



# 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, November 13, 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 – October 23, 2023
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6. **Project Status Update:** Review Planning Commission project log
  7. **PUBLIC HEARING – Town Plan Amendment – Energy Section:** Review Annette Smith's comments
  8. **Zoning Bylaw Amendment – PUD Review:** Review Rev. 6 – 2023.11.08
  9. **Zoning Bylaw Amendment – Groundwater Protection Overlay District:** Review Rev. 1 – 2023.11.08
  10. **Zoning Bylaw Discussion** – Airport District & Private Airstrip Regulations
- 
11. Discussion of items for future agendas
    - Affordable Housing
    - Short-term rentals
    - Landlord & Tenant Rights
    - Small lots and setbacks
  12. Any other business that can be legally discussed
  13. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, November 27, 2023 - 6:30 PM**, Martin Memorial Hall.

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

<https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

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

AGENDA ITEM

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Planning Commission  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Monday, October 23, 2023  
6:30 PM  
REGULAR MEETING  
Draft Minutes

**Members Present:** Joseph Bublat, Michael Todd, Hank Ainley, Brian Bosenberg

**Members Absent:** Howard Beach

**Ryan Gumbart, Land Use Administrator**

Others Present:

Lisa Mangini		
Michael Wood		
John Arrison		

**1 Call to Order**

Mr. Bublat called the meeting to order at 6:30pm.

**2 Agenda Review**

The Planning Commission recognized that a Board Reorganization is necessary due to a member leaving and then having a new member appointed at the last Select Board meeting. This issue is to be taken up under Item #14.

The meeting was paused for a few minutes due to technical difficulty with Zoom.

**3 Comments from the Chair and Land Use Administrator**

The Land Use Administrator introduced new member, Brian Bosenberg.

**4 Comment from citizens regarding items not on the agenda**

None.

**5 Review Minutes from Previous Meeting: 9/25/23**

**Additions/corrections/deletions:**

**a.** Corrections: the spelling of Halle Abuayyash

**Motion:** To approve the 9/25/23 minutes.

**Made by:** Mr. Todd      **Second:** Mr. Bosenberg

**Vote:** All in Favor

**6 Sketch Plan Review- Review Application**

Lisa Mangini of 466 Tarbell Hill Road submitted an application. The Land Use Administrator stated that all the lots are conforming and that the main lot contains agricultural soils (less than 3 acres) and deer wintering lands. Some areas have steep slopes and there is a protected stream. See [Bylaw 3.2.7 & Bylaw 3.2.8](#) (p. 31).

The Planning Commission discussed the dual driveway access and stream buffer requirements. The Planning Commission pointed out that how without going on Lot B to make access to Lot C because of how steep the slopes are and that getting a driveway in there is going to be a challenge and how that should be considered.

The Planning Commission inquired about who did the water at ANR and to reach out to them and request a letter. While the Planning Commission doesn't require construction details, it does require the layout as the right away needs to be included in the subdivision so that there is a conceptual solution. The Planning Commission added that a deeded easement would need to be added to Lot B to provide access to Lot C around the steep sloped section. The waterway was discussed, how a permit was already issued, and how there were some administrative processes that need to be addressed. Setbacks not applying to driveways was discussed.

The Planning Commission concluded that they would like to see exactly where the driveway easement on Lot B would be placed. The Land Use Administrator is to send out a list of requirements for the Applicant to complete, encouraging that the more information, the better.

**7 Bill H.177 – Bicycle Route Along Route 5: Discussion**

Mr. Arrison brought attention to [Bill H.177](#) and wanted to see how it dovetails with the [Town Plan](#). No Action was needed by the Planning Commission at this time, although he will be looking for letter of support from Planning Commission and the Select Board when the revised bill is created. The Planning Commission discussed the logistics of having a bike path along Route 5 and if this would benefit the Town recreationally.

