



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment Agenda

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

Tuesday, December 12, 2023 – 6:30 PM (6:00 Site Visit)

-
1. Call to Order
 2. Agenda Review
 3. Comments from Citizens regarding items not on the agenda
 4. Approval of Meeting Minutes – September 26, 2023
 5. **Public Hearing:** Application 23.1004.ZP2 by Greenberg Associate Architects for Site Plan and Conditional Use Review for the alteration to an existing structure at 5181 US Route 5 (Parcel: 5A-02-26). The parcel is located in the Village zoning district.
 6. Site Plan Review checklist
 7. Land Use Update
 8. Discussion of Items for Future Agendas
 9. Adjourn

Remote option – Zoom link and instructions:

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

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

AGENDA ITEM

4

Zoning Board of Adjustment

September 26, 2023

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Jason Rasmussen, and Grace Knight.

The audience members were Andrea Murray, Julie Davis, and Beth Corsok.

2. Call to order

Todd Hindinger called the meeting to order at 6:31 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none

5. Approval of Meeting Minutes – May 23, 2023

Todd Hindinger made a motion to approve the minutes of May 23, 2023 as amended. Grace Knight seconded it. Jason Rasmussen abstained. The motion passed.

6. Public Hearing: Application 2023.08.02.CU by Richard Davis for the change of use to residential at 78 Route 131. The parcel is located in the Highway Commercial zoning district.

Todd Hindinger opened the hearing at 6:35 PM by reading the Public Hearing Notice. Todd Hindinger made a motion that Julie Davis have interested person status as the representative for the applicant. Grace Knight seconded it. The motion passed. Julie Davis affirmed. There was no Board conflict or exparte communication.

Julie Davis stated that she is the niece in law for Richard Davis. She is representing him tonight. She stated that Richard Davis would like to have this changed because he is in the highway commercial zone, but has used this as a primary home. He received a letter that he was grandfathered in due to the time frame. It was originally a model home. He has lived there with a DJ business. Its primary use has been residential. He purchased it more than 15

years ago and has always lived there. She stated there will be no development there and no changes.

Exhibit #1 is the Notice of Public Hearing. Exhibit #2 is the Certification of Posting and Distribution. Exhibit #3 is the Land Use memo to the Zoning Board (2 pages). Exhibit #4 is the Zoning permit application #2023.08.02.CU (12 pages). Exhibit #5 is the Community Facilities Sign-off Sheet. Exhibit #6 is the 1978 septic inspection form (4 pages). Exhibit #7 is the 2003 Zoning Permit (3 pages). Exhibit #8 is the 2008 complaint form. Exhibit #9 is the 2020 memo from the Land Use Administrator.

Todd Hindinger read Exhibit #3. He stated that this is a single family residence in an RR3-5 district, but does not have 3 acres. The applicant is here for a conditional use. Grace Knight stated that the minimum lot requirement for highway commercial is 1 acre, but with residential the minimum is 3 acres. Todd Hindinger stated that to allow residential dwelling in highway commercial zoning it needs to have a minimum of 3 acres. The Board reviewed the setback measurements and frontage. There is an old survey map which was hard to read. They have a hand drawing of the parcel with setbacks. The 1978 septic inspection paperwork was hard to read too. Ryan Gumbart noted in his memo that the existing frontage is 223 feet. The front setback is 40 feet with the rear setback being 25 feet. In Ryan Gumbart's notes, he wrote that there were no setback distances provided, so he called the applicant. He provided a 25 feet setback for the rear. Julie Davis stated that there is a well on the property and the septic is from 1979.

Todd Hindinger read Section 4.5.2.1 in the Bylaws regarding Home Occupation. If there is a single family residence, home occupation is an allowed use. This is a non-conforming lot because it is so small. It is already developed with a building. Grace Knight stated that its current use is coming up because the current owner is considering selling it. She wanted to know if the owner sells it, will the septic be an issue. Jason Rasmussen stated that it will not. It will stay the same. Julie Davis stated that pre - 2007 they were told that it is grandfathered in. If they were to put in another bedroom, then they would need to have the septic reviewed.

Todd Hindinger stated that the applicant would have to check with the State. The Town does not regulate waste water. The Board has evidence that the leach field was designed for a 3 bedroom home. The challenge is that it is a single family residence in a highway commercial zone which needs 3 acres. This lot only has .3 acres. It needs to meet the setback requirements too. It does not meet the 50 foot setback requirement on the rear. The footprint is the same with no changes to the building.

Julie Davis stated that Richard Davis is the only employee for the business. There are 3 bedrooms on the 2nd floor with 1 ½ bathrooms.

Todd Hindinger reviewed the conditional use checklist. Grace Knight stated that the new owners could want to have a home occupation there. Andrea Murray wanted to know if the new owners move in and complain about the noise level in highway commercial what would happen. Todd Hindinger stated that the noise level would stay the same. The home occupation would need to be inside. Grace Knight stated that the new owner(s) should be aware that the home is in a highway commercial zone.

Julie Davis asked Todd Hindinger to read the section in the Bylaws on existing small lots.

Todd Hindinger made a motion to close the hearing at 7:25 PM. Grace Knight seconded it. All were unanimous to close the hearing.

7. Site Plan checklist

This was postponed till their next meeting.

8. Land Use Department Update

This was postponed till their next meeting.

9. Discussion of Items for Future Agendas

This was postponed till their next meeting.

10. Adjournment

Jason Rasmussen made a motion to adjourn at 7:30 PM. Todd Hindinger seconded it. All were in favor.

Respectfully submitted,

Diana Stillson

AGENDA ITEM

5

PUBLIC HEARING

Conditional Use Review & Site Plan Review – Semi-public Use

December 12, 2023

Item 1: Public Hearing Notice

Item 2: Certification of Posting and Distribution

Item 3: Newspaper Tearsheet

Item 4: Conditional Use Zoning Permit Application #23.1004.ZP.2

Item 5: Administrative Review Sheet

Item 6: Community Facilities Sign-off Sheet

Item 7: Wastewater System and Potable Water Supply Permit

Item 8: Parking License Agreement

Item 9: ZBA Decision – December 9, 2004

Item 10: ZBA Decision – January 28, 2010

Item 11: ZBA Decision – August 26, 2015

Item 12: ZBA Decision – March 31, 2017

HEARING ITEM

1



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment

NOTICE OF PUBLIC HEARING

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

Remote option – Zoom details below

Tuesday, December 12, 2023 – 6:30 PM (6:00 Site Visit)

A public hearing before the Weathersfield Zoning Board of Adjustment will be held at the Town Office in Ascutney on Tuesday, December 12, 2023, at 6:30 PM (6:00 site visit) to consider the following application:

Application 23.1004.ZP2 by Greenberg Associate Architects for Site Plan and Conditional Use Review for the alteration to an existing structure at 5181 US Route 5 (Parcel: 5A-02-26). The parcel is located in the Village zoning district.

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

Remote option – Zoom link and instructions:

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

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HEARING ITEM

2

Certification of Posting and Distribution

Notice of Public Hearing

Hearing Date December 12, 2023 - 6:30pm Site Visit 6:00pm

I hereby certify that I have posted the attached "Notice of Public Hearing" in the following public places and mailed, faxed or emailed as noted said "Notice of Public Hearing" to the following parties on November 15, 2023 as required by the Vermont Statutes Annotated, Chapter 117, §4464



Ryan Gumbart, Land Use Administrator

Application # 23.1004.ZP2

Applicant's Name: Greenberg Associate Architect

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

<input checked="" type="checkbox"/>	Inside Town Office	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Applicant's File	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Applicant (mailed)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Applicant (sign for posting on site)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Landowner (mailed)	<u>11/15/2023</u>
<input type="checkbox"/>	Agent (mailed)	<u>NA</u>
<input checked="" type="checkbox"/>	Newspaper (emailed)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Publication in newspaper	<u>11/17/2023</u>
<input checked="" type="checkbox"/>	Abutters* (mailed)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Board Members (emailed)	<u>11/15/2023</u>
<input type="checkbox"/>	Board Secretary (emailed)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Town Website (posted)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	3 Public Places	
<input checked="" type="checkbox"/>	Town Hall	<u>11/16/2023</u>
<input checked="" type="checkbox"/>	Ascutney Post Office	<u>11/16/2023</u>
<input checked="" type="checkbox"/>	Perkinsville Post Office	<u>11/16/2023</u>
<input checked="" type="checkbox"/>	Fire Dept. (signed CFSS)	<u>11/20/2023</u>
<input checked="" type="checkbox"/>	Police Dept. (signed CFSS)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	Highway Dept. (signed CFSS)	<u>11/15/2023</u>
<input checked="" type="checkbox"/>	School sevicees (signed CFSS)	<u>11/21/2023</u>
<input checked="" type="checkbox"/>	Water District Manager (signed CFSS)	<u>11/21/2023</u>
<input type="checkbox"/>	Other	<u>NA</u>
<input type="checkbox"/>	VT Secretary of Transportation**	<u>NA</u>

* Abutters - see attached list

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

HEARING ITEM

3



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WINDSOR SOUTHEAST SUPERVISORY UNION
(Hartland, Weathersfield, West Windsor, and Windsor (Mt. Acutney) School Districts)

DESTRUCTION OF SPECIAL EDUCATION RECORDS



Let this serve as notice that the Student Support Services Office will be destroying all inactive special education records for identified special education students with birth dates prior to and including 1995.

All special education students who want to retain their special education records may do so by written notification to the Student Support Services Office of their intent to pick up their records. This notification needs to be completed by **December 1, 2023** and sent to Windsor Southeast Supervisory Union, Student Support Services office, 105 Main St., Suite 200, Windsor, VT 05089 or by calling (802) 674-2144x1108. Please be prepared to provide identification such as a copy of your birth certificate and a photo ID when you pick up your records. Destruction of records will take place the week of **January 1, 2024**.

Katie Ahern
Director of Student Support Services
Windsor Southeast Supervisory Union

HOUSING FOR THE ELDERLY & HANDICAPPED OF NEWPORT
(MAPLE MANOR APARTMENTS)

Maple Manor Apartments has closed its waitlist effective November 15, 2023. A new ad will be placed upon the re-opening of the waitlist. Any questions can be directed to the Maple Manor Site Manager at 863-6553.

