



# 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, December 11, 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 – November 13, 2023 & November 27, 2023
- 
6. **Conditional Certificate of Occupancy – Susan Kissel, Veterinary Clinic:** Bond for Landscaping
  7. **PUBLIC HEARING – Town Plan Amendment – Energy Section:** Review Rev. 13 - 2023.11.29
  8. **PUBLIC HEARING – Combined Hearing continued:** Habitat for Humanity PUD Project – Continue to January 22 meeting
  9. **Town Plan Update – New required information:** Discussion
- 
10. Discussion of items for future agendas
  11. Any other business that can be legally discussed
  12. Adjourn

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

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

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

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

AGENDA ITEM

5

Planning Commission  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Monday, November 13, 2023  
6:30 PM  
REGULAR MEETING  
Draft Minutes

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

**Ryan Gumbart, Land Use Administrator**

Others Present:

Beth Hunton (remote)		
Halle Abuayyash		
Julie Levy		

- 1 Call to Order**  
Mr. Bublat called the meeting to order at 6:30pm.
  
- 2 Agenda Review**  
The Planning Commission discussed scheduling conflicts due to the upcoming holidays.  
**Motion:** To cancel the December 25, 2023 meeting.  
**Made by:** Mr. Todd      **Second:** Mr. Beach  
Vote: All in Favor
  
- 3 Comments from the Chair and Land Use Administrator**  
None.
  
- 4 Comment from citizens regarding items not on the agenda**  
None.
  
- 5 Review Minutes from Previous Meeting: 10/23/23**  
**Additions/corrections/deletions:**
  - a. Corrections:  
Section 6: Change the wording “pointed out that without going on Lot B to make access to Lot C because of how steep the slopes are and that getting the driveway in there was going to be a challenge” to pointed out that access to the building site on Lot C may be challenging and may require an easement across Lot B.  
Section 6: Change “water” to “stream inspection”  
Section 6: Change “letter” to “letter of compliance.”

- Section 6: Change “a way” to “of-way.”
- Section 6: Change “would” to “may.”
- Section 6: Change “permit” to “driveway permit.”
- Section 9: Change “restrictive” to “permissive.”
- Section 9: Delete the word “that.”
- Section 14: Add “There were no other nominations.”

**Made by:** Mr. Todd      **Second:** Mr. Bosenberg  
**Vote:** 4 yays, 1 abstention- Mr. Beach

**6 Project Status Update: Review Planning Commission project log**  
 The Land Use Administrator gave a presentation on the Planning Commission Projects, which included 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	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.

**7 PUBLIC HEARING – Town Plan Amendment – Energy Section: Review Annette Smith’s comments.**

The Planning Commission discussed Annette Smith’s correspondence regarding the [Energy Section](#) of the Town Plan. The Commission discussed the language in the document. Changes were made where the Commission deemed appropriate.

The Land Use Administrator will render a final draft with the potentiality of being adopted at the next Planning Commission meeting on November 27, 2023.

**Motion:** To continue the hearing for the Town Plan Amendment – Energy Section to November 27, 2023 at 6:30pm.

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

**Vote:** All in Favor

**8 Zoning Bylaw Amendment – PUD Review: Review Rev. 6 – 2023.11.08**

The Chair allotted a 30 minute limit for the conversation.

The Land Use Administrator presented a chart about the Standards for Residential PUDs (below). He went over some of the changes he had made and the rationale for these changes. The Committee discussed set-backs and lot sizes at length. When the 30 minutes had expired, the Land Use Administrator requested five more minutes on the topic.

**Motion:** To extend the topic for 5 minutes.

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

**Vote:** All in Favor

The Land Use Administrator presented briefly two changes he had made to two lines in the General Standards and his rationale.

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.

**9 Zoning Bylaw Amendment – Groundwater Protection Overlay District:  
Review Rev. 1 – 2023.11.08**

The Commission is waiting on the maps from MARC. The Commission agreed to put this item on the January 8, 2024 meeting agenda.

**10 Zoning Bylaw Discussion – Airport District & Private Airstrip  
Regulations**

The Commission discussed the implications of not having specific regulations regarding air travel in Weathersfield. As an example, Mr. Bosenburg shared the [Town of Cavendish Municipal Ordinance](#) on Prohibiting the Construction and/or Operation of Aircraft Take-Off and Landing Facilities within the Town of Cavendish.

**Motion:** To consider the proposed bylaw amendment to include “Helipads and Private Landing Strips are prohibited” at the next meeting.

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

**Vote:** All in Favor

**11 Discussion of Items for Future Agendas**

- Affordable Housing
- Short Term Rentals
- Landlord Rights and Tenant Rights
- Small lots and setbacks
- Airstrip Regulations/Airport District
- Otter Creek Feasibility Study Update

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

None.

**13 Adjourn**

**Motion:** To adjourn the meeting.

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

**Vote:** All in favor

The meeting adjourned at 8:47pm.