**8 Planning Commission Projects Overview: Review Spreadsheet**

The Land Use Administrator gave a presentation on the Planning Commission Projects, actions taken, current status, and next steps of each project. See Below:

PLANNING COMMISSION PROJECTS

\*Listed in order of priority\*

Project	Last Action Taken	Current Status	Next Steps
<b>1.</b>			
PUD Review – Habitat for Humanity	8/28 PC held Combined Hearing with ZBA. Per applicant's request, hearing continued to 10/9.	Hearing is scheduled to be continued on 10/9.	Applicant will get requested information for review.
<b>2.</b>			
Final Plat Review – Daniels Subdivision	8/28 PC held Final Plat Review. Board voted to approve Final Plat.	9/11 LUA distributed draft decision for board's review.	Distribute final decision to required parties.
<b>3.</b>			
Town Plan Amendment – Energy Section	10/18 LUA made PC's changes in Rev. 10.	Awaiting PC review.	Review changes, vote on adoption, if in favor warn hearing for SB review.
<b>4.</b>			
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.
<b>5.</b>			
Aquifer Protection Overlay District	MARC created map delineating affected areas. PC requested a finalized map and a plan for a resolution.	Waiting on MARC to make changes to map. LUA to discuss with TM to formulate a plan for resolution.	TBD
<b>6.</b>			
Town Plan Amendment – Required Changes	None	First discussion at PC meeting.	Identify who will complete what.

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

**9 PUBLIC HEARING CONT.**

The Planning Commission reviewed and discussed in depth the changes in the Town Plan Amendments to the [Energy Section](#) (pgs. 24-35). The Planning Commission discussed language and how some of the wording used waters down the discussion, particularly in regards to separate energy types and how to deal with them. Additionally, how some of the language seems restrictive where it that shouldn't be. The Planning Commission also expressed concern that document has lost its original intent and that it had become longer than it had been originally.

The Planning Commission concluded that they would send the draft Energy Section to Annette Smith (from Vermonters for a Clean Environment) for review and to include current and historical revisions of the document to her. Mr. Todd would be the one to reach out to her.

**Motion:** To continue the Town Plan Amendments to the Energy Section Hearing to 11/13/2023 at 6:30pm.

**Made by:** Mr. Bosenberg      **Second:** Mr. Todd

**Vote:** All in Favor

**10      Zoning Bylaws-Aquafer Protection Overlay District: Discussion**

The Planning Commission decided to continue the discussion for when Mr. Beach is present. The Planning Commission is requesting Aquafer Protection Overlay District maps from CIS and MARC.

**11      Town Plan Readoption Requirements: Discussion**

The Commission reviewed the Town Plan Readoption Requirements via the [Vermont Statutes](#). The Planning Commission concluded that it is probably best to continue this item to the next meeting as they await Halle's edits.

**12      Bylaw Amendment- PUD Review: Discussion and Review**

This item will be discussed at the next meeting due to Halle's pending edits.

**13      Discussion of Items for Future Agendas**

- Affordable Housing
- Short Term Rentals
- Landlord Rights verses Tenant Rights
- Small lots and setbacks
- Airstrip Regulations/Airport District
- Zoning Presentation

The Land Use Administrator will try to coordinate a joint meeting with all Land Use Boards, perhaps at a Planning Commission meeting. The Planning Commission concluded that they need to review and then prioritize past and present agenda items. Mr. Bublat will reach out to Mr. Tillman for old Planning Commission records and documents.

**14      Any other business that can be legally discussed**

Due to the last canceled meeting, the Habitat for Humanity hearing needed a new date set.

**Motion:** To continue the Habitat for Humanity Hearing to 12/11/23 at 6:30pm.

**Made by:** Mr. Todd      **Second:** Mr. Bosenberg

**Vote:** All in favor

Due to a Planning Commission member leaving and new member being recently appointed at the Select Board meeting, a reorganization of the Planning Commission was deemed necessary.

**Motion:** To nominate and appoint Joseph Bublat as Chair of the Planning Commission.

**Made by:** Mr. Todd      **Second:** Mr. Bosenberg

**Vote:** All in favor

To nominate Brian Bosenberg as Vice-Chair of the Planning Commission.

**Vote:** All in favor

**15      Adjourn**

**Motion:** To adjourn the meeting.

**Made by:** Mr. Todd      **Second:** Mr. Ainley

**Vote:** All in favor

The meeting adjourned at 8:48pm.

Respectfully submitted,  
Nichole Gagnon

The next regularly scheduled meeting of the Planning Commission will be Monday, November 13, 2023 - 6:30 PM, Martin Memorial Hall.