 Equal Housing Opportunity 

Sell It In The Classifieds!



Index **0000**

IMPORTANT ANNOUNCEMENT

****ADVERTISERS****

Please check your Classified ad(s) on the first day of publication for accuracy. If you find an error, we want to correct it. Call us at 603-543-3100. We recognize that we're human and sometimes make mistakes. We will correct the error and will assume the cost for the next (1) insertion. After the first day of publication, Eagle Printing is not responsible for any mistakes and is not obligated to compensate the customer.

MORTGAGEE'S SALE OF REAL ESTATE AT PUBLIC AUCTION
Tuesday, November 21, 2023
12:00 PM-WINCHESTER
695 Old Westport Road
sgl fam, 1,215 sq ft liv area, 0.26 ac lot,
3 bdrm, 1 bath, Cheshire Bk 3028, Pg 0584

TERMS: Cashier's or certified check in the sum of \$5,000.00 as a deposit must be shown at the time and place of the sale in order to qualify as a bidder. No CASH. No personal checks will be accepted. Cashier/certified checks should be made out to whomever is going to bid at the auction. The balance to be paid within thirty (30) days at the law offices of Korde & Associates, P.C. 900 Chelmsford Street, Suite 3102, Lowell, MA 01851. Attorney for the Mortgagee.

Auctioneer makes no representation as to the accuracy of the information contained herein.

BAY STATE AUCTION CO, INC.
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Deborah Dias/NH 6002 Dan Wiener/NH Lic#3012 Sandra Monroe/NH Lic#5003 Kerry McKeon/NH Lic#6222
NORTH CHELMSFORD (978) 251-1150 www.baystateauction.com

STATE OF VERMONT

SUPERIOR COURT
WINDHAM UNIT
In Re: A.W.

FAMILY DIVISION
DOCKET NO. 20-JV-141

NOTICE OF HEARING

TO: Desiree Wood, Mother of A.W.


You are hereby notified that a hearing to consider the termination of all of your parental rights to A.W. will be held on December 14, 2023 and January 9, 2024, both hearings beginning at 9:00 a.m. at the Superior Court of Vermont, Windham Unit, Family Division, 30 Putney Road, Brattleboro, Vermont 05301.

You are notified to appear in person in connection with this case.

Your failure to appear and defend may result in a judgment being entered against you and your parental rights being terminated.

Other parties to this case are the child A.W., A.W.'s father E.A., A.W.'s guardian ad litem, and the Vermont Department for Children and Families.

DCF is represented by the Vermont Attorney General's Office, 280 State Drive, Waterbury, VT 05671-2080.

11/15/2023
Date 
Superior Court Judge, Family Division

TIME FOR A CHANGE?

There's no time like the present to find a job you love. Check out the Eagle Times classifieds!

Bidding - Renovation and New Construction

Project Name:
Enfield Whitney Hall
23 Main Street
Enfield NH 03748

Bread Loaf Corporation is the Design/Build General Contractor on the above referenced project and is seeking bids for all trades. The project consists of renovation of the 9,653 square foot existing Town Office and library and a new 2 story 4,516 square foot building to serve as the town's Office and Public Library.

The project will be bid in two separate Bid Packages:

Bid Package 1 will consist of site development including, earthwork, utilities, site concrete, asphalt paving, cast-in place concrete, wood framing and exterior siding and trim.

Bid Package 2 will consist of masonry patch, steel rails, exterior/interior finish carpentry, architectural woodwork, air barrier, joint sealants, thermal insulation, membrane roofing, asphalt shingle roofing, doors/framess/hardware, interior storm windows, fiberglass windows, aluminum storefront windows and doors, miscellaneous glazing, automatic door operators, metal partition framing, gypsum board, drywall taping, acoustical ceilings, ceramic tile, resilient flooring, carpeting, rubber tile flooring, entrance mats, painting, marker boards, signage, fire extinguishers, toilet accessories, toilet partitions, and elevator retrofit.

All interested subcontractors shall reply to this advertisement indicating their interest in bidding. Minority owned, women owned and locally owned businesses as well as Section 3 businesses are encouraged to apply.

Bidding documents will be available for download on Procore or purchase at Copy World LLC, 5 Airport Road #21, West Lebanon, NH 03784 on the following dates:
: Bid Package 1, November 20, 2023
: Bid Package 2, November 27, 2023

Bids are due on:
: Bid Package 1, November 30, 2023 @ 2:00 PM
: Bid Package 2, December 11, 2023 @ 2:00 PM

Work is scheduled to start in December 2023 and be completed by September 2025.

Please send bid proposals to:
Andy Tetreault
Bread Loaf Corporation
1293 Route 7 South
Middlebury, VT 05753
tel. (802) 388-9871 ext. 219
e-mail: atetreault@breadloaf.com

Legals **1010**

NOTICE OF PUBLIC HEARING

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HEARING ITEM

4

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Town of Weathersfield

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Website: <http://www.weathersfield.org>

Planning and Zoning

APPLICATION TO ZONING BOARD OF ADJUSTMENT SITE PLAN REVIEW

TAX MAP PARCEL NUMBER _____

LOCATABLE ADDRESS: Number: 5191 Road: Rt. 5

DEED TO THE PROPERTY RECORDED IN WEATHERSFIELD LAND RECORDS AT:
BOOK _____ PAGE _____

APPLICANT: Greenberg Assoc. Architect (Chip Greenberg)
A. Mailing Address: 168 Westminster Rd., Putney, VT 05346
B. Telephone number: Home: _____ Work: 802.387.2957

LANDOWNER signature, if different from applicant: Weathersfield Proctor Library
A. Mailing Address: PO Box 519, Ascutey, VT 05030
B. Telephone number: Home: Roderick Bates Work: 802 689 0346
Cell _____

PROJECT DESCRIPTION:

Addition To The library; 284 sf Reading Room with
Storage basement. Wood frame, 1-story

ATTACH THE FOLLOWING TO YOUR APPLICATION:
Site Plan (see instructions)

Signature of Applicant: Chip Greenberg Date: 10/13/23

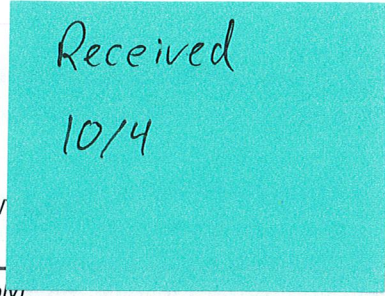
Application No. _____ Date of Notice _____

Date received by AO _____ Date of Hearing _____

Fee Paid \$ _____ Date of Decision _____

Date Paid _____ Decision approved _____ denied _____

Town of Weathersfield Zoning Permit Application



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

Property Information	
Address	5181 Rt. 5 (PO Box 519)
Town, State, Zip	Ascutney, VT 05030
Parcel ID	
Lot Size (acres)	
Road Frontage (ft)	77.25'
Existing Principal Use (enter below, e.g. "single-family dwelling") <small>(if no existing Principal Use, leave blank)</small>	

Permit Type <i>(check all that apply)</i>	
<input type="checkbox"/>	New Principal Building or Unit (e.g. "single-family dwelling")
<input type="checkbox"/>	New Accessory Structure (e.g. "shed")
<input checked="" type="checkbox"/>	Alteration to Existing Structure (e.g. "new room addition")
<input type="checkbox"/>	Change of Use (e.g. "personal service" to "restaurant")
<input type="checkbox"/>	Demolition / Removal (e.g. demolition & removal of pool)
<input type="checkbox"/>	Sign (one-sided square footage): _____ sq. ft.
<input type="checkbox"/>	Variance

Applicant	
Name(s)	Greenberg Associate Architects
Name(s)	M. Chip Greenberg, Principal
Mailing Address	168 Westminster Rd.
Town, State, Zip	Putnev. VT. 05346
Telephone #	802 387 2457
Mobile #	
E-mail Address	chip@greenarch.org

Project Information	
<i>Proposed Principal Use Definition (if new or changing, enter below)</i>	
Approximate Value of Development	\$ 234,896
Total New Finished Floor Area	258 sq. ft.
Total New Unfinished Floor Area	230 sq. ft.
Maximum Height	of add'n: 17 ft.
Number of Stories	1+bsmt

Landowner (if different)	
Name(s)	Weathersfield Proctor Library
Name(s)	(Roderick Bates, Project Mgr.)
Mailing Address	W. Proctor Library: PO Box 519
Town, State, Zip	Ascutney, VT 05030
Telephone #	
Mobile #	802 689 0346
E-mail Address	roderick_bates@comcast.net

Filing Information (Staff Use Only)	
Zoning Permit #	
Fee Collected	
Zoning Area	
Permit Issue Date	
Appeal by Date	
Type of Review Required (check all that apply)	
<input type="checkbox"/>	Administrative
<input type="checkbox"/>	Zoning Board of Adjustment
<input type="checkbox"/>	Conservation Commission
<input type="checkbox"/>	Flood Hazard / Agricultural Soils

Decision (Staff Use Only)	
APPROVED <input type="checkbox"/>	DENIED <input type="checkbox"/>
Permit Expiration Date _____	

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

Project is one open reading room connected to the reception area. Construction is stick-frame with insulated cavities, and 3" EIFS which includes a stucco coating. Roof will be 2x12 wood joists forming a single-pitched roof, insulated between and under joists, with standing-seam steel roofing. Interior trim will match existing Library trim. Heat and A/C by a split system heat pump. The addition will have a full bsmt.

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

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

Does your project involve any **demolition and/or renovation?** Yes No

If yes, you must contact the Lead and Asbestos Regulatory Program at (800) 439-8550 prior to demo/renovation.

Does your project involve the installation or removal of a **new manufactured/mobile home?** Yes No

If yes, you must provide a copy of **HUD Form 309**. Installation must comply with the HUD Permanent Foundations Guide for Manufactured Housing. A bill of sale must be obtained from the Weathersfield Town Clerk.