Respectfully submitted,  
Nichole Gagnon

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

#### WEATHERSFIELD PLANNING COMMISSION

---

Joseph Bublat, Chairperson

---

Hank Ainley, Commissioner

---

Brian Bosenberg, Vice-Chairperson

---

Howard Beach, Clerk

---

Michael Todd, Commissioner





BLANK

Planning Commission  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Monday, November 27, 2023  
6:30 PM  
REGULAR MEETING  
Draft Minutes

**Members Present:** Joseph Bublat, Michael Todd, Hank Ainley (remote), Brian Bosenberg, Howard Beach

**Ryan Gumbart, Land Use Administrator**

Others Present:

Halle Abuayyash (remote)	Bruce Cox	Jason (ZBA)
Jonah Blum	Cheryl Cox	Grace Knight (ZBA)
Anna Vogell	Willis Wood (ZBA)	

- 1 Call to Order**  
Mr. Bublat called the meeting to order at 6:30pm.
- 2 Agenda Review**  
No Changes.
- 3 Comments from the Chair and Land Use Administrator**  
None.
- 4 Comment from citizens regarding items not on the agenda**  
This will be Nichole Gagnon’s last meeting as Recording Secretary for the Planning Commission.
- 5 Review Minutes from Previous Meeting: 11/13/23**  
**Motion:** To table the minutes until the next meeting.  
**Made by:** Mr. Beach      **Second:** Mr. Todd  
**Vote:** All in Favor
- 6 Planning and Zoning in Vermont – Presentation by Jens Hilke, VT F&W Conservation Planner**  
Jens Hilke, a Conservation Planner from the Vermont Fish and Wildlife Department, gave a presentation. Topics covered were the benefits of large forests, wildlife present in forest patches, the power of forests on the economy, losing wildlife habitats and working forests, effects of forest fragmentation, forest/habitat blocks, and climate change and animal migration.

Mr. Hilke also presented Vermont’s Conservation Design, discussing interior forest blocks, connectivity blocks, property sales, private land, [Act 171](#) planning provisions, maintaining forest blocks and connections, town plan and future land use, and gave some examples of zoning rewrites and resources for the Planning Commission.

The Chair opened up the floor with a 15 minute limit for questions and comment. The Commission thanked the presenter for an informative presentation.

**7 Project Status Update: Review Planning Commission project log**

The Land Use Administrator gave a presentation on the Planning Commission Projects, which included actions taken, current status, and next steps for each of the projects. 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	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	11/15 Ryan created clean copy of energy section then reviewed and made changes.	Awaiting review by PC	If PC approves, vote to submit amendment to Selectboard
<b>3.</b> Town Plan Amendment – Required Changes	None	First discussion at 12/11 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. Discussion tabled to 1/8.	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.
<b>6.</b> Zoning Bylaws Amendment – Private Airstrips & Helipads	Brian provided resources and suggested a simple change to add new prohibited use in use tables. Ryan sent amendment materials to required parties for 30-day notice.	Hearing to be warned for 1/8	Vote to submit to Selectboard

**Future Projects:**

1. 2024 – Planning – Update Scenic Resources section of Town Plan
2. March 11, 2024 – Zoning – Create Airport overlay district
3. 2024 – Discussion – Affordable housing
4. 2024 – Discussion – Short-term rentals, landlord & tenant rights
5. 2024 – Discussion – Small lots and setbacks
6. 2024 – Zoning – Add “Mixed Use” to Use Tables
7. 2024 – Zoning – Update Floodways and Floodplains language
8. 2024 – Planning – Update Future Land Use Map in Town Plan

9. 2024 – Discussion – Work with Fire and Police Departments on Standards for development

**8 PUBLIC HEARING – Town Plan Amendment – Energy Section: Review Rev. 12 - 2023.11.15**

The Planning Commission discussed the [Energy Section](#) of the Town Plan. The Commission discussed the language in the document. Changes were made where the Commission deemed appropriate. The Land Use Administrator will present the clean copy at the next meeting.

**Motion:** To adopt the Energy Section of the Town Plan, with the changes discussed at this meeting, so the clean copy to be sent to the Select Board at a future meeting.

**Made by:** Mr. Beach      **Second:** Mr. Bublat

**Vote:** All in Favor

**9 Route 5 Bike Route: Discussion**

Representative Arrison sent out a survey about having a bike path on Route 5, but the date to send the survey back had expired. The Commission agreed that they could send a letter to Rep. Arrison on their thoughts on the topic.

**10 Discussion of Items for Future Agendas**

- Affordable Housing
- Short Term Rentals
- Landlord Rights and Tenant Rights
- Small Lots and Setbacks
- Airstrip Regulations/Airport District
- Otter Creek Feasibility Study Update

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

None.

**12 Adjourn**

**Motion:** To adjourn the meeting.

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

**Vote:** All in favor

The meeting adjourned at 8:08pm.

Respectfully submitted,  
Nichole Gagnon

The next regularly scheduled meeting of the Planning Commission will be Monday, December 11, 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

#### WEATHERSFIELD PLANNING COMMISSION

---

Joseph Bublat, Chairperson

---

Hank Ainley, Commissioner

---

Brian Bosenberg, Vice-Chairperson

---

Howard Beach, Clerk

---

Michael Todd, Commissioner



AGENDA ITEM

6

## 6.6 Certificate of Conformance

A property owner or prospective property owner may request a certificate of conformance. This certificate shall be issued by the Administrative Officer and shall simply validate that the property and the road or right-of-way to it are either in conformance with these Bylaws or that the road or right-of-way is in conformance and the property is either a legal nonconforming use, nonconforming structure, or nonconforming lot due to its legitimate existence prior to the adoption of these Bylaws, and that the property transfer would not create any new nonconforming use, nonconforming structure, or nonconforming lot.