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WEATHERSFIELD PLANNING COMMISSION

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Joseph Bublath, Chairperson

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Hank Ainley, Commissioner

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Brian Bosenberg, Vice-Chairperson

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Howard Beach, Clerk

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Michael Todd, Commissioner





AGENDA ITEM

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## PLANNING COMMISSION PROJECTS

\*Listed in order of priority\*

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
<b>1.</b>			
PUD Review – Habitat for Humanity	10/23 Per applicant’s request, hearing continued by PC to 12/11	Hearing is scheduled to be continued on 12/11	Applicant will get requested information for review
<b>2.</b>			
Town Plan Amendment – Energy Section	11/2 Annette Smith provided comments on language.	Awaiting review by PC	Determine if further changes are needed.
<b>3.</b>			
Town Plan Amendment – Required Changes	None	First discussion at 11/27 PC meeting. Halle to review needed changes.	Identify who will complete what.
<b>4.</b>			
Aquifer Protection Overlay District	Language as existing was formatted into the bylaws.	Awaiting review by PC. Waiting on CAI to add layer to zoning map.	Review language and map.
<b>5.</b>			
Zoning Bylaws Amendment – PUD Review	Table by district was added and some language changes.	Awaiting review by PC. Further changes will be necessary.	Review LUA’s changes, discuss further. Once finalized, warn bylaw amendment hearing.

### 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

AGENDA ITEM

7

## Re: Notes on Weathersfield Town Plan

Annette Smith &lt;vce@vermontel.net&gt;

Fri 11/3/2023 10:40 AM

To: Land Use &lt;Landuse@weathersfield.org&gt;

You're welcome. I am reminded to point out it is a good idea to make sure you have good language for telecom, either in the town plan or in zoning bylaws or as a specific bylaw or ordinance. We are seeing a lot of new towers proposed by AT&T, Verizon, and a company new to Vermont, Industrial Tower and Wireless, and unless there is specific language such as in which zones towers are permitted and not permitted (they cannot be excluded), height above trees, distances from residences, the PUC has to approve them. The statute, Section 248a, gives Substantial Deference to town plans, ordinances and bylaws and recommendations, so it is turning out to be very important to have language at the town level. VCE has been spending a lot of time assisting citizens and town dealing with inappropriately sited towers in the last few years, nearly always too close to villages, too close to residences, visually obtrusive, and often they get withdrawn (AT&T especially seems to not want to get into a contested case) if it is pointed out the proposal doesn't comply with the town plan or bylaw, or regional plan. Verizon and Industrial are represented by the same attorney and are more likely to move ahead even though the projects are objected to.

Annette

Annette Smith  
Executive Director  
Vermonters for a Clean Environment  
789 Baker Brook Road  
Danby, VT  
(802)446-2094  
vce@vce.org

On Nov 3, 2023, at 10:32 AM, Land Use <Landuse@weathersfield.org> wrote:

Thank you very much! The board will be thrilled to have your input.

I appreciate you taking the time to help us out.

-Ryan

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**From:** Annette Smith <vce@vermontel.net>  
**Sent:** Thursday, November 2, 2023 9:55 AM  
**To:** Land Use <Landuse@weathersfield.org>  
**Subject:** Re: Notes on Weathersfield Town Plan

It's pretty good, as you've named all the mountains where wind energy isn't appropriate, and tied the scenic resources listing to the energy chapter so it is clear that any of those roads are scenic resources to be protected. You could add specific language in the energy chapter where those scenic resources are mentioned that says "The Scenic Resources identified in section 5.3 must be protected." (Must is stronger than shall).

I put a few comments in, using track changes and also highlighted them in green.

With wind, you have a should that I'm suggesting changing to shall.

I am suggesting deleting one sentence, which says something about declaring all other sites as deemed to be preferred. I think that's risky, and am not sure it is wise. The Town of Norwich has all but two or three areas in their town plan as preferred sites which is ridiculous. Let the developers come and ask if they want something deemed a preferred site. A blanket "everything except..." could open the door to projects you wouldn't welcome.

My other comment was about clearing forests. The PUC's net-metering rule update is still in process but they are proposing limiting solar project clearing to 3 acres. It was one acre in the initial draft, the developers are pushing back, ANR wants one acre, so the PUC probably used their real world experience with 500 kW arrays and came up with 3 acres. This is, of course, up to the Weathersfield PC if they want to restrict the forest clearing for solar, but it is something not addressed in the plan so I wanted to flag it for discussion.

