECIFIC DESIGN --

11. Was site staked out? Yes \_\_\_ No \_\_\_

12. Was design sketch made? Yes ✓ No \_\_\_

Check list: Distances to: Lot lines ...

Water Supplies: ... Streams ... Roads ...

Drainage ways: None Water lines ... Trees ...

Vermont Homecraft, Inc.

Weathersfield 0123

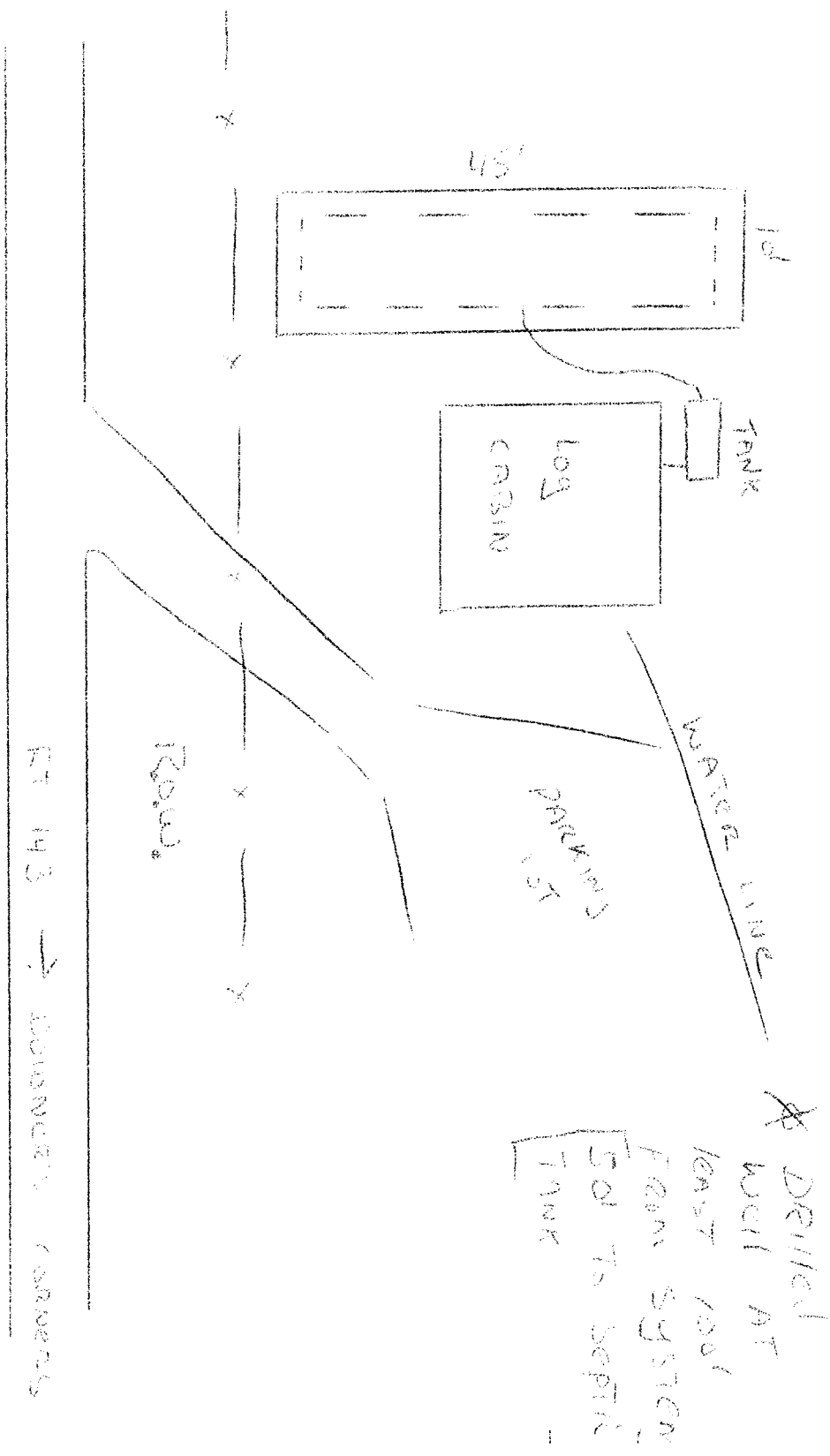
5/31/78

1. Use a 1000 gal concrete septic tank. Cast iron pipe is required thru the foundation wall. Cast iron or schedule 40 plastic is required into and out of the tank to bridge the tank hole (normally about 5').
2. Dig about 24" deep with a level floor. Place 6" of graded stone, lay the pipe level, add graded stone to a total depth of 12", place a mat of hay or 2 layers of untreated building paper, and cover 12" deep. Grade the area so water will not pond over the system.
3. Call me if there are any questions and for inspection before covering.