Does your project involve work within a **Town or State right of way?** Yes No

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

Will your project involve connecting to **municipal water?** Yes No

If yes, you must contact the Town Manager at (802) 674-2626

Does your project involve construction of / change of use to or from being a **public building?** Yes No

If yes, you must contact the Vermont Department of Public Safety, Division of Fire Safety. A public building is any building that the public has the occasion to enter EXCEPT for owner-occupied, single-family dwellings, registered home day cares, and working farms, but INCLUDING single family homes becoming rentals. The Town of Weathersfield currently recommends the installation of a Knox Box. For more information, visit <http://www.knoxbox.com/>

Does your project involve a **new home / business, change in # of bedrooms / change in use?** Yes No

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

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

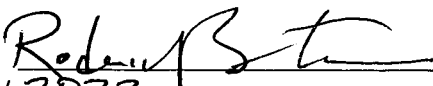
Principal Use	\$100 + 0.05 x <u>488</u> sq. ft.	=	\$ 124.40	
Accessory Use	\$30 + 0.05 x _____ sq. ft.	=	\$ _____	
Conditional Use	\$200 + 0.05 x _____ sq. ft.	=	\$ _____	
Permit Renewal	Expired permit renewal: \$30	+	\$ _____	
Variance	\$200	+	\$ _____	
	SUBTOTAL		\$ _____	
Late Fee	Double all fees for after-the-fact permit	2x	\$ _____	
Recording Fee	Applies to all applications	+	\$ 15	
	TOTAL		\$139.40	

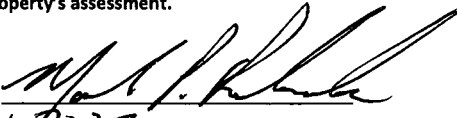
Staff Use Only
Fee Collected?
Initials

Landowner & Applicant Acknowledgements

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

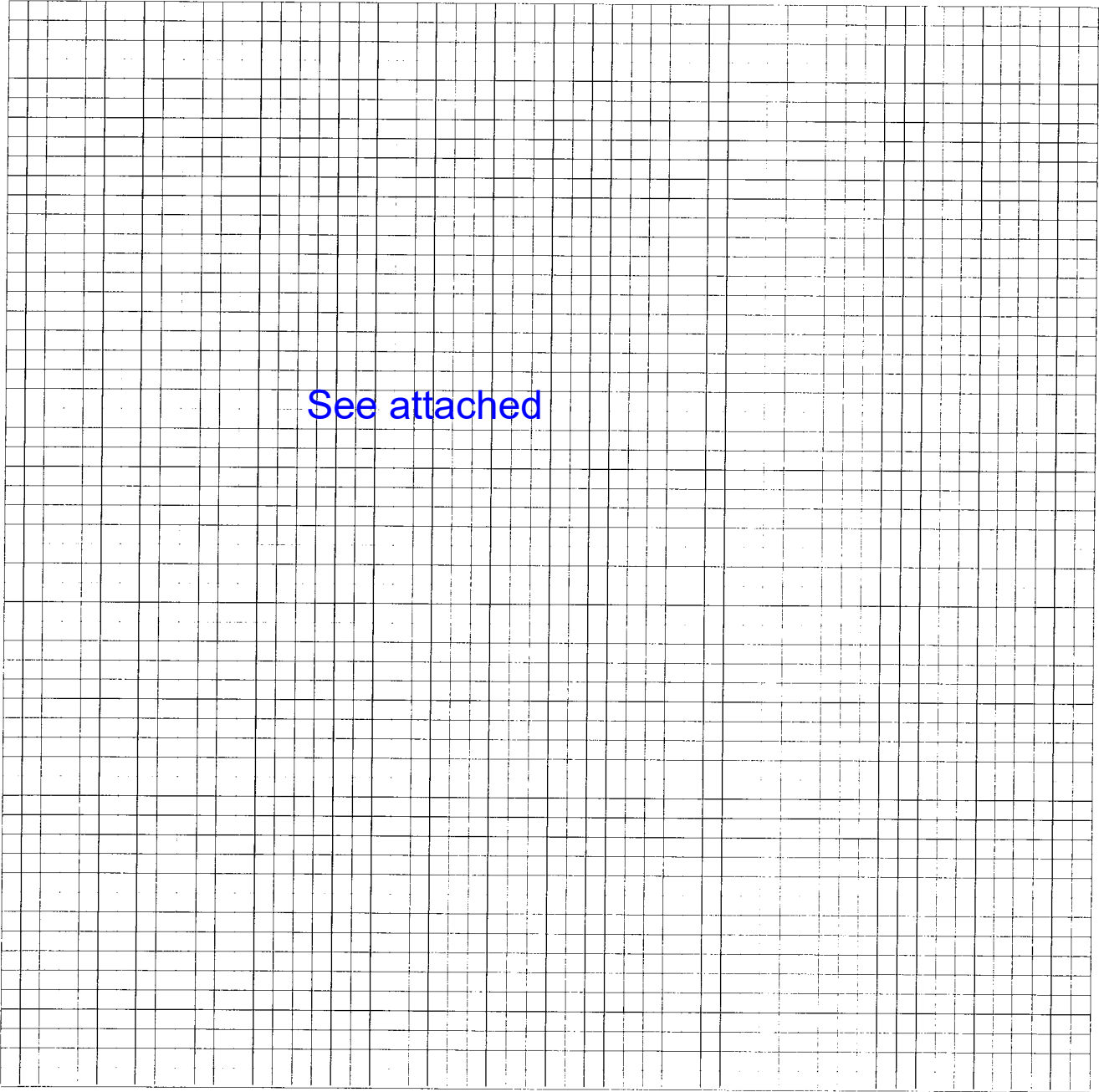
- ◆ Applications will not be considered properly filed and vested for rights to review under any applicable laws until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- ◆ Vermont law allows the Land Use Administrator 30 days to act on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

Landowner Signature 
Date 10/4/2023

Applicant Signature 
Date 10/4/2023

Site Plan Drawing

Draw an aerial view of the property described in this application showing a north arrow, all property lines, and dimensions of land. Include the shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the front, sides, rear and closest property boundary lines (setbacks) and distances between each structure. Identify the use of all buildings, and the location of septic/sewer and water utilities. Identify access from Town or State Highway and road frontage distance. Identify any deeded easements or rights-of-way. Include any proposed signs in the drawing. Include any streams, water bodies and wetlands. If the scale is too small to show details after drawing all property lines, please use supplemental pages to map required features at a larger scale.

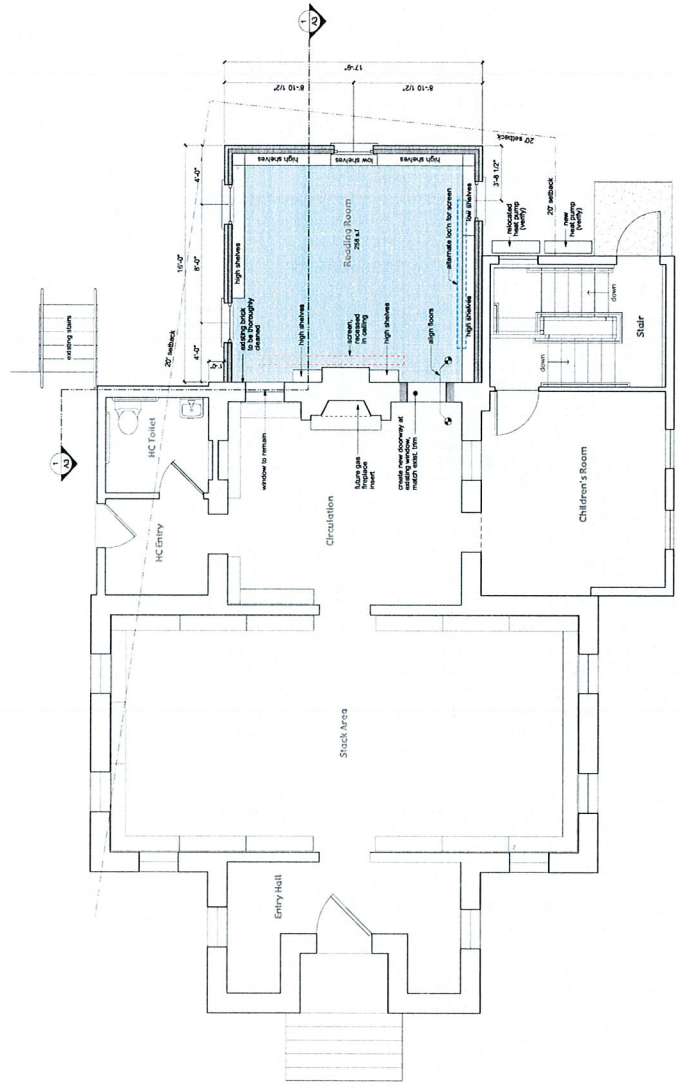


Land Use Administrator Signature _____ Applicant Signature _____

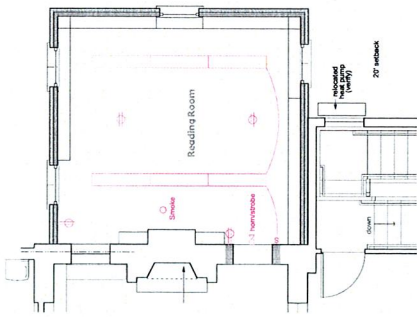
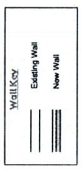
NOTE: Signature required for valid permit



- General Notes**
- All construction shall be in accordance with the Vermont State Building Code.
 - Dimensions are to face of framing and face of concrete or masonry, unless indicated otherwise.
 - Plan of floors, walls and ceilings at demarcated areas to match adjacent construction, unless noted otherwise.
 - The owner and Contractor shall coordinate items not in the contract such as information technology, security, and other systems with the manufacturer of the equipment to be installed.
 - Manufacturer manuals and equipment shall be provided in accordance with manufacturer's recommendations and instructions, unless noted otherwise.
 - Provide solid wood blocking for all wall mounted equipment, casework, counters, and ceiling-mounted equipment.