## 6.7 Certificate of Occupancy

For development of a commercial, industrial, semi-public, or planned residential nature, it shall be unlawful to use or occupy, or to permit the use or occupancy of any land or structure or part thereof created, erected, converted, or altered in its use or configuration prior to the issuance, by the Administrative Officer of a Certificate of Occupancy stating that the proposed use of the structure or land conforms to that which was originally authorized by the Zoning Permit.

The Administrative Officer may issue a conditional certificate of occupancy upon review and approval by the Planning Commission, to allow the applicant to use or occupy the structure or land when one or more conditions of the Zoning Permit remain incomplete. The Planning Commission shall require a performance bond or other surety to cover the cost of the requested improvements. The amount of the surety shall be set by the Planning Commission and in a form approved by the town attorney and filed with the town clerk.

The incomplete conditions shall be limited to items which cannot be completed due to weather conditions. A period of six (6) months shall be set forth in the surety, within which time the required improvements must be completed. Upon completion of the conditions, the Administrative Officer will authorize the release of the surety and issue a Certificate of Occupancy.



BLANK



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

### Town of Weathersfield Vermont

### Zoning Board of Adjustment

### Application for Site Plan Review

### Findings and Decision

Permit Application No.: #23.02.08.ZBA.1  
Applicant Name: Susan Kissel  
Landowner Name: Carl Wyman  
Project Location: Harvest Park Road, Lot 4  
Parcel ID#: 5A-01-43

#### **INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a zoning permit for Site Plan Review submitted by Susan Kissel under the Town of Weathersfield Zoning Bylaws.
2. The application was received by Land Use Administrator, Ryan Gumbart. The application is dated March 29, 2023. A copy of the application is available at the Weathersfield Town Office.
3. Notice of the public hearing was posted at the following places:
  - a. Eagle Times Newspaper dated April 4, 2023
  - b. Town of Weathersfield, VT Office at Martin Memorial Hall
  - c. Ascutney Post Office
  - d. Perkinsville Post Office
4. A copy of the notice of a public hearing was mailed to the Applicant.
5. A copy of the notice of public hearing was mailed to the owners of properties adjoining the property that is the subject of the application.
6. The Zoning Board did not conduct a Site Visit.
7. The application was considered by the Zoning Board of Adjustment at a public hearing at approximately 6:30 PM on April 11, 2023. The hearing was closed at 8:35 on the same night.
8. The Zoning Board of Adjustment reviewed the application under the Town of Weathersfield Zoning Bylaw, adopted by the voters on March 5, 1974 and including all subsequent amendments through July 1, 2022 (the Zoning Bylaw).
9. Present at the site hearing were the following members of the Zoning Board of Adjustment:
  - a. David (Todd) Hindinger, Chair;
  - b. Joseph Bublat, Vice-Chair;
  - c. Willis Wood (Alternate Member).
10. Also present at the hearings were:



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

- a. Susan Kissel, Applicant;
  - b. Carl Wyman (via remote access), Landowner;
  - c. Ryan Gumbart, Land Use Administrator;
  - d. Mike Todd;
  - e. Darrin Spaulding;
  - f. Brandon Gulnick, Town Manager;
  - g. Jason Rasmussen (future board member).
11. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The Zoning Board determined that the following met the definition of interested persons and were granted interested persons status:
- a. Susan Kissel, Applicant;
  - b. Carl Wyman, Landowner.
12. At the outset of the hearing, the Zoning Board of Adjustment asked if there were any persons present who wished to give evidence or testimony during the hearing. The following were sworn in by the Chair:
- a. Susan Kissel;
  - b. Carl Wyman;
  - c. Darrin Spaulding;
  - d. Mike Todd;
  - e. Brandon Gulnick.
13. Board members were asked to disclose any potential conflicts of interest. All were disclosed and indicated that the Applicant would be treated fairly without any conflicts. Neither the Applicant nor any member of the Zoning Board expressed concern about conflicts of interest.
14. Board members and the applicant were asked to disclose any potential ex parte communications. No one attending the hearing expressed concerns about ex parte communications.
15. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:
- a. Exhibit #1 – Notice of Public Hearing
  - b. Exhibit #2 – Certification of Posting
  - c. Exhibit #3 – Site Plan
  - d. Exhibit #4 – Application for Site Plan Review
  - e. Exhibit #5 – Permit Navigator Results
  - f. Exhibit #6 – 2019 Subdivision Decision
  - g. Exhibit #7 – 2014 Highway Access Permit
  - h. Exhibit #8 – Water Capacity Letter
  - i. Exhibit #9 – Wastewater Permit
  - j. Exhibit #10 – Subdivision Project Review Sheet
  - k. Exhibit #11 – Act 250 Abandonment Order
  - l. Exhibit #12 – Water Line Letter