VT. HOME CRAFT, INC

WEATHERS FIELD 0123

5/25/78



# Conservation District On-Site Sewage Program

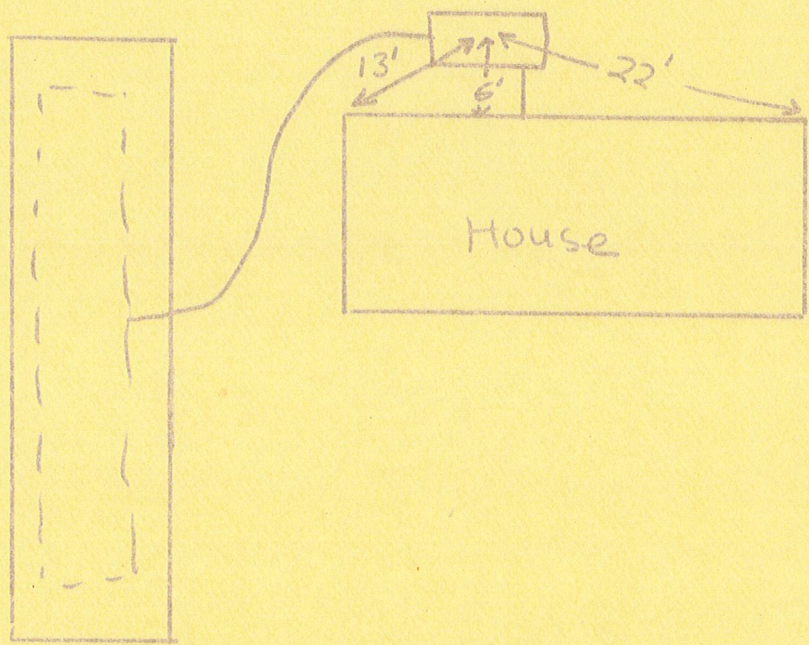
Town of WEATHERSFIELD

Application No. 0123

## COMPLETION INSPECTION REPORT

1. Specialist Roger Thomson, Jr Date 5/79
2. Owner's Name W. HOME CRAFT, INC
3. Contractor GURNEY BROTHERS
4. Variations from Design Sketches NONE

5. Materials Used: (Pipe, Stone, Matt) 3/4" STONE, PAPER, PLASTIC



Well

RT 131 → RT 106



HEARING ITEM

**7**

# Town of Weathersfield Zoning Permit Application

Interested persons may appeal any decision by the Administrative Officer within 15 days of the date of such decision; this permit shall not take effect until the time for such appeal has passed. Appeals are made to the Weathersfield Zoning Board of Adjustment.

(Please Print)

I. PARCEL NUMBER: 050336 Are there State Permits on this property? \_\_\_\_\_

II. LOCATABLE ADDRESS: Number: 78 Road: Rte 131

III. APPLICANT(S): RICHARD P. DAVIS  
A. Mailing Address: PO BOX 436 Town: ASCLUTNEY Zip: 05030  
B. Telephone Number: Home: \_\_\_\_\_ Work: 674-9519

(Grantor:)

IV. LANDOWNER(S) if different from applicant: DAVE CRAWFORD  
A. Mailing Address: PO BOX 239 Town: SPRINGFIELD Zip: 05156  
B. Telephone Number: Home: 13 CLINTON ST Work: 885-8282

V. PERMIT REQUESTED: Please check **only** the permit(s) you are requesting.

PERMIT RENEWAL

A. DWELLING: House  Mobile Home  Duplex  Vacation House  Camp

1. Will this be the only dwelling on the property?

Yes  No

2. Do you have a State or Town Driveway Access Permit?

Yes  No  Approval Pending  Not a new access

3. Do you have a Town Septic Permit?

Yes  No  Approval Pending

If yes or permit pending, how many bedrooms is your sewage system designed to serve? \_\_\_\_\_