1 First Floor Plan
Scale 1/4" = 1'-0"



2 Electrical/Lighting Plan
Scale 1/4" = 1'-0"

- Notes:**
- Verify the location of existing electrical and lighting fixtures. The work shall be done by a Vermont-licensed electrician who has obtained an electrical work notice before starting any work.
 - Coordinate or provide all conduit, wiring and other equipment required to provide for equipment and systems.
 - Provide power and make necessary connections to all mechanical equipment. Provide 120V receptacles per building code.



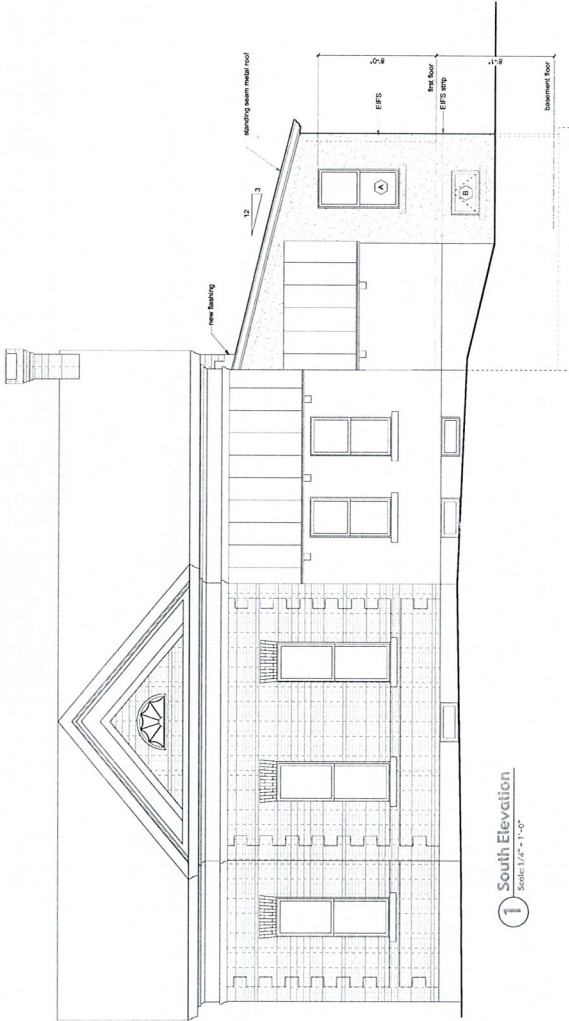
GREENBERG ASSOCIATES ARCHITECTS is not responsible for the construction of the building or the safety of the building. The architect's responsibility is limited to the design and construction of the building. The architect does not warrant the safety of the building or the safety of the building's occupants. The architect is not responsible for the construction of the building or the safety of the building. The architect's responsibility is limited to the design and construction of the building. The architect does not warrant the safety of the building or the safety of the building's occupants. The architect is not responsible for the construction of the building or the safety of the building. The architect's responsibility is limited to the design and construction of the building. The architect does not warrant the safety of the building or the safety of the building's occupants.

Window Schedule

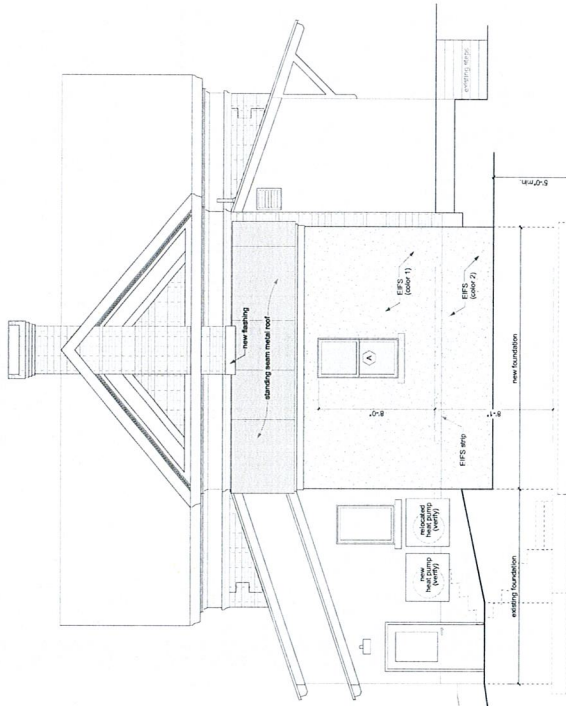
Mark	Quantity	Type	Designation	Rough Opening W x H	Remarks
A	2	Double hung Awning			
B	4				

Window Notes

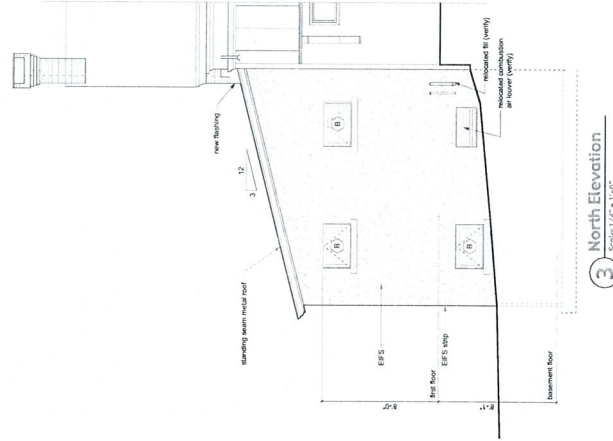
1. Verify Manufacturer's Material Details with Contractor.
2. Contractor to verify all quantities before ordering.
3. Contractor to verify all rough openings.
4. All windows, low E, Argon filled.
5. All operable units to be provided with full screens.
6. Screen from fabric factory verify.



1 South Elevation
Scale: 1/2" = 1'-0"

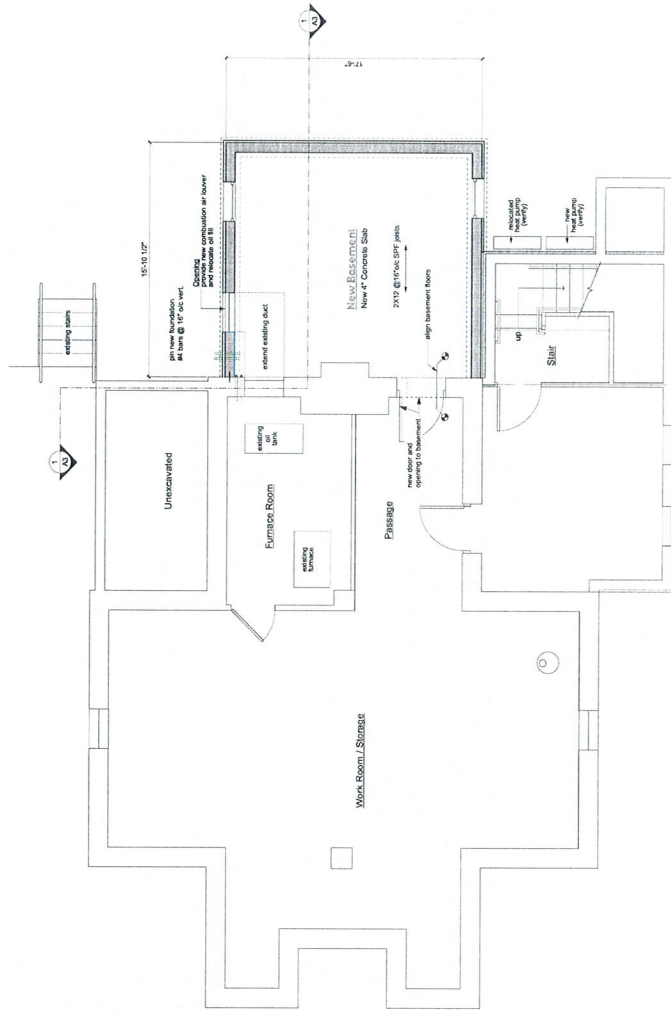


2 East Elevation
Scale: 1/2" = 1'-0"



3 North Elevation
Scale: 1/2" = 1'-0"





1 Foundation/Basement Plan
Scale: 1/4" = 1'-0"

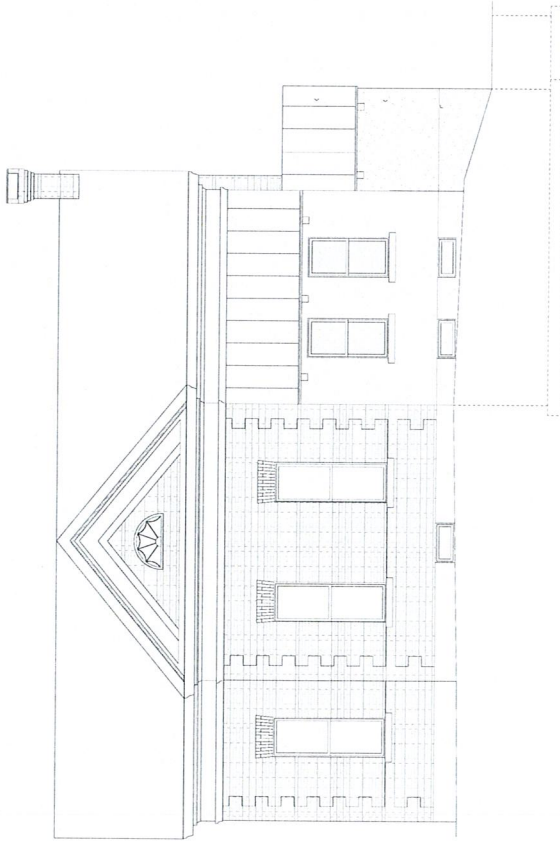


New Addition to:
Weatherfield Proctor Library
Acuteley, Vermont

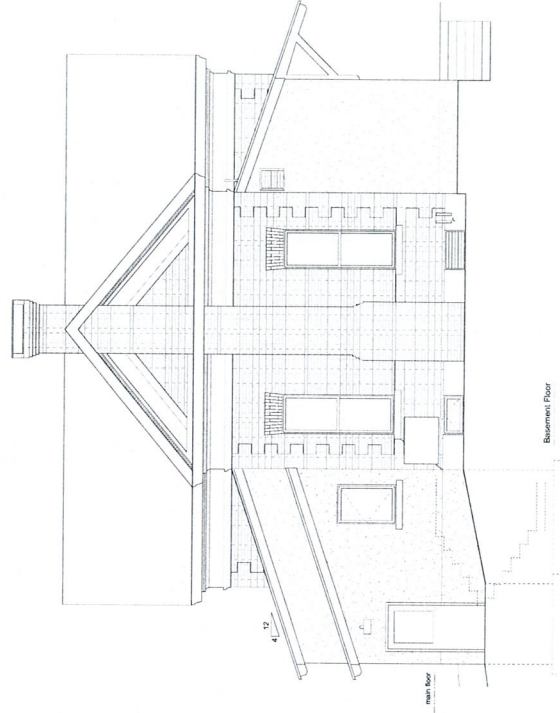
Revised:
Scale: As Noted
Drawn By: CCB/BS
Date: Sept. 26, 2023