Overall, with the inclusion of the Scenic and Historic Resources section (so glad you are putting in language about historic resources as the state agency has totally punted and never protects anything except archaeological resources), I do think you've covered it in terms of giving the PUC what it needs as regulatory language.

Our discussion with Weathersfield in the past included whether or not to do an Enhanced Energy Plan, and at the time I was not a fan of it and have seen that the PUC will apply the town plan language even though it's given due consideration rather than substantial deference. However over time I have seen the benefit of doing the Enhanced Energy Plan, which doesn't seem to be that hard since mainly what it means is incorporating data provided by the RPC and state, using the checklist from DPS. It can seem daunting but with a dedicated planner like you, it's worth looking into. I just worked on a tower case that the PUC denied, giving the recommendations of the regional planning commission substantial deference as they said it violated the regional plan.

Telecom cases are in a different statute, Section 248a, and the law is written differently, such that recommendations of the town boards and regional planning commission and the town and regional plans are giving substantial deference. With energy generation projects under Section 248, the recommendations still only receive due consideration but the town and regional plans are given due consideration. Now that we've seen the PUC deny a project using substantial deference and noting that there does not seem to be a compelling public good to override that, I think it can be more effective to have an adopted Enhanced Energy Plan. Doesn't mean that the language in this plan won't matter, though, as the Vermont Supreme Court just upheld the PUC's finding on Apple Hill Solar that the project does not comply with the town plan, and it was not an Enhanced Energy Plan. As for the public good, the PUC is saying in some of the cases I am watching that any specific solar project output can be replaced with something else sited elsewhere, so they are not supporting solar everywhere as necessary.

Annette

Annette Smith  
Executive Director  
Vermonters for a Clean Environment  
789 Baker Brook Road  
Danby, VT  
(802)446-2094  
vce@vce.org

On Nov 1, 2023, at 12:46 PM, Land Use <Landuse@weathersfield.org> wrote:

Thanks, Annette. Nothing has changed here but the board recognizes this as lacking and in need of an update. We tried for a grant last year and didn't get it.

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**From:** Annette Smith <vce@vermontel.net>  
**Sent:** Wednesday, November 1, 2023 11:15 AM  
**To:** Land Use <Landuse@weathersfield.org>  
**Subject:** Re: Notes on Weathersfield Town Plan

Can you please send me the Scenic Resources section of the plan? Section 5.3

Annette Smith  
Executive Director  
Vermonters for a Clean Environment  
789 Baker Brook Road  
Danby, VT  
(802)446-2094  
vce@vce.org

On Nov 1, 2023, at 9:29 AM, Land Use <Landuse@weathersfield.org> wrote:

The yellow highlighted text is just the most recent changes since the previous draft.

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**From:** Land Use <Landuse@weathersfield.org>  
**Sent:** Wednesday, November 1, 2023 9:28 AM  
**To:** Annette Smith <vce@vermontel.net>  
**Subject:** Re: Notes on Weathersfield Town Plan

Hi Annette,

It has been awhile since you advised the Weathersfield Planning Commission on the Town Plan. They have been working on updating the energy section and have come to the conclusion that after many changes and input from various bodies the language has lost some of its teeth. Their concern initially was providing protection from the PUC in siting solar facilities.

Would you mind reviewing the draft Energy Section of the Town Plan and providing some input on how to ensure the necessary details are there?

Thank you very much,

Ryan Gumbart  
Land Use  
Weathersfield, VT

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**From:** Annette Smith <vce@vermontel.net>  
**Sent:** Saturday, January 1, 2022 9:26 AM  
**To:** Land Use <Landuse@weathersfield.org>; Howard Beach <mhowardbeach@gmail.com>  
**Subject:** Notes on Weathersfield Town Plan

I reviewed the Weathersfield Town Plan with an eye towards specific sections that could be updated, see attached.

Annette Smith  
Executive Director  
Vermonters for a Clean Environment  
789 Baker Brook Road  
Danby, VT  
(802)446-2094  
[vce@vce.org](mailto:vce@vce.org)

<5.3 Scenic Resources.pdf>

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**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.

7.1.1 Community: The primary energy problems in Weathersfield are less efficient older homes and dependence on energy from outside the Town. All new or renovated buildings that are heated or cooled are subject to the Vermont Residential Building Energy Standards or Vermont Commercial Building Energy Standards.