B. GARAGE:  CARPORT:

1. Do you have a State or Town Driveway Access Permit?

Yes  No  Approval Pending  Not a new access

C. OTHER STRUCTURE(S): (identify) LOG CABIN OFFICE

D. ADDITION(S): (identify) \_\_\_\_\_

1. If adding bedroom(s), how many total bedrooms will you now have? \_\_\_\_\_

E. MISCELLANEOUS: (identify) \_\_\_\_\_

F. BUSINESS OR INDUSTRY: (identify) MUSIC

G. CHANGE OF USE PERMIT:

1. Existing use and/or occupancy: \_\_\_\_\_

2. Proposed use and/or occupancy: OFFICE/STORAGE

VI. SIZE OF PROPOSED STRUCTURE: Length \_\_\_\_\_ Width \_\_\_\_\_ Height \_\_\_\_\_

Number of stories \_\_\_\_\_ Total square footage of new structure(s) \_\_\_\_\_

VII. LOT SIZE: 1/3 ACRE Frontage on road: 300' Public Water: No  Yes

VIII. SETBACKS: Road Right-of-Way \_\_\_\_\_ Side \_\_\_\_\_ ft. Side \_\_\_\_\_ ft.

Rear \_\_\_\_\_ ft. Stream or River \_\_\_\_\_ ft. Wetland \_\_\_\_\_ ft.

(Over)

Please draw a plot plan showing the following: town road or right-of-way, lot shape, and all existing and proposed structures.

Note: All proposed structures should be shown with setbacks (dimensions) from boundary lines, streams and wetlands.

Please give simple directions to your property from the beginning of your road: \_\_\_\_\_

(SEE FILE)

N/A

Signature of Applicant: Richard P. Davis

Signature of Landowner if different from applicant: Richard P. Davis

The above signed hereby requests a zoning permit for the following use to be issued on the basis of the representation contained herein. Permit void in the event of any misrepresentation. Permits expire one year from effective date unless renewed prior to that time. Permit must be renewed annually unless construction has been undertaken. The project must be completed at the end of 5 years. **The applicant is responsible for attaining the appropriate State permits which this project may require; contact the Agency of Natural Resources in Springfield, VT for assistance.** Zoning permits shall be conditioned upon the receipt of all other required Town permits.

\*\*\*\*\*

Application # 061003A Zoning District \_\_\_\_\_ Inspection Date: \_\_\_\_\_

Application Fee \$ 30.00 Other Fee \$ \_\_\_\_\_ Check # 539

Recorded  Received on: 061003 Received by: P. Dodge

Referred to the Planning Commission: Meeting Date: \_\_\_\_\_

Referred to the Zoning Board of Adjustment; Meeting Date: \_\_\_\_\_

Reason for referral: \_\_\_\_\_

Application Approved  Denied  By Lynn M. Skalaban Date June 6-10-03

Note: \_\_\_\_\_

WEATHERSFIELD, VT  
Town Clerk's Office  
Received for record  
June 10  
At 10 o'clock 33 minutes A.D. 20 03  
and recorded in Book MP-2-03 Page AM  
Attest: Aina J Odumatt Town Clerk

Lynn M. Skalaban  
Lynn M. Skalaban  
Zoning Administrator

# Town of Weathersfield ZONING PERMIT

NOTE: Please post in a conspicuous place at start of construction or use.

Permit applied for 061003 Permit granted 070703

Clearing scheduled for NONE

Permit No. 061003A

Owner David Crawford

Location 78 Route 131

Builder \_\_\_\_\_

Description

Change of USE  
to office/storage space

Signed Lynn M. Stalub  
Administrative Officer

HEARING ITEM

8

*Complaint/Request for Investigation*

Date: Sept. 17, 2008

Request received how? verbal

Location of alleged violation: \_\_\_\_\_

Parcel ID# 05-03-36

Property owner: Rick Davis

Nature of complaint: property being used as residence when it was restricted to ~~an~~ office only

Relief sought by complainant: \_\_\_\_\_

Action taken: LJM checked tax records - property claims to be purely business

Conversations w Rick - he claims no one is living there, but neither of us could find any documents restricting the use as a residence

Z:\WordPerfect Documents\Zoning Administrator\Complaint\_Request\_for\_Investigation\AAATemplate.wpd

Davis -  
living on  
property?