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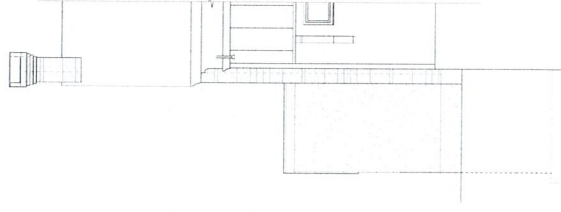




1 South Elevation
Scale: 1/4" = 1'-0"



2 East Elevation
Scale: 1/4" = 1'-0"



3 North Elevation
Scale: 1/4" = 1'-0"



GREENBERG ASSOCIATES ARCHITECTS
148 Washburn Rd., Rutland, VT 05701
PH: 802-247-2427, FX: 802-247-4533
http://www.greenbergarch.com

Revisions:

Scale:	As Noted
Drawn By:	COLBIS
Date:	Sept. 28, 2023

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Existing Elevations

New Addition to:
Weatherfield Proctor Library
Acutney, Vermont

EX2



Vicinity Map

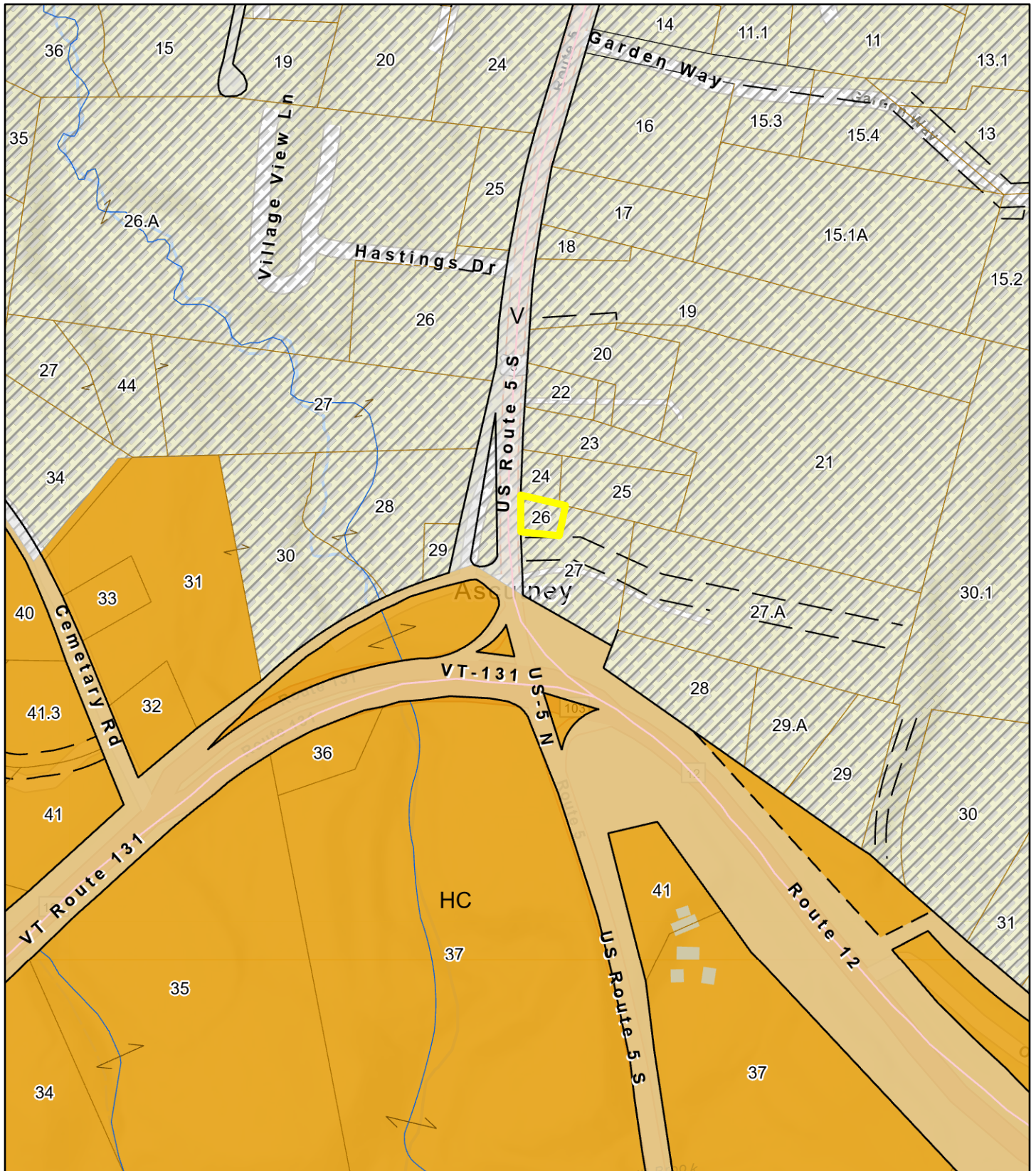
Weathersfield, VT

1 inch = 274 Feet



www.cai-tech.com

November 29, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



LEGEND

- Designated Public Sites
- Public Water Sources**
 - Active
 - Proposed
 - Inactive
 - Non-Public, Previously Permitted
- Private Wells**
 - GPS Located
 - Screen Digitized
 - E911 Address Matched
 - Welldriller/Clarion
 - Unknown Location Method
 - Incorrectly Located
- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

1: 2,435
November 29, 2023

NOTES

Map created using ANR's Natural Resources Atlas

124.0 0 62.00 124.0 Meters
 WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 203 Ft. 1cm = 24 Meters
 © Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

- Contours - LiDAR 1ft.
 - Contour Line, Index Major
 - Contour Line, Index Minor
 - Contour Line, Intermediate Even
 - Contour Line, Intermediate Odd
- Designated Public Sites
- Parcels (standardized)
- Roads
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary

1: 1,217
November 29, 2023

NOTES

Map created using ANR's Natural Resources Atlas



WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 101 Ft. 1cm = 12 Meters
© Vermont Agency of Natural Resources THIS MAP IS NOT TO BE USED FOR NAVIGATION

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HEARING ITEM

5

Zoning Permit Application Review Checklist

Date received: [October 4, 2023](#)

APPLICATION COMPLETENESS

1. Copy of WW permit or letter
2. Applicant Information
3. Landowner Information
4. Property Information
5. Project Information
6. Permit Type
 - a. Correct
7. Project Description clear enough to determine use
8. Correct fees
 - a. Collected
9. Check boxes
10. Sketch
 - a. North arrow
 - b. All property lines
 - c. Shape, size and location of all existing and proposed structures (principal and accessory) on the property with measurements to the closest lines
 - d. Structure uses identified
 - e. Access from highway and road frontage distance
 - f. Deeded easements or ROWs
 - g. Proposed signs
 - h. Streams, water bodies, or wetlands
 - i. Dates and signatures

1. Is the proposed project “development”? [YES](#)

Land Development or Development:

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

Structural Development:

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

Structure:

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

Building:

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

2. Is the proposed project exempt from zoning? (6.2.2) NO
This applies to all development proposed by all persons, including the Town government of Weathersfield, except when specifically exempted by state law. (sect. 1, pg. 1)
3. Is the project a Public Facility? (6.2.3) YES
4. Locate the zoning district in which the property is located. V
5. Pull parcel file.
6. Check Use Tables:
- Does the project neatly fit into any of the uses listed in the district table? YES
 - If yes, what use? Semi-public
 - If yes, is a zoning permit necessary? YES
 - If no, does it need to go to the ZBA for a determination?
 - If no, is the use prohibited?
7. What approvals are needed?
- Administrative
 - Conditional use
 - Site plan
 - Subdivision
 - PUD
 - Flood plain
 - Highway access
8. Dimensional requirements: Compliant?
- Lot size – Minimum 1 ac, Existing 0.21 ac
 - Frontage – Required 80', Existing 77.25'
 - Setbacks – Required: Front 40', Rear 20', Side 20'
 - Setbacks – Proposed: Front <40', Rear >20', Side <20'
 - Height – Maximum 35', Proposed 17'
9. Is anything non-conforming? (3.4):
- Lot
 - Structure
 - Use