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~~7.1.2 This plan seeks to:

~~7.1.1.1~~7.1.2.1 Help the town identify ways to conserve energy,

~~7.1.1.2~~7.1.2.2 Encourage renewable or lower-emission energy sources for electricity, heat and transportation,

~~7.1.1.3~~7.1.2.3 Encourage a pattern of development that likely results in the conservation of energy,

~~7.1.1.4~~7.1.2.4 Encourage development of appropriately scaled renewable energy resources,

~~7.1.1.5~~7.1.2.5 Reduce greenhouse gas emissions, and

~~7.1.1.6~~7.1.2.6 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.
- 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 ~~used~~ 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 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.

## 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
- 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.

~~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.~~

~~7.6.3~~ 7.6.2 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~~ 7.6.3 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~~ 7.6.4 The Town ~~particularly strongly~~ encourages ~~solar~~ renewable energy development, ~~including of any scale, on building rooftop, properly sited, well-screened solar facilities, rooftop solar, s 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~~ 7.6.5 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 facilitiesn 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).
- 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** ~~Standards~~

~~7.6.7~~ 7.6.6 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 residential in size and more than a mile away from three-phase power

lines. ~~Development of t~~The 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 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~~ shall be located in the town.

- b) ~~Smaller scale wind p~~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.

### Solar Generation Facility Standards

~~7.6.8~~7.6.7 \_\_\_\_\_ 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~~7.6.8 \_\_\_\_\_ The Town also supports ~~solar projects (between 15 KW and up to 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.~~

~~7.6.10~~7.6.9 \_\_\_\_\_ Any larger scale solar development (greater than 150 kW capacity) shall be subject to the following Renewable Electricity Siting Standards.

### Siting Standards for Renewable Electricity Facilities ~~esy Siting Standards~~

~~7.6.11~~7.6.10 **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 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 electricity** 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 p~~Proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array;
  - ~~Reuse of~~ former brownfields;
  - ~~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;
  - ~~Forest clearing except for edges to eliminate shading~~
  - ~~Areas A site~~ in proximity to, ~~and impacting~~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 federal~~ly~~ 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~~to~~ 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 integrity~~ 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;
  - 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.
- 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.

WEATHERSFIELD TOWN PLAN

- 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.
- 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.

\_\_\_\_\_  
, Chairperson

\_\_\_\_\_  
Joseph Bublat, Vice-Chairperson

\_\_\_\_\_  
Howard Beach, Board Clerk

\_\_\_\_\_  
Mike Todd, Board Member

\_\_\_\_\_  
David (Hank) Ainley, Board Member

\_\_\_\_\_  
Brian Bosenberg, Board Member

ATTEST:

Received at the Town of Weathersfield

this \_\_\_ day of March, 2023.

\_\_\_\_\_  
Flora Ann Dango, Town Clerk

AGENDA ITEM

8

## **Key**

Black: Original remaining text

~~Red stricken: Original removed text~~

Green underlined: New added text

Yellow highlighted: Changes since last revision

# Article 5: Development Review

## 5.1 Application Submission Requirements

An application for a zoning permit shall be filed with the Administrative Officer on form(s) provided by the municipality. Required application fees, as set by the Legislative Body, also shall be submitted with each application.

### 5.1.3 PUD Review Application

Applications for PUDs shall include the following, in addition to the information required for subdivisions:

- a) **Application Form:** Supplied by the Administrative Officer; signed by the owner of record and, in the case of a non-owner applicant, by the applicant;
- b) **Site Plan:** A site plan shall meet all of the requirements of Section 5.1.2(b) of these bylaws.
- c) **Project Narrative:** A description of the proposed project shall be required as part of a complete application. Also required is a narrative that is clear and succinct and includes:
  1. SUMMARY: A brief summary of the project and how it meets the PUD standards in this section;
  2. EXCEPTIONS: A statement describing all proposed modifications, changes, or supplements to requirements in the Zoning Bylaws. Any such modification approved under this section shall be specifically set forth in terms of standards and criteria for the design, bulk and spacing of buildings and the sizes of lots and open spaces which shall be required and these shall be noted or appended to the plat;
  3. MANAGEMENT: A sound proposal for the financing and membership of the management organization which will maintain and operate the property in common ownership, such as community facilities, private roads, and/or open spaces; and,
  4. PHASING PLAN: Projects that will take more than 24 months to complete must present a description and clear plan for the project's phasing, including the area, uses, and timing of each phase. In any case, the sketch plan shall show the complete project.
  5. Additional information required by the Planning Commission to determine whether the proposed mix of uses, density and scale and intensity of uses will meet the standards set forth in these Zoning Bylaws.
- d) **Application Fees:** All applicable fees must be paid as part of a complete application.
- e) PUD applications may involve single or multiple parcels and one owner or multiple owners under a common application.
- f) PUD applications are subject to approval by the Planning Commission in accordance with the requirements of Section 5.4 in these Bylaws.