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

- m. Exhibit #13 – Site Photos
  - n. Exhibit #14 – Email from Peter and Weona LeClair.
  - o. Exhibit #15 – Community Facility Project Review & Sign-off Sheet (superseded by #15R)
  - p. Exhibit #15R – Revised Community Facility Project Review & Sign-off Sheet with Fire Chief Signature
  - q. Exhibit #16 – Email from Darrin Spaulding, AVFD Fire Chief
  - r. Exhibit #17 – Letter from Brandon Gulnick dated April 3, 2023
  - s. Exhibit #18 – Subdivision Plan for Wyman 2017
16. This application was reviewed under the following sections of the Weathersfield Zoning Bylaws:
- a. Section 2.5.6 – Highway Commercial (HC)
  - b. Section 3.5 – Off-Street Parking
  - c. Section 3.5.2 – Specific Standards
  - d. Section 3.6 – Outdoor Lighting
  - e. Section 3.7 – Performance Standards
  - f. Section 3.8.6 – Signs
  - g. Section 5.1.2 – Site Plan Review – Application Items
  - h. Section 5.2 – Site Plan Review
  - i. Section 5.2.1 – Compatibility with Surrounding Development
  - j. Section 5.2.2 – Traffic
  - k. Section 5.2.3 – Protection of Natural Resources
  - l. Section 5.2.4 – Stormwater Management
  - m. Section 5.2.5 – Landscaping and Screening

### **FINDINGS OF FACT**

The following findings of facts are deemed relevant to the Board's decision on this application. These facts are compiled from the application project documents including the written application, the items listed in the exhibits, testimony and evidence provided by the Applicant and other parties present at the hearing.

- F1. Parcel# 5A-01-41 is located on the north side of the intersection of Cemetery Road and Harvest Park Road. It has not been given a 911 address as the lot is currently under common ownership with abutting parcels. Its size is 1.04 acres.
- F2. The property is owned by Carl Wyman who owns various adjacent lots to the south and west.
- F3. The property is located in a Highway Commercial Zoning District.
- F4. This use is “Highway Commercial”, a Permitted Use as determined by the Board in its Decision dated February 28, 2023, in the 4.3.2(f) Highway Commercial Zoning District. Site Plan Review is required. Certificate of Occupancy is required. General/Special Provisions Apply.
- F5. The property is currently vacant with no existing infrastructure on the lot.
- F6. Access to the property is via Harvest Park Road, a private road off of Cemetery Road.



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

- F7. The Applicant proposes to complete the following major items:
1. Construct a veterinary clinic building and associated parking lot.
  2. Operate a veterinary clinic as a commercial business.
- F8. The project will be arranged on the property as shown on the Site Plan – Site Plan For Veterinary Clinic, Susan Kissel, Weathersfield Vermont, dated January 9, 2023.
- F9. Section 2.5.6 Highway Commercial (HC): Relevant sections of this section were reviewed. The Front setback required is 40ft, Side/Rear setbacks required are 20ft. The applicant represented that the project meets these setbacks.
- F10. Section 3.7 – Performance Standards was discussed at the hearing. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to the ongoing use of the property and the proposed changes to the property. There was no evidence provided that the current use, nor the proposed use, was or would exceed the Performance Standards for the district.
- F11. Section 3.5 Off-Street Parking. Relevant sections of this section were reviewed.
1. Section 3.5.1.1: Off-street parking spaces shall be provided when any use is established or enlarged and shall adequately accommodate the proposed development. Such accommodation shall include all owners, occupants, employees, customers, delivery vehicles, and/or other persons expected to be on the premises.
  2. Section 3.5.1.2: All standard parking spaces shall have a minimum width of ten (10) feet and a minimum length of twenty (20) feet.
  3. Section 3.5.1.3: Nonresidential parking lot shall be effectively landscaped in accordance with Section 5.2.5 of these Bylaws (site plan review).
  4. Section 3.5.1.4: Handicap parking spaces shall be provided in a size and number in accordance with current ADA requirements.
  5. Section 3.5.2.2: Commercial or industrial parking lots adjacent to residential uses shall be set back a minimum of thirty (30) feet. A four (4) foot high, solid fence may be used in lieu of a 30-foot setback. Effective landscaping and plantings may be used in lieu of the 30-foot setback and shall be evaluated by the Land Use Administrator or the Zoning Board of Adjustment. The Site Plan demonstrates compliance with this requirement.
  6. Section 3.5.3.2: Commercial, Small Enterprise, Business and Unspecified Uses - One parking space for every motorized vehicle used in business, plus one parking space for every four hundred (400) square feet of floor area.  $2747\text{sft}/400 = 7$  spaces required. 6 employees and two Veterinarians, one spot each = 8 spaces required. Total required = 15. Spaces provided = 17 spaces. The Site Plan demonstrates compliance with this requirement.
  7. Section 3.5.3.4: Accessible parking spaces shall be provided as follows: for Commercial structures - (excludes Home Occupations and Home Industries.) A minimum of one accessible space with one additional accessible space for every twenty-five are to be provided. One is provided. In this document the word “accessible” is used to replace the word “handicapped” in the Zoning Bylaws. The Site Plan demonstrates compliance with this requirement.
- F12. Section 6.7 – Certificate of Occupancy. A certificate of occupancy is required as one of the Special Provisions applicable to Site Plan Review in this District.