- | 10. General Provisions: | Compliant? |
|---|-------------------------------------|
| • Conservation | |
| - Ag soils (3.2.1) | <input checked="" type="checkbox"/> |
| - Biological areas (3.2.2) | <input checked="" type="checkbox"/> |
| - Connecticut river (3.2.3) | <input checked="" type="checkbox"/> |
| - Habitat areas (3.2.4) | |
| i. Deer wintering areas | <input checked="" type="checkbox"/> |
| ii. Rare, threatened or endangered species | <input checked="" type="checkbox"/> |
| iii. Vernal pools | <input checked="" type="checkbox"/> |
| - Ponds (3.2.5) | <input checked="" type="checkbox"/> |
| - RTE species (3.2.6) | <input checked="" type="checkbox"/> |
| - Steep slopes & elevation >25% (3.2.7) | <input checked="" type="checkbox"/> |
| - Streambank conservation (3.2.8) | <input checked="" type="checkbox"/> |
| - Wetlands (3.2.9) | <input checked="" type="checkbox"/> |
| • Off-street parking (3.5) (Site Plan Review) | <input type="checkbox"/> |
| • Outdoor lighting (3.6) (Site Plan Review) | <input type="checkbox"/> |
| 11. Does the application comply with relevant specific use standards? | <u>NA</u> |
| • <input type="checkbox"/> Damaged Structures (3.3) | |
| • <input type="checkbox"/> Signs (3.8) | |
| • <input type="checkbox"/> Accessory Dwelling Unit (4.1) | |
| • <input type="checkbox"/> Day Care Facilities (4.2) | |
| • <input type="checkbox"/> Extraction of Earth Resources (4.3) | |
| • <input type="checkbox"/> Gasoline/Service Station (4.4) | |
| • <input type="checkbox"/> Home-based Occupation/Business (4.5) | |
| • <input type="checkbox"/> Junkyards (4.6) | |
| • <input type="checkbox"/> Low and Moderate Income Housing (4.7) | |
| • <input type="checkbox"/> Mobile/ Modular Homes (4.8) | |
| • <input type="checkbox"/> Mobile Home Parks (4.9) | |
| • <input type="checkbox"/> Public Utility Substation (4.10) | |
| • <input type="checkbox"/> Renewable Energy Production (4.11) | |
| • <input type="checkbox"/> Seasonal Road Stands (4.12) | |
| • <input type="checkbox"/> Self-Storage Facility (4.13) | |
| • <input type="checkbox"/> Storage of Flammable Liquids and Gases (4.14) | |
| • <input type="checkbox"/> Subdivision of Lots (4.15) | |
| • <input type="checkbox"/> Temporary Uses and Structures (4.16) | |
| • <input type="checkbox"/> Travel Trailer Camping Areas (4.17) | |
| • <input type="checkbox"/> Travel Trailer/Camping Vehicles (4.18) | |
| • <input type="checkbox"/> Wireless Communication Facilities (4.19) | |
| • <input type="checkbox"/> Renewable Energy Systems (4.20) | |
| • <input type="checkbox"/> Drug and Tobacco Paraphernalia Establishments (4.21) | |

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

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

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

OTHER CHECKS

- State/Nat'l Register of Historic Places
- Send to Fire Chiefs Darren Spaulding & Josh Dauphin
- Application is complete
 - If not, 30 day issuance period has not started
 - Date of completion: [Click or tap to enter a date.](#)

Notes:

- Requires Site Plan Review, and Conditional Use Review by ZBA
- Conditional Use Review = \$224.40 + \$15 recording fee = \$239.40
- Site Plan Review = \$170.00 + \$15 recording fee = \$185.00
- Certificate of Occupancy will be required upon completion

HEARING ITEM

6

Application # 23.1004.ZP2

Applicant Name Greenberg Associate Architects

Community Facility Project Review and Sign-Off Sheet

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

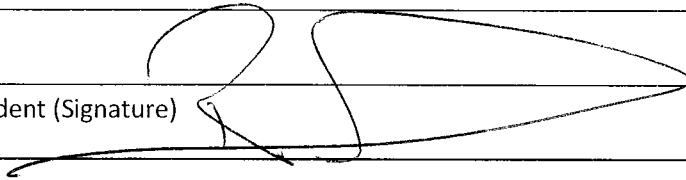
Highway Department

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

The impact will be _____

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

Highway Superintendent (Signature)



Date

Nov 15 23

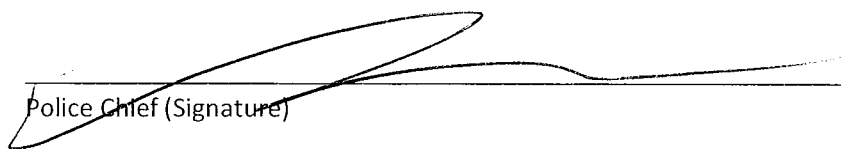
Police Department



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

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

Police Chief (Signature)



Date

11-15-23

Ascutney/West Weathersfield Volunteer Fire Department

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

I find that the proposed project will have and undue adverse impact. The impact will be _____

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

CAN AVFD HAVE A SET OF PLANS

Darrin R. [Signature]

Chief (Signature)

11/20/23

Date

School Services

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

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

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

[Signature]

Weathersfield School Official (Signature)

11/21/23

Date

Ascutney Water District (Community Water System)

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

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

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

[Signature]

Ascutney Water District (Signature)

11/21/23

Date

Contact names and numbers for Department Heads

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

HEARING ITEM

7



State of Vermont

WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT

WW-2-1372-1

(PIN#NS02-0041)

LAWS/REGULATIONS INVOLVED:

Environmental Protection Rules Chapter 1 and Chapter 21

LANDOWNER(s): Town of Weathersfield
 Martin Memorial Hall
 ADDRESS: P.O. Box 550
 Weathersfield, VT 05030-0550

This project, an existing library building to be disconnected from an existing wastewater disposal system on an adjacent lot and connected to an existing previously permitted wastewater system (WW-2-0703-1) on a lot with an existing town building, located on Route 5 in Weathersfield, Vermont is hereby approved under the requirements of the regulations named above subject to the following conditions:

1. All previous permits and Certifications of Compliance issued by Division of Wastewater Management shall remain in full effect except where specifically modified or amended herein.
2. The project shall be as shown on one sheet of plans prepared by Michael A. Smith, P.E. and Peter DeGraff, P.E., titled:
 - A. "Site Plan" (Sheet 1 of 2) dated 2/6/07;
 - B. "Sewer Profile and Details" (Sheet 2 of 2) dated 2/6/07;
 which have been stamped by the Wastewater Management Division. No changes shall be made to the approved plan without prior written approval from the Wastewater Management Division.
3. This permit affects property referenced in a deed recorded in Book 22 Page(s) 59 of the Weathersfield, Vermont land records. The conditions of this permit shall run with the land and will be binding upon and enforceable against the permittee and all assigns and successors in interest. **The permittee shall be responsible for recording this permit in the Weathersfield Land Records within thirty (30) days of receipt of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.**
4. This project is approved for the following uses and maximum design wastewater flows. No changes to these uses and design flows are allowed without prior written approval from the Division of Wastewater Management.

<u>use</u>	<u>flow</u>
library w/ 5 workers and up to 40 visitors/attendees	275 gpd
5. The wastewater disposal system shall be constructed as shown on the plan(s) and shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. No construction (buildings, roads, water lines, etc.) that might interfere with the installation or operation of a sewage disposal field or its replacement area is permitted. All isolation distances as set forth in Environmental Protection Rules shall be adhered to.
6. **No permit issued by the Secretary shall be valid, for a substantially completed wastewater system, until the Secretary receives a certification from a designer, signed and dated, that**

states: "I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the wastewater systems were installed in accordance with the permitted design and all permit conditions, were inspected, were properly tested, and have successfully met those performance tests." The wastewater systems inspection certification(s) shall be completed and submitted to the Springfield Regional Office, and to the municipality, for filing within 30 days of the final inspection.

7. Construction of additional buildings, including public buildings, single family residences, duplexes and condominium units, is not allowed without prior review and approval by the Division of Wastewater Management, and such approval will not be granted unless the proposal conforms to the applicable laws and regulations.
8. By acceptance of this permit the permittee agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with the permit.
9. Each prospective purchaser of any portion of the approved project shall be shown a copy of the approved plot plan and the Wastewater System and Potable Water Supply Permit before any written contract of sale is entered into. In the event of a transfer of ownership (partial or whole) of this project, the transferee shall become permittee and subject to compliance with the terms and conditions of this permit.
10. This permit does not relieve you, as applicant, from obtaining all applicable approvals that may be required from the Act 250 District Environmental Commission, the Department of Public Safety, the Department of Health, the State Wetlands Program and other State Agencies or the Town prior to construction. This permit shall in no way relieve you of the obligations of Title 10 Chapter 48, Subchapter 4, for the protection of groundwater.
11. The Division's issuance of this Permit relies upon the data, designs, judgment and other information supplied by the applicant, his or her professional consultants and other experts who have participated in preparation of the application. The Division makes no assurance that the approved system(s) will meet performance objectives of the applicant and no warranties or guarantees are given or implied.

LAURA Q. PELOSI, COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DATE: NOVEMBER 26, 2007

BY 
JEFF SVEC, ASSISTANT REGIONAL ENGINEER

Copies: Weathersfield Town Planning & Select Board
Michael Smith, P.E.
Department of Public Safety

HEARING ITEM

8

WEATHERSFIELD, VT

Town Clerk's Office
Received for record

Ex-3

October 19, A.D. 2005

2 o'clock 00 minutes P.M.

Recorded in Book 142 Page 55

Mary Ballou TOWN **LICENSE FOR PARKING SPACES**

THIS AGREEMENT made this 19th day of October, 2005, by and between Jill Jason, P.O. Box 285, Ascutney, Vermont 05030, hereinafter called the "Licensor" and the Town of Weathersfield, a Vermont municipality, hereinafter called the "Licensee":

WITNESSETH:

That the parties hereto, in consideration of mutual covenants, agreements and stipulations herein contained, do hereby mutually covenant and agree as follows:

The Licensor does hereby grant to the Licensee the right and privilege to enter upon lands owned by the Licensor located on U.S. Route 5 in Weathersfield, Vermont, for the purpose of utilizing a portion of the Licensor's property for overflow parking for the Proctor Library, so-called. The area to be covered by this license is depicted on a survey entitled "Land Surveyed for Ascutney Enterprises, LLC, Ascutney Post Office Site, Weathersfield, Vermont" by Farnsworth Surveys, Drawing No. 00-898, dated September 22, 2000, revised September 28, 2000 and recorded in the Town of Weathersfield Land Records. The area that is the subject of this License is bounded on the north by lands now or formerly of Sidney S. Morse; on the east by other lands of the Licensor; on the south by the sidewalk leading from U.S. Route 5 to the Ascutney Post Office; and on the west by the Proctor Library property of the Town of Weathersfield.

The above described area shall be used by the Town solely for parking by the patrons of the Proctor Library, unless written permission for another temporary use is obtained in writing from the Licensor or her successors and assigns.