## 5.45 Planned Unit Development

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

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

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

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

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

In accordance with the provisions set forth in Section 4417 of The Act, Planned Unit Developments (PUDs) are allowed to permit flexibility in the application of the Zoning Bylaws for the purposes of Section 4302 of The Act and in conformance with the Weathersfield Town Plan.

### 5.4.1 Purpose

- a) To allow for multiple principal uses on a single parcel of land.
- b) To encourage compact, pedestrian-oriented development and redevelopment, and to promote a mix of residential uses or nonresidential uses, or both, especially in downtowns, village centers, new town centers, and associated neighborhoods.
- c) To implement the policies of the municipal plan, such as the provision of affordable housing.
- d) To encourage any development in the countryside to be compatible with the use and character of surrounding rural lands.
- e) To provide for flexibility in site and lot layout, building design, placement and clustering of buildings, use of open areas, provision of circulation facilities, including pedestrian facilities and parking, and related site and design considerations that will best achieve the goals for the area as articulated in the municipal plan and bylaws within the particular character of the site and its surroundings.
- f) To provide for the conservation of open space features recognized as worthy of conservation in the municipal plan and bylaws, such as the preservation of agricultural land, forest land, trails, and other recreational resources, critical and sensitive natural areas, scenic resources, and protection from natural hazards.
- g) To provide for efficient use of public facilities and infrastructure.
- h) To encourage and preserve opportunities for energy-efficient development and redevelopment.



### 5.4.2 Applicability

- a) The PUD provisions may be applied to any land development in any zoning district within the Town of Weathersfield at the request of the applicant.
- b) Uses shall be limited to those permitted and conditional uses within the district in which the PUD is proposed.

### 5.4.3 PUD Review Procedures

- a) Complete applications for PUDs must include the information specified in Section 5.1.
- b) PUD applications shall be reviewed under the Subdivision Application Procedures set forth in Weathersfield's Subdivision Regulations, as most recently amended.
- c) Approval granted under this section for a PUD that involves the development of one or more uses requiring approval under conditional use review (Section 5.3) does not exempt the proposed development from both review processes, although various reviews by the ZBA for PUDs may be reviewed separately or concurrently.
- d) The order of PUD review will be:
  - 1. Planning Commission – Sketch Plan Review
    - a. Planning Commission shall determine the bylaw modifications to be used in further reviews
  - 2. Zoning Board of Adjustment – Site Plan Review, Conditional Use Review, other reviews administered by the ZBA
  - 3. Planning Commission – Preliminary Review (if required by PC)
  - 4. Planning Commission – Final Plat Review

### 5.45.41 General Standards

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

- a) PUD is consistent with Town Plan.
- b) All Site Plan Review requirements in Section 5.2~~3~~ have been met.
- c) The PUD is an appropriate and ~~unified-singular~~ treatment for the proposed development.
- d) The development is designed so as to be compatible with the character of the area. Particular attention will focus on the aural and visual impacts.
- ~~d)e)~~ State and local standards for fire and safety regulations by local fire and police officials are in compliance.
- ~~e)f)~~ Adequate water supply and sewage disposal facilities are provided.
- g) The development will not place an undue burden on municipal services.
- h) Any parcel developed under this section as a PUD may only be further developed subject to the provisions of this section and if it is determined to be an Incomplete PUD as defined herein.
- f)i) A change of use from a PUD may only occur after all development which occurred under this section has been demolished and reclaimed

### 5.4.5 Standards for Non-residential and Mixed Use PUDs

- a) DENSITY: The density requirements do not exceed the number of units permitted if the

land were subdivided in accordance with district regulations.

1. For PUDs not requiring a subdivision, the number of uses or units of the same use will be equal to the number of subdividable lots pursuant to 5.4.5(a) of these bylaws.
- b) USE: All compatible uses allowed in the sites district are allowed as part of a non-residential PUD. The ZBA may determine if any proposed uses are not compatible. A non-residential PUD may include residential dwelling units.
- c) OPEN SPACE: At least 1 acre of open space shall be dedicated for the use of the residents, owners or employees.