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

- F13. Section 5.1.2 – Site Plan Review – Application Items. The Board reviewed the exhibits and testimony and did not require submittal of any additional items.
- F14. Section 5.2 - Site Plan Review.
1. Section 5.2.1 Compatibility with Surrounding Development – The proposed use as “Highway Commercial” (veterinary clinic), and including the proposed improvements, is consistent with the established trends and patterns in the surrounding area. No building plans were submitted, but the applicant described the buildings as: one story with two overhangs on each side. The style of the building will be similar to the Wyman Insurance building. The architecture, height and material are compatible with other similar simple commercial structures. Abutting land uses include:
    - a. Wyman Insurance building;
    - b. Residential, single-familyThe Board finds that the project is compatible with the surrounding development.
  2. Section 5.2.2 Traffic Access and Circulation. The Zoning Board of Adjustment, the Applicant and Interested Persons, discussed traffic access and circulation. The proposed project will add 1 access point to Harvest Park Road and is the only access point to the property. The traffic circulation within the project site is simple and defined by the parking layout.
  3. Section 5.2.3 - Protection of Natural Resources. There are no significant natural resources on the lot that require the Zoning Board of Adjustment to adjust the development layout so as to avoid negative impacts.
  4. 5.2.4 Storm Water Management and Drainage. The site currently discharges stormwater without passing through or over a stormwater treatment system. The Board is concerned that stormwater from the parking lot surfaces and roof surfaces can leave the site without treatment and could degrade the adjacent town road. The Site Plan does not show a stormwater management system. Section 5.2.4 of the Weathersfield Zoning Bylaws state, “Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. For all projects undergoing Site Plan Review, except one- or two-family dwellings, appropriate storm water management measures shall be incorporated into the final site design to ensure that no additional storm water runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters.” The applicant included a narrative that indicates drainage will flow towards Cemetery Road and grass swales will be installed to absorb any runoff and that the other side of the building and parking lot will drain toward Harvest Park Road and will be absorbed by grassed areas. They also indicate that the surrounding area and existing buildings have had no adverse impacts regarding drainage. The Board finds that the stormwater management plan does not meet the bylaw requirement. The Board also reviewed the original subdivision site plan, Exhibit #18 specific to stormwater. That plan includes item 5 “State of Vermont Stormwater Runoff and Construction General (Erosion Control) Permits will be obtained as the lots are developed.” The Applicant and Owner testified that the project is under the state threshold to trigger a state permit and as such the State does not have jurisdiction.





# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

5. 5.2.5 Landscaping and screening. The site is open grass with an existing tree line to the north, including butternut trees. The Site Plan shows the following plantings: six 5'-6' lilac bushes, four 3-6' crabapples, and a 4' landscaped buffer between the parking lot and the proposed structure. Section 5.2.5 of the Weathersfield Zoning Bylaws state "Landscaping shall enhance the features and conditions unique to each site and shall include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening and without compromising vehicular and pedestrian safety by blocking visibility and site lines. Landscaping plans shall emphasize the following:
- a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.
  - b) The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g. wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).
  - c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such planting practical. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be indigenous, deciduous species tolerant of road- salt, soil compaction and drought.
- A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance. The Zoning Board of Adjustment may require a professional landscape architect to prepare a plan on a case-by-case basis." The Board finds that the landscaping plan does not meet the meet the bylaw requirement. The Board finds that the landscaping proposed in the original site plan, Exhibit 18, Item 3 "An assortment of 2-3" deciduous trees will be planted about 30-50 feet apart along both sides of Harvest Park Road" has not yet been planted.
- F15. 3.8.6 Signs in the HC district: The Board did not have exhibits provided regarding proposed signs. The applicant did state that there would be two signs, one on the building and one in the sign easement area shown on the plans. The Board makes no findings about the existing signs and any proposed signs.
- F16. Section 3.6 - Outdoor Lighting. The site plan shows recessed lights under porch 10' on center and two pole mounted lights on the western side of the parking lot. The site plan also includes the statement that the lights will "conform to class 1 lighting levels as set forth in section 3.6 of the Weathersfield Zoning ByLaws".
- F17. Community Facility Project Review Sheet and Sign-Off, Exhibit #15. Prior to the hearing all department heads signed the form and indicated that the proposed project would have no adverse impact on their department, with the exception of the fire department. The Fire Chief of the Ascutney Village Fire Department provided the following comments via an email



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

*“Good afternoon,*

*I’m very shocked that I have had 2 people at the town office tell me that I need to sign off on the proposal of this permit.*

*First there is no blue print of this building, second there no sign off the building from the state of Vermont , 3rd is this piece of property is turning into a development which I understand there is a another building waiting to be built, 4th we have not seen any proposal to put in a water tank for firefighting purposes. We all know this is a real problem in the village of Ascutney of no water. When the Ascutney fire station was built we had to put one in as did the school, the church, Green Mtn Power, Running bear campground, Gateway campground, Daneils construction and the list goes on.*

*Other things not listed is what type of building, is it sprinkled and can the water system handle it? ( Wendy Smith at a meeting said the water system could not handle anymore customers) is there a fire alarm panel , security panel because they probably going to have medication for the animals and I hope they are locked in a safe for the safety so people don ’t break into the building and stealing the meds. How floors , how many people are they employing.*

*So these are just some of the questions. I hope in the future this doesn ’t become a habit to rush this through. At this time as fire chief I will not be signing off on this project.*

*Chief Darrin Spaulding*

The Zoning Board discussed in detail each of the concerns listed by the Fire Chief and the Applicant provided additional information on these topics. The Board finds that the State of Vermont Division of Fire Safety has jurisdiction over most of these items and compliance with their permit process is necessary. The applicant described the building type and geometry, the security measures for the medications, that there will be a lock box for the fire department, the type of water connection, noted that this was an existing subdivision and described the remaining lots in this subdivision to Chief Spaulding. The Applicant agreed to send a copy of the building plans to the Fire Chief for their information. There was a discussion regarding whether or not this project required a water storage tank. After these discussions Chief Spaulding reconsidered the Community Facility Project Review Sheet and Sign-Off on the project.