HEARING ITEM

9



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY VT 05030

landuse@weathersfield.org

## MEMORANDUM

TO: Rick Davis  
FROM: Chris Whidden, Esq., Land Use Administrator  
Date: 10/13/2020  
RE: 78 Route 131, Ascutney Home Occupation

Last night, at the Planning Commission's regular meeting (10/12/2020), Mr. Rick Davis requested to meet with my office to discuss the possibility of him living at the address above, where he owns and operates a music production business. Mr. Davis has run this business at this location since 2003 and has no employees. The parcel is zoned HC- Highway Commercial. Under this zoning scheme and our Bylaws, home occupations are permitted in HC zones and individuals who own and operate such a business are allowed to reside at the situs.

The Town of Weathersfield has no issues or concerns with Mr. Davis residing at this location, as once again, it is permitted under our Bylaws. Also, under our Bylaws, a single-family dwelling is subject to conditional use review by the Zoning Board of Adjustments in cases of new development. Since the parcel is already developed, and the business has been in operation since 2003, there is no new development to review, and Mr. Davis is using the land in a way that conforms to our bylaws regardless of whether he resides on the parcel or not.

Please let me know if I can be of any further assistance in this matter or if you have any questions or concerns. As always, my office is open for a collaborative effort for the betterment of the Town and community. After 10/28/2020, this letter becomes a final order from the Land Use Administrator should there be no timely appeal filed.

Sincerely,

Chris Whidden, Esq.  
Land Use Administrator

10.13.20  
Brandon Gulnick  
Town Manager



AGENDA ITEM

5

Zoning Board of Adjustment

May 23, 2023

Draft Meeting Minutes

1. Introductions

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

The audience members were Carl Wyman, Matthew Lewis, Paul Tillman, Scott Rogers, and Mike Todd.

Prior to the meeting, there was a site visit at 20 Harvest Park Road at 6:00 PM. Matthew Lewis, Ryan Gumbart, Joseph Bublat, and Todd Hindinger were present.

2. Call to order

Todd Hindinger called the meeting to order at 6:39 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

Mike Todd questioned a posted permit outside on the board in regards to being incorrect. He stated that the posted permit regarding an appeal should have the date on it. Ryan Gumbart stated the information going to the interested parties has the date on it in their letter and their packet. In the future, he will put the date on the posted ones too.

5. Approval of Meeting Minutes – April 11, 2023

Todd Hindinger made a motion to approve the minutes of April 11, 2023 as amended. Joseph Bublat seconded it. Grace Knight abstained. The motion passed.

6. Public Hearing: Application 23.04.26 ZBA.2 by Matthew Lewis for a Site plan Review and Conditional Use Review for the construction of a Contractor's Storage Yard at 20 Harvest Park Road

Todd Hindinger opened the hearing at 6:53 PM by reading the Public Hearing Notice. Carl Wyman and Matthew Lewis affirmed and have interested person status. There was no Board conflict or exparte communication.

Ryan Gumbart stated that Matthew Lewis would like a contractor storage yard. There has been no other communication with the abutters. Eventually, there will be two buildings. The primary structure will be 30 feet by 60 feet. The principal use will be a contractor's storage unit.

Exhibit #1 is the Public Hearing Notice. Exhibit #2 is the Certification of Posting and Distribution. Exhibit #3 is the Newspaper Tear Sheet. Exhibit #4 is the Application and Fees (5 pages). Exhibit #5 is the Site Plan dated March 22, 2023. Exhibit #6 is the Accessory Maps (6 pages). Exhibit #7 is a letter from Carl Wyman, an abutter, dated April 17, 2023. Exhibit #8 is the DEC Project Review Sheet (3 pages). Exhibit #9 is the DEC Water/Wastewater Permit dated April 12, 2019 (3 pages). Exhibit #10 is the Rapanotti Septic Design dated September 16, 2019 (5 pages). Exhibit #11 is the subdivision decision dated July 3, 2019 (3 pages). Exhibit #12 is the Highway Access Permit Application. Exhibit #13 is the Water Capacity Allocation Letter. Exhibit #14 is the NRB Act 250 Abandonment Order (2 pages). Exhibit #15 is the letter from Brandon Gulnick in regards to the water line installation project. Exhibit #16 is the Community Sign Off Form.