#### 5.4.6 Standards for Residential PUDs

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

	Village, Hamlet Districts	Rural Residential Districts	Conservation District
Minimum Lot Size	None	None	None
Density	1 unit/0.5 acres	1 unit/ 1 acre	1 unit/5 acres
Affordable housing density bonus	1 unit/0.3 acres	1 unit/ 0.75 acres	Maximum of 5 additional units
Perimeter setbacks	Front: 40' Side: 10'	Front: 40' Side:40'	Shall not be prominently visible from abutting land and shall be screened from road.
Internal setbacks	None	None	None
Maximum height	35' (to top floor window?)	35'	35'
Open Space Requirement	Remainder to be designated as open space or to be developed for communal use for recreation, or to remain as open space.	Remainder to be designated as open space or may develop up to 2 acres for communal use for recreation.	Remainder to be conserved by deeded easement held by _____. To remain as open space only to allow for forest and agricultural uses.

### ***5.5.2 Modification of Zoning Regulations***

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

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

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

### ***5.5. PUD Definitions***

Unit (residential): Family dwelling space including provisions for independent living, including sleeping, food preparation, and sanitation.

Affordable housing: (A) Owner-occupied housing for which the total annual cost of ownership, including principal, interest, taxes, insurance, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 120 percent of the county median income, as defined by the U.S. Department of Housing and Urban Development.

(B) Rental housing for which the total annual cost of renting, including rent, utilities, and condominium association fees, does not exceed 30 percent of the gross annual income of a household at 80 percent of the county median income, as defined by the U.S. Department of Housing and Urban Development;

Perimeter setbacks: The shortest distance between development and the outermost boundary lines of subject parcel(s).

Complete PUD: A parcel that has been developed under this section to its maximum allowable density.

Incomplete PUD: A parcel that has been developed under this section which may continue to be developed further under this section

AGENDA ITEM

9

# DRAFT GROUNDWATER PROTECTION OVERLAY DISTRICT BYLAW

## 2.5.8 Groundwater Overlay (GPOD)

**Purpose:** 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.

**USES THAT DO NOT REQUIRE A ZONING PERMIT:** For land uses that are exempt from the zoning permit requirement see section 6.2.2. These uses may still require written notification and compliance with district setback requirements, as well as other specific regulations.

### *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:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

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

- 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

**USES NOT PERMITTED:** The following uses are not permitted within this District:

- 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**
- Pesticide/herbicide/fungicide storage
- Pesticide/herbicide/fungicide applications with the exception of those reviewed and approved by the Department of Health
- **Industrial uses**
- **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.

### *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.)*

**PERMITTED USES:** The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

- All uses allowed in the underlying zoning districts provided that they can meet the Performance Standards as outlined for the GPOD.

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

- 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.



# Article 3: General Provisions

## 3.2 Conservation of Natural Resources

### 3.2.10 Groundwater Protection

#### (1) 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.

#### (2) 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.

#### (3) Authority

(a) 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.

(b) 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.

#### (4) 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;

(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.
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.

## (5) 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.

## **(6) 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.

## **(7) 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.

## **(8) Enforcement and Penalties**

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.

## **(9) Enforcement Officials**

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.