### **CONCLUSIONS OF LAW**

It is not the aim or duty of the Zoning Board of Adjustment to favor one individual over another, nor to approve or disapprove any specific activity. Rather, it is to interpret the above findings of facts which *“shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions should be based on the findings of*





# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

*fact.*” (Bylaws 6.3.3). Based on the Findings of Fact, the Zoning Board of Adjustment makes the following Conclusions of Law regarding the proposed project, as conditioned.

- CL1. Section 2.5.6 Highway Commercial (HC) Zoning District was reviewed. Within the HC district Veterinary Clinic use was determined by the Board on February 28, 2023, to be a permitted use requiring Site Plan Review. Site Plan Review is required and was completed. Certificate of Occupancy is required and is included in the Conditions. As conditioned, the Zoning Board concludes that the proposed project use is consistent with the HC district and that the applicable reviews have been completed.
- CL2. Section 3.5 – Off-Street Parking was reviewed. The number and configuration of the parking is sufficient for the proposed project. The Zoning Board concludes that the Off-Street Parking shown on the Site Plan satisfy the bylaws.
- CL3. Section 3.6 Outdoor Lighting. The exhibits and testimony provided some but not all of the information needed to demonstrate compliance with the provisions of the bylaws. The Zoning Board concludes that the lighting, when installed and operational must be field checked by the Land Use Administrator to verify that it complies with the bylaws.
- CL4. Section 3.7 Performance Standards was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to the ongoing use of the property and the proposed changes to the property. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 3.7 are upheld.
- CL5. Section 3.8.6 Signs – There were no proposed signs to review. The Zoning Board concludes that all signs must be submitted for review and approval by the Land Use Administrator prior to installation.
- CL6. Section 5.2 - Site Plan Review. The Site Plan review process was completed in detail. As conditioned, the Zoning Board concludes that the Site Plan can satisfy the bylaws.
- CL7. Section 5.2.4 – Stormwater Management. The Site Plan and narrative provided by the applicant were reviewed in detail. The plan does not adequately assure the stormwater provisions of the bylaws are met. The Board concludes that sufficient requirements can be included as conditions, such that as conditioned, the Zoning Board can conclude that the Stormwater Management system can satisfy the bylaws. Stormwater management measures are to be incorporated into the final site design to ensure that no additional storm water runoff is generated beyond the boundaries of the property and so that the storm water cannot impact neighboring properties, town highways or surface waters.
- CL8. Section 5.2.5 – Landscaping and Screening. The Site Plan and narrative provided by the applicant were reviewed in detail. The plan does not adequately assure the landscaping provisions of the bylaws are met. The Board concludes that sufficient requirements can be included as conditions, such that as conditioned, the Zoning Board can conclude that the landscaping can satisfy the bylaws.



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

### DECISION AND CONDITIONS

On April 11, 2023, at a deliberative session all three of the deliberating members of the Zoning Board of Adjustment voted unanimously to Approve the application for Site Plan Review with the following conditions:

- C1. Any deviation from the application documents, facts and Revised Site Plan without prior written approval of the Zoning Board of Adjustment shall constitute a violation of the Weathersfield Zoning Bylaws and the Administrative Officer shall be required to take appropriate enforcement action.
- C2. Construction shall begin within one year of approval. The permit is valid for 5 years to complete construction if the project has been started but not completed, unless renewed as required by section 6.2.7 of the Bylaws.
- C3. Comply with State of Vermont permitting requirements of the Department of Public Safety, Division of Fire Safety.
- C4. Comply with State of Vermont permitting requirements of the Department of Environmental Conservation. The existing water/wastewater permit is to be amended to match the project. The State Stormwater Management Program is to be consulted to assure that this project, as part of the common development, does not require a permit.
- C5. Stormwater management measures are to be incorporated into the final site design to ensure that: All storm water generated on the site is to be made free of sediment and pollutants before leaving the site. Storm water may not impact neighboring properties, town highways or surface waters. No sediment laden stormwater may leave the site or accumulate with adjacent property flows with sufficient velocity to scour the Town Roads or their ditches. The Land Use Administrator is to verify conformance with this condition as part of the Certificate of Occupancy process.
- C6. The landscaping is to include the plantings shown on the plan. In addition, the parking lot is to be screened along Harvest Park Road and Lot 3 using the same or greater density and species as proposed along the Northerly and Easterly Boundaries. The landscaping scope for this parcel is to include the relevant plantings referenced on the original site plan, Exhibit 18, Item 3 "An assortment of 2-3" deciduous trees will be planted about 30-50 feet apart along both sides of Harvest Park Road." The Land Use Administrator is to verify conformance with this condition as part of the Certificate of Occupancy process.
- C7. The light locations as shown on the Site Plan are approved. The fixtures and installation locations are to conform to section 3.6 of the bylaws and the Land Use Administrator is to verify conformance with section 3.6 as part of the Certificate of Occupancy process.
- C8. A Certificate of Occupancy is required for the project. The applicant/landowner is to contact the Land Use Administrator (Administrative Officer) for a site visit to review the completed project and to confirm that each condition is met. No use or occupancy of the items subject to this permit is allowed until a Certificate of Occupancy is issued by the Administrative Officer and recorded in the Land Records for the property.