This license shall remain in full force and effect so long as the Town of Weathersfield owns the Proctor Library property. Should the property ever revert to private ownership this License shall be terminated without further action being necessary by the Grantor or her heirs or assigns.

The Licensee will be solely responsible for making improvements and maintenance necessary to the parcel so that it can be utilized for a parking area and shall make such improvements in conformance with state and local permit regulations that effect the property.

The Licensee shall hold the Licensor harmless from any claims of whatever nature made against the Licensor by any patron of the Proctor Library that arises from the use of the parking area by the Licensee.

The Licensee shall not enter upon the portion identified on the above mentioned survey as "Septic Easement for Parcel 27-2" which is located easterly of and adjacent to the license area.

Dated at Windsor, VT this 19th day of October 2005.

Jonathan L. Springer
Witness

Jill Jason
Jill Jason

STATE OF VERMONT
COUNTY OF WINDSOR, SS

At Windsor in the County and State aforesaid this 19th day of October, 2005, personal appeared Jill Jason and she acknowledged this instrument, by her sealed and subscribed, to be her free act and deed and the free.

Before me, Jonathan L. Springer
Notary Public
My Commission Expires: 2/10/07

Dated at Weatherfield this 19th day of October, 2005.

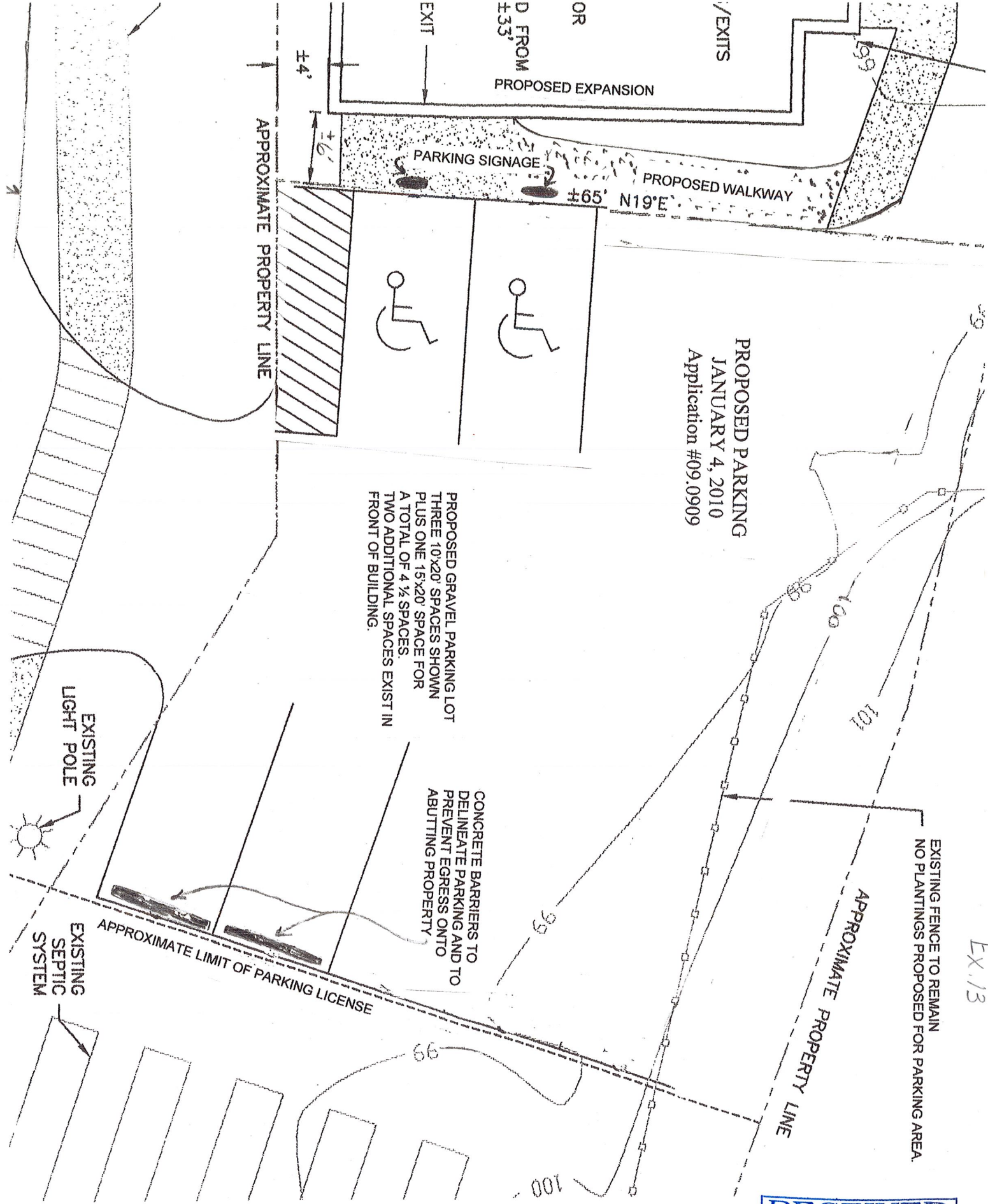
deForest Bearse
Witness

TOWN OF WEATHERSFIELD, VERMONT
BY: Laurence J. Allen
Authorized Agent

STATE OF VERMONT
COUNTY OF WINDSOR, SS

At WEATHERSFIELD in the County and State aforesaid this 19 day of October, 2005, personal appeared LAURENCE ALLEN duly authorized agent for the Town of Weathersfield, Vermont, and he acknowledged this instrument, by him sealed and subscribed, to be his free act and deed and the free act and deed of the Town of Weathersfield.

Before me, [Signature]
Notary Public
My Commission Expires: 2/10/07



PROPOSED PARKING
 JANUARY 4, 2010
 Application #09.0909

Ex. 13

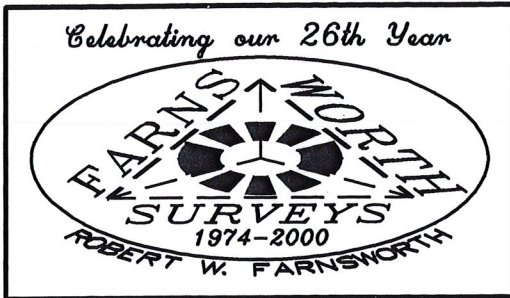
RECEIVED
 JAN 5 2010
 BY: *de J. B.*

Recorded in
T.C. office
sleeve 185B

From Farnsworth survey
#00-898 dated Sept. 22, 2000
latest revision 9/28/00

NOTES:

- THE METHOD OF SURVEY WAS WITH A LIETZ SET 4 TOTAL STATION.
- THIS SURVEY MEETS CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS.
- BOUNDARY SURVEY DATA ON THIS PLAT PROVIDE A CLOSED GEOMETRIC FIGURE.
- BEARINGS SHOWN ARE REFERENCED TO A MAGNETIC MERIDIAN AND SERVE ONLY TO DEFINE ANGULAR RELATIONSHIPS BETWEEN COURSES.
- EASEMENTS OR SERVITUDES ARE AS SHOWN OR DEEDED.
- THIS IS A RE-DRAFT OF A SURVEY ENTITLED U.U. SMALL BUSINESS ADMINISTRATION WEATHERSFIELD, VERMONT - DATED DEC. 4, 1989, DRAWING # 89-898, BY: FARNSWORTH SURVEYS
- LOT 27-1 AREA SHOWN IS AFTER PROPOSED BOUNDARY LINE ADJUSTMENT
- TOPOGRAPHIC DATA BY BRUNO ASSOCIATES (UP-DATED)



TBM 98
P53 - NGS DISK
ELEV.=412.95

Post Office

Bldg.

SIDNEY S. MORSE
P.O. BOX 234
ASCUTNEY, VT. 05030

GEORGE W., GREGORY G. & JAY F. WRAGG
P.O. BOX 100
ASCUTNEY, VT. 05030

LOT 27-2
AREA = 2.93 AC
127,971 sq.ft.
(INCLUDES RIGHT-OF-WAY
404.7

RIGHT-OF-WAY
AREA = 0.9 AC

GARY PELLERIN
P.O. BOX 376
ASCUTNEY, VT. 05030

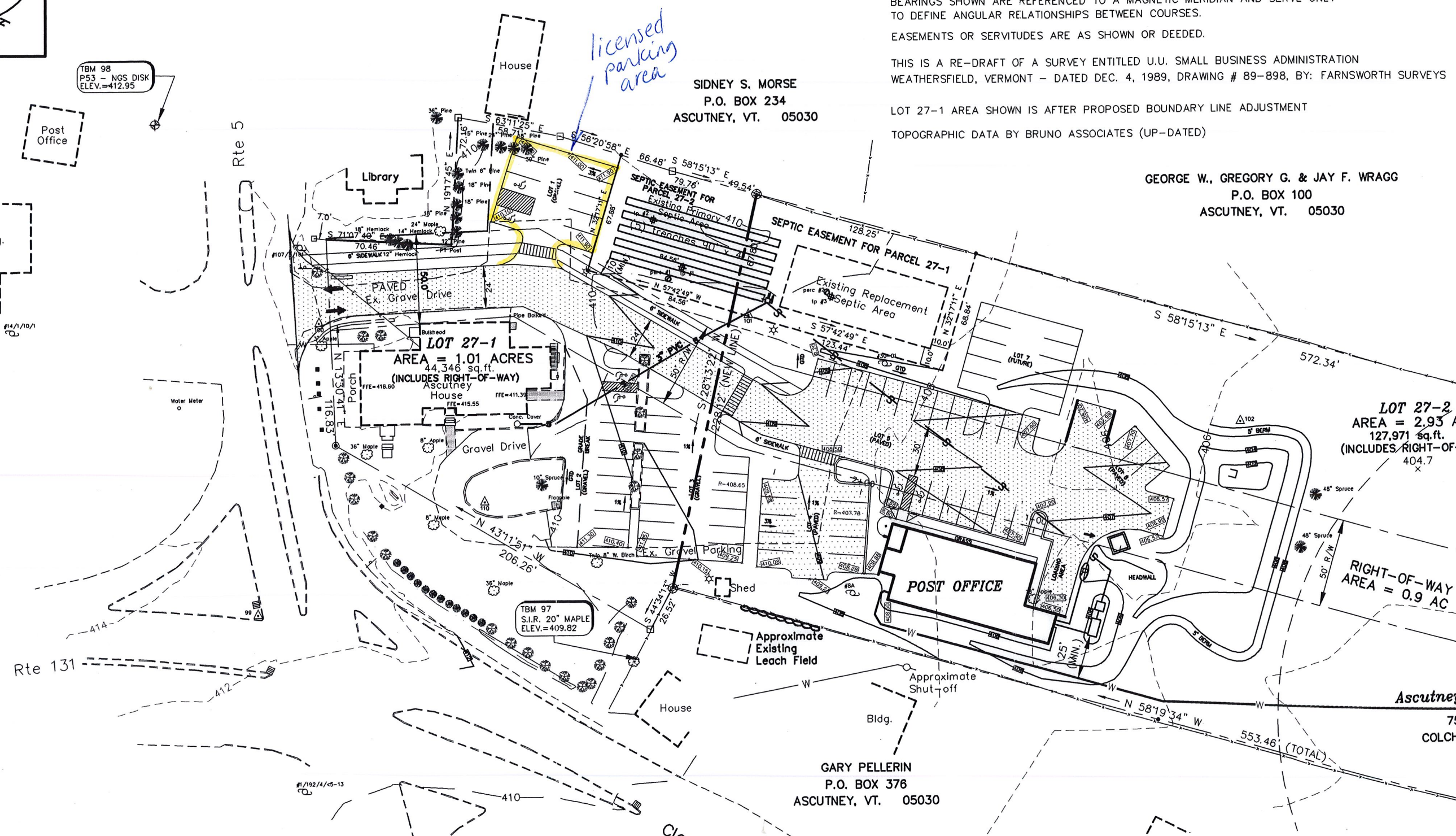
TNEY ENTERPRISES, LLC.
OF 27 VSA § 1403 ORIGINAL INKED PLAT PRODUCED BY: FARNSWORTH SURVEYS - P.O. BOX 68, BROWNSVILLE, VERMONT 05037