Matthew Lewis stated that in the future, maybe in 2024, there would be a maintenance building 60 feet by 80 feet for equipment. The storage building would have three sides for cold storage. It would be open on the south end. It would be used for storing equipment, lumber, concrete, forms, etc. The water and power would be underground off the existing right of way. He is not sure when he will need the water though. It could be shut off for now. Todd Hindinger stated that with the permit, you would need to be finished building within five years. If not, you would need to see the Zoning Administrator in regards to an amendment. Carl Wyman stated that the material has been ordered for the water line installation. It will run on Harvest Park Road and will have curb stops to each lot. Paul Tillman stated that the water system is not a Town water system. It is its own entity.

Todd Hindinger stated that on the site plan there are two buildings. The rear and south side setbacks are 25 feet and the front has a setback of 40 feet. Matthew Lewis stated that he will make sure that the corners are marked. He stated that Carl Wyman has applied for a shared sign for him. There will be one employee. They leave in the morning and come back throughout the day and end in the afternoon/evening. They could make several trips a day. There will be earth moving equipment and trucks there with a little leftover material from jobs. The gravel area is for the truck and trailer to turn around. There will be no sales of stone or gravel to the public. He does not have any intention of lighting. There will be a light at the personnel door though. The septic plan is for fifteen employees.

Todd Hindinger stated that the leach field has been approved by the State. He recommended to stake out that area on the State plan. He wanted to know if the wastewater permit would be amended because it is different now. Your site plan is different from your wastewater permit. Matthew Lewis stated that it does need to be changed. Todd Hindinger reviewed landscaping with Matthew Lewis. Matthew Lewis stated that on the back they would be planting 20 feet off center (approximately 20 trees) with 3 - 4 ft firs and other deciduous trees. Todd Hindinger read what Carl Wyman had mentioned in regards to landscaping. Carl Wyman likes crab apple trees, does not want double lot landscaping, and wants to keep the view of Mt. Ascutney. Matthew Lewis stated that they would be low lying trees and he will take Carl Wyman's comments into consideration. Todd Hindinger stated that there seems to be no screening of the parking on the side lot. You can propose landscaping tonight to the Board, or give it to Ryan Gumbart. Todd Hindinger mentioned that the site plan says the water flows off to the side of the stream. There needs to be a 25 foot buffer from the high water mark of the stream. The buffer needs to be preserved. Matthew Lewis stated that the water would be channeled on the western edge. It would be clean before it would be released into the stream. Most of the water will go straight down. It is shown on the site plan (the western edge drainage flow path).

Todd Hindinger stated that the Board wants to make sure that sediment and debris does not go into the stream. The Board stated that on the subdivision plan, it states that each lot will get a StormWater permit. The Storm Water Management Section stated that this is a sandy site. Matthew Lewis showed the Board on the site plan where the drainage flow would be located.

Ryan Gumbart stated that there are no threatened or endangered species, or deer yards on this site. It also is prime agricultural soil, but the threshold is less. Carl Wyman stated that deForest Bearse, former zoning administrator, stated that this lot has long since been used for farming.

Ryan Gumbart mentioned that on the Conditional Use Review that the fire department did not sign off. He contacted the fire chief, but has had no response. Mike Todd stated that the fire department will do an assessment. Matthew Lewis stated that the fire safety from the State would be in touch with him and the fire department. With a certificate of occupancy, the sign off form is an opportunity for the fire department to express any concerns.

Todd Hindinger made a motion to close the hearing at 8:02 PM. Joseph Bublat seconded it. All were in favor of closing the hearing.

7. Public Hearing: Application 23.04.26.ZBA by Scott Rogers for a variance review at 6014 Route 5, Ascutney, VT

Todd Hindinger opened the hearing at 8:06 PM by reading the Notice of Public Hearing. Scott Rogers has interested person status and affirmed. Mike Todd and Joseph Bublat affirmed too. There was no Board conflict or exparte communication.