# TOWN OF WEATHERSFIELD

## ZONING BOARD OF ADJUSTMENT

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Dated at Weathersfield, Vermont, this 05 day of May, 2023.

A handwritten signature in blue ink, appearing to read "David Hindinger".

BY:

David (Todd) Hindinger, Chair

Members participating in the site visit, hearing, and deliberations:

David (Todd) Hindinger, Chair  
Joseph Bublat, Vice-Chair;  
Willis Wood (Alternate Member).

**NOTICE:** This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

Copies of this decision will be distributed to:

Applicant (via certified mail)

Landowner

Every person or body appearing and having been heard at the hearing

Administrative Officer

Town Clerk

AGENDA ITEM

7

**Weathersfield Planning Commission**  
**Amendment to the Weathersfield Town Plan**

**8. ENERGY**

**8.1 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 occurring, naturally replenished, or are a byproduct of an ongoing activity 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.

8.1.1 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.

8.1.2 This plan seeks to:

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

## **8.2 Non-Renewable Energy Usage in Weathersfield**

- 8.2.1 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.
- 8.2.2 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.
- 8.2.3 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 storage tanks at the gas stations in town, the storage tanks at the Town Highway Garage, and some at commercial and residential locations.
- 8.2.4 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.
- 8.2.5 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.

## **8.3 Renewable Energy Usage in Weathersfield**

- 8.3.1 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. The potential of renewable energy at each specific site will depend on site conditions and other environmental factors, such as droughts, which may limit micro-hydro opportunities.

- 8.3.2 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.
- 8.3.3 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 most reasonable option given prevailing wind speeds, land ownership, and proximity to three phase power lines.
- 8.3.4 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.

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

8.3.5.1 *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.

8.3.5.2 *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.

8.3.5.3 *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 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.

8.3.5.4 *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.

8.3.5.5 *Methane Digesters: With Cow Power,* according to Green Mountain Power (GMP), “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.

8.3.6 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.

## **8.4 Energy Concerns**

8.4.1 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.

8.4.2 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.



## 8.5 Energy Goals

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

- Provide for the development of renewable energy resources.
- Encourage weatherization.
- Reduce emissions of greenhouse gases.
- Prioritize energy efficient forms of transportation.
- Promote land use policies that are likely to result in energy conservation.

## 8.6 Energy Policies

8.6.1 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.

8.6.2 New Town-owned buildings should be designed and oriented to take advantage of heating from the sun in the cold season and should utilize landscaping techniques to provide shading in the warm season. New Town-owned buildings should utilize the “Energy Star” building performance rating system.

8.6.3 Changes in zoning regulations and the district map should consider reducing vehicular dependence by encouraging new housing, businesses, and other amenities in centralized areas around the villages and improving the walkability of these areas, which may or may not include sidewalks.

8.6.4 The Town should support renewable energy development, including **properly sited**, well-screened solar facilities, rooftop solar, methane digesters and micro-hydro.

## 8.7 Vermont Public Utility Commission Review

8.7.1 **30 V.S.A. § 248:** Often referred to as Section 248, 30 V.S.A. § 248 is a Vermont State Law that requires state-level review by the Vermont Public Utility Commission (PUC) for the approval of the preparation and construction of:

- Electric transmission facilities (transmission lines, substations).
- Electric generation facilities (solar or wind power projects, power plants).
- Gas pipeline and associated infrastructure.

Section 248 approval eliminates the need for an Act 250 permit.

8.7.2 **Review Process:** When an application for such a project is submitted to the PUC the municipal and regional planning commissions and municipal legislative bodies receive a 45-day Advanced Notice of the PUC review. Within this 45-day period the Town may hold a hearing, make recommendations on the project, and submit them

to the PUC to be used in their review. Once the 45-day period has passed, the applicant will submit a petition to the PUC to initiate the review process. A series of hearings, site visits and other proceedings will follow in which the Town, the public, and formal parties can participate. Eventually, the PUC will propose a final decision and the various parties will have an opportunity to comment. The PUC will then issue a Final Order denying or approving the project. This Final Order is referred to as a Certificate of Public Good (CPG).

## **8.8 General Standards**

### **8.8.1 Solar Generation Facility Standards**

The Town of Weathersfield is highly supportive of the installation of smaller-scale solar facilities, especially Cases of Limited Size and Scope as allowed under 30 V.S.A. 248(j) and Net-Metering Systems as allowed under 30 V.S.A. 8010. The Town has concerns about larger scale systems and their potential negative impacts on natural, scenic, and historic resources which are a primary draw of new residents and visitors to the Town. As such, all solar and other renewable electricity facilities shall be subject to the following siting standards to minimize the negative impact on the Town.

### **8.8.2 Standards for Wind Generation Facilities**

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.