**(10) Enforcement**

**(11) 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.

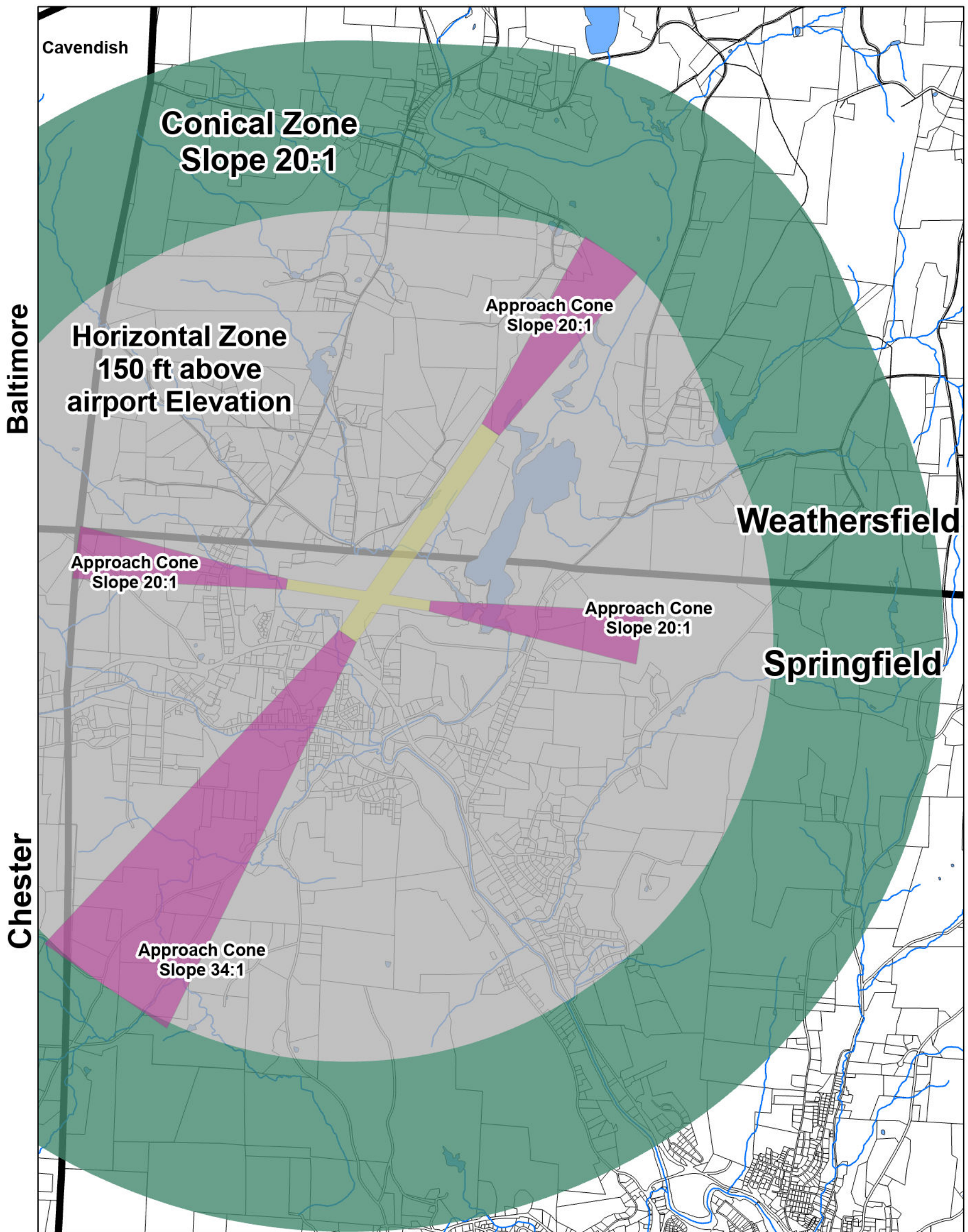
**(12) Effective Date**

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.

AGENDA ITEM

10

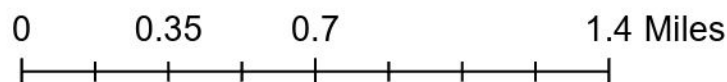
# Town of Weathersfield Draft Airport Approach Overlay District



**SOUTHERN WINDSOR COUNTY  
REGIONAL PLANNING COMMISSION**

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

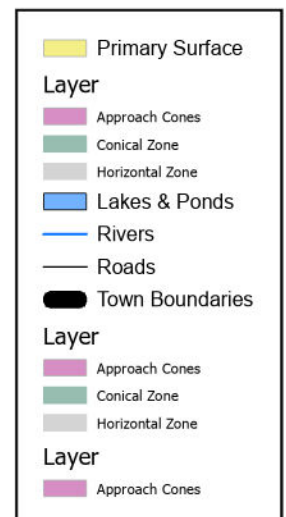
Sources: Roads (VTrans 2018); Town Boundaries (VCGI 2016);  
Parcels: Cavendish (CAI 2009); Parcels: Springfield (CAI 2015);  
Parcels: Weathersfield (CAI 2017); Rivers (VHD 2008);  
Lakes and Ponds (2008); Primary Surface, Approach Cones,  
Conical & Horizontal Zones (CTI 2007)



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.