Ryan Gumbart that this is one lot with a store and a single family home. Scott Rogers would like to subdivide this property so that the house and the store are on separate lots. The sketch plan shows that the house lot would be a small lot and it is in a highway commercial zone. According to the Bylaws, it would need three acres. A variance would be needed for the back of the home. The market would conform. The house lot would be a non conforming lot. The proposed house lot would be approximately .4 acre. It has not been surveyed. It was built in the 1970's prior to Bylaws. Mike Todd stated that the goal from the Planning Commission was to not have two nonconforming lots.

Exhibit #1 is the Public Hearing Notice. Exhibit #2 is the Certification of Posting & Distribution. Exhibit #3 is the Newspaper Tear Sheet. Exhibit #4 is the Application for a Variance (6 pages). Exhibit #5 is the Application for Sketch Plan Review (6 pages). Exhibit #6 is the Sketch Plan Decision (16 pages). Exhibit #7 is the Planning Commission minutes circ 2003.

Scott Rogers stated that nothing is going to change. The renters would like to purchase the house. He has had people interested in the property, but the mortgage would be less if the house did not go as part of the sale. It is more of an interest for the Town too if someone was to purchase just the store itself. The septic/leach field was designed 10 - 12 years ago and it is big enough for both buildings. Ryan Gumbart read the Bylaw in regards to a variance. Todd Hindinger stated that it is 46 feet from corner to corner between buildings. The WasteWater Permit (2010) on the sketch plan shows two parcels. The engineer thought there was a line for two parcels. Ryan Gumbart stated that it was done on the sketch plan, but never put on a mylar or site plan. It was never signed off. Scott Rogers stated that the leach field is just for the house. The store leach field is behind the store. He showed the Board the locations for each. The septic for the house is on the store property.

Ryan Gumbart stated that the Planning Commission minutes from 2003 was to grant a waiver for a small lot. It would create a non conforming lot. Todd Hindinger stated that the setback does not meet the requirements, nor does the lot size. Mike Todd stated that this predated Zoning Bylaws. The house is an accessory to the business. Todd Hindinger stated that both are non conforming structures and existing small lots. Ryan Gumbart stated that if a variance was granted, the Zoning Board is looking at the setback of 21 feet vs. 25 feet vs. lot size. A non conforming lot size does exist. The Planning Commission did not discuss small lots. The variance is the only thing being discussed.

Todd Hindinger stated that waivers in subdivisions are granted by the Planning Commission. Ryan Gumbart stated that the dimensions of the structure and the use are conforming. The Board is not dealing with non conforming use or structure, but with conforming lots due to the small lot. The non conforming is two buildings are not on 3 acres. Grace Knight stated as long as the house stays with the business it is conforming. If it is separated, it is non conforming. Todd Hindinger reviewed the variance criteria. Ryan Gumbart stated that for #1 on the criteria, this is property is

unique and has physical circumstance. The buildings predate zoning and the distance does not conform. This hardship was not created by Scott Rogers.

Scott Rogers stated that in the past this property did not sell because the house came with the store. The store and house stayed empty for a long time because it had to be sold as a whole package. Joseph Bublat stated that zoning created this hardship. He wondered if there would still be a problem if the garage was not there. Grace Knight stated that the garage causes the setback issue. Todd Hindinger stated that if a variance is granted for a single family home in highway commercial, a conditional use permit would be needed due to the Bylaws. Ryan Gumbart stated that if a variance was granted, then the Planning Commission could do a final plat. The Zoning Board needs to determine whether the subdivision can't happen because of conditions out of the control of the applicant. The existing space would be the hardship and the size/shape of the lot. Ryan Gumbart stated that a variance is needed for the applicant to move forward. Scott Rogers stated that each has their own mailing address too.

Todd Hindinger made a motion to close the hearing at 9:22 PM. Joseph Bublat seconded it. All were unanimous to close the hearing.

8. Site Plan checklist
9. Update from LUA on changes to Bylaws by Planning Commission

Ryan Gumbart stated that the use tables were updated and sent to the Select Board.

10. Discussion of Items for Future Agendas
11. Adjournment

Joseph Bublat made a motion to adjourn at 9:27 PM. Grace Knight seconded it. All were in favor.

Respectfully submitted,

Diana Stillson