Weathersfield has limited potential for utility-scale wind energy development, as areas with sufficient access to consistent wind are generally residential in size and more than a mile away from three-phase power lines. The following standards apply to wind generation facilities in Weathersfield:

- a) Development of the identified prime wind sites (e.g. Weathersfield Center, Butterfield Hill, Pikes Peak) is constrained by their proximity to established residences and/or scenic, historic or natural resources identified in the Town Plan and/or Biological Natural Areas of Weathersfield and is prohibited. The secondary wind sites (e.g. Skyline Drive, Hawks Mountain, Little Ascutney, Pierson Peak, Mount Ascutney) are largely in scenic or natural resource 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 access to sufficient wind resources and necessary transmission infrastructure, and are free from significant environmental constraints, no utility-scale (100 KW capacity or greater) wind energy facilities shall be located in the town.

- b) Projects, including residential-scale turbines (generally less than 10 KW) and commercial- or community-scale turbines (up to 100 KW), installed at farms, residences, or businesses, are allowed 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 Electricity Siting Standards.

## 8.9 Siting Standards

### 8.9.1 Standards for all Electric Generation, Storage and Transmission Facilities

The following standards are to be considered by the Town of Weathersfield and the Public Utility Commission (Section 248 review) when developing any new or upgraded facilities that generate, store, or transmit electricity, and when updating Weathersfield's Zoning Bylaws to address the development of energy facilities that are subject to local regulation.

- a) **Plan Conformance:** New facilities and proposed system upgrades shall be consistent with the Weathersfield Town Plan, the Mount Ascutney Regional 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 facilities located within Weathersfield. Facility development must benefit 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 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. When evaluating the impacts of a proposed facility under the criteria set forth in this Town Plan, the cumulative impact of existing facilities, approved pending facilities, and the proposed facility shall be considered. A proposed facility that, by itself, may not have an adverse impact may be deemed to have an adverse impact when considered in conjunction with existing facilities and previously approved facilities that are awaiting construction.

- d) **Decommissioning:** All PUC issued Certificates of Public Good 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.

### 8.9.2 **Siting Standards for Renewable Electricity Facilities**

The Town of Weathersfield has developed standards for the development of 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.

Weathersfield supports development of renewable 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 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 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. 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 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, 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 facilities, provided that they meet the Town's Preferred Siting Checklist as determined by the Planning Commission:

- Roofs
  - Parking lot canopies
  - Areas in close proximity to existing large scale, commercial or industrial buildings.
  - Areas in close proximity to existing hedgerows or other topographical features that naturally screen the entire proposed array.
  - Brownfields
  - Previously disturbed areas, such as gravel pits, closed landfills, or former quarries.
- c) **Prohibited (Exclusion) Areas:** Renewable energy facilities that do not meet the siting requirements set forth above, shall not be supported by the Town, and shall be excluded from (prohibited within), 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 1,500 feet.
  - Steep slopes (>25%).
  - Habitat blocks of 500 acres or more.
  - Areas in proximity to, and impacting, a significant viewshed identified in the Scenic Resources sections of the Town Plan (see Section 5.3).
  - Areas containing historical or cultural resources, including state or federally designated historic districts, sites and structures, and locally significant cultural resources identified in the municipal plan.
- Prohibited impacts to historical and cultural resources include:
- Removal or demolition;
  - Physical or structural damage, significant visual intrusion, or interference with the use;
  - Significant intrusion into a historic district or a historically significant landscape;
  - 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;
  - Impairing a vista or viewshed from a historic resource where the vista or viewshed is a significant component of the character and 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, renewable electricity facilities larger than 5 acres, individually or cumulatively, that cannot be adequately screened or mitigated to blend into the municipality's landscape are, therefore, explicitly prohibited.

## 8.10 Energy Recommendations

8.10.1 Broadly, cost savings may be realized from and the Town should consider:

- Weatherization of buildings
- Energy efficient lighting
- Heating and air conditioning changes to more efficient mechanisms, such as air-source cold climate heat pumps.
- Reduction in use of heating and cooling
- Fuel-efficient vehicles
- Analysis of town vehicle operations

8.10.2 Consider adopting a freestanding solar screening bylaw under 24 V.S.A. §4414 (15).

8.10.3 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.

8.10.4 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.

8.10.5 Inform residents about Efficiency Excellence Network (EEN) contractors by providing links to EEN information through a municipal website or through other means.

- 8.10.6 Improve walkability of the villages and participate in the Safe Routes to School program to help reduce reliance on vehicle transport.
- 8.10.7 Inform residents and business owners about existing energy efficiency programs and incentives, especially weatherization services and financing options for low-to-moderate income household.
- 8.10.8 Appoint an Energy Coordinator or establish an Energy Committee to help implement recommendations in this Chapter.
- 8.10.9 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.
- 8.10.10 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.
- 8.10.11 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.
- 8.10.12 Promote the Go Vermont webpage, which provides rideshare, vanpool, public transit and park-and-ride options.
- 8.10.13 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.
- 8.10.14 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.
- 8.10.15 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.
- 8.10.16 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.

WEATHERSFIELD TOWN PLAN

- 8.10.17 If renewable energy systems are not practicable, encourage homeowners to replace old furnaces or boilers with a high-efficiency model.
- 8.10.18 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

Dated at Weathersfield, Windsor County, Vermont this 11th day of December, 2023.

\_\_\_\_\_  
Joseph Bublat, Chairperson

\_\_\_\_\_  
Brian Bosenberg, Vice-Chairperson

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

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

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

ATTEST:

Received at the Town of Weathersfield  
this \_\_\_\_ day of March, 2023.

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