RT. 131

Rte 131

Rte 5

Ascutney
75
COLCHESTER



HEARING ITEM

9



Town of Weathersfield, Vermont

ZONING BOARD OF ADJUSTMENT, P.O. BOX 550, ASCUTNEY, VT 05030
(802) 674-2626

ZONING BOARD OF ADJUSTMENT

NOTICE OF DECISION

Variances

DATE: December 9, 2004

APPL #: 9.2104PZ

Dear Mrs. Cobb:

This letter is to advise you that after due notice and public hearings held on October 27 and November 10, 2004, the Weathersfield Zoning Board of Adjustment made the following decision on December 1, 2004:

To approve your request for variances on property known as the Proctor Library (tax map #5A-02-26) on Route 5 in Ascutney Village. The variances granted are for an addition to the existing library; 15 feet south side setback; 17 feet east side setback; and 4 feet on north side. The variances are granted with no conditions.

This decision is based on the Findings of Facts and Conclusions of Law given on the following pages.

Please be advised that you, or any interested party, may appeal the Board's decision to the Vermont Environmental Court within 30 days of the date of this decision in accordance with 24 V.S.A. §4471.

Respectfully,

Graham Hunter

Graham Hunter,
Chair

cc: Town Clerk
File
Bulletin Board
Listers



Town of Weathersfield, Vermont

ZONING BOARD OF ADJUSTMENT, P.O. BOX 550, ASCUTNEY, VT 05030
(802) 674-2626

Application # 9.2104PZ by Proctor Library for Variances

The Board reviewed the minutes of October 27 and November 10, 2004 and the testimony and evidence presented and determined the following to be facts:

Findings of Facts

1. The library is on a pre-existing small lot.
2. It is a conforming use on a non-conforming lot.
3. The lot was created in 1903.
4. The structure is a non-complying structure because of setbacks (the side setback is 16 feet from the property line).
5. The building is too small per standards of the American Library Association. The current building is 1200 sq. ft. Plans are to increase it to approximately 4300 sq. ft.
6. The variance being requested is 15 feet south side setback, 17 feet rear east setback. There will be no change to the front. The north side will not be closer than it is now.
7. The library is located in the village where structures are close together.
8. The library is on 1/8 acre of land.



Town of Weathersfield, Vermont

ZONING BOARD OF ADJUSTMENT, P.O. BOX 550, ASCUTNEY, VT 05030
(802) 674-2626

Application #9.2104PZ by Proctor Library for Variances

Based on the facts, evidence and testimony to the board, the board has come to the following conclusions:

Conclusions of Law

1. There are unique physical conditions peculiar to this property. The lot was created in 1903, before adoption of zoning regulations. The lot is below the minimum lot size required for the district in which it is located. The library is located in a one acre zone, but it is on an 1/8 acre lot.
2. The property cannot be developed in strict conformity with the provisions of the zoning regulations. The building does not meet current zoning setback requirements. It would be impossible to enlarge the structure to the degree necessary to meet current library standards without increasing the degree of non-conformity.
3. The unnecessary hardship has not been created by the appellant. The lot and building were given to the town in 1903, prior to the adoption of zoning regulations.
4. The variance will not alter the character of the neighborhood. The use and architecture of the existing library are compatible with the village-like setting. The proposed location, dimensions and architecture of the addition will be in harmony with the existing building and location.
5. The variance represents the minimum variance that will afford relief. A number of options were examined for this project. None of the options would avoid the need for a variance. Current standards indicate that the building should be approximately 5000 sq. ft. The existing building is approximately 1200 sq. ft. The proposed addition will increase the square footage to approximately 4300 sq. ft. This plan was selected as a design solution to meet the needs as much as possible. The design of the structure will utilize space appropriately.

HEARING ITEM

10

CHARTERED BY
NEW HAMPSHIRE
AUGUST 20, 1761

Town of Weathersfield

POST OFFICE BOX 550
ASCUTNEY, VERMONT 05030-0550

CHARTERED BY
NEW YORK
APRIL 8, 1772

Telephone: [802] 674-2626
Facsimile: [802] 674-2117

E-mail: zoning@weathersfield.org
Website: <http://www.weathersfield.org>

Planning and Zoning

28 January 2010

ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION

APPLICATION NO.: #09.0909

APPLICANT: Weathersfield Proctor Library

LANDOWNER(S): Town of Weathersfield

PROJECT LOCATION: 5181 Route 5

PARCEL(S) INVOLVED: 5A-02-26

INTERESTED PERSONS PRESENT HAVING LIBRARY BEEN HEARD: Cheryl Cox, representing the Weathersfield Proctor Chris Harris, Tod Hindinger, Jill Jason, Ernest Shand, Shawn Brown, Dana Milley, and Christina Charest

WEATHERSFIELD, VT

Town Clerk's Office
Received for record

January 28
At 2 o'clock 00 minutes P.M.
and recorded in Book Special Files Page
Attest: [Signature] ASST. Town Clerk

INTRODUCTION

On December 9th, 2004, the Zoning Board of Adjustment granted conditional use permit #09-2104PZ to the Weathersfield Proctor Library Board of Trustees for construction of an addition to the Proctor Library. The Board also granted at that time approval for a 15 foot south side variance, 17 foot east side variance, and a 4 foot north side variance to accommodate the addition on the lot. The permit was issued with conditions. Due to the fact the permit was not exercised within the first year of issuance, the permit expired, thus requiring the applicant to re-apply.

Application # 09-0909, was filed on September 9th, 2009 by the Weathersfield Proctor Library Board of Trustees for a Conditional Use Permit, Site Plan Review, and variances to the front, side, and rear setbacks to construct a 2,584 square foot addition onto the existing Library located at 5181 Route 5.

The existing structure is 12 feet from the front property line, 17 feet from the south property line, 38 feet from the rear property line, and 18 feet from the north property line, resulting in the structure being noncompliant in all but the rear setback.

According to the Site Plan submitted with the application, the proposed addition will be 39 feet from the Route 5 right-of-way; 4 feet from the south property line, 6 feet from the rear property line, and 16 feet from the north property line. The proposed parking lot would be located entirely within the abutting property (Jason property - parcel #5A-02-27), requiring the removal of existing trees and stockade fencing. Access to the parking area would be via a private right-of-way across parcel 5A-02-27. This right-of-way also serves as access to the Ascutey Post Office.

There is a License for Parking currently in effect (Exhibit 3) that reads in partial:

“The Licensor does hereby grant to the Licensee the right and privilege to enter upon lands owned by the Licensor located on U.S. Route 5 in Weathersfield, Vermont, for the purpose of utilizing a portion of the Licensor’s property for the overflow parking for the Proctors Library, so-called. The area to be covered by this license is depicted on the survey entitled “Land Surveyed for Ascutney Enterprises, LLC, Ascutney Post Office Site, Weathersfield, Vermont” by Farnsworth Surveyors, Drawing No. 00-898, dated September 22, 2000, revised September 28th...”

In keeping with the processes prescribed by applicable law and the Town of Weathersfield, Vermont Zoning Bylaws, the Land Use Administrator (hereinafter, the LUA) denied the application on the grounds that the application does not comply with the front, rear and side setback requirements. The application was referred to the Zoning Board for variances of the front, side and rear setback requirements; a conditional use permit; and site plan approval. A public hearing was scheduled for October 14th, 2009 at 7:00 PM in the Weathersfield Town Office in Ascutney.

In accordance with section 9.6 of the zoning bylaws, public notice for the required warned public hearing was given not less than 15 days prior to the date of the public hearing by all of the following:

- (1) publication of the date, place and purpose of the hearing in the local newspaper
- (2) posting of the same information in the Town Office; the Ascutney Post Office, the Perkinsville Post Office, and the Town’s website . A “Permit Notice” sign was mailed to the applicant with instructions to post the sign at the project site within view of the road right-of-way
- (3) mailing of written notification to the applicant, the landowner, and abutting property owners which included a description of the proposed project, information that clearly informed each recipient where additional information could be obtained, and that participation in this proceeding was prerequisite to the right to take any subsequent appeal

This decision was made during a deliberative session held by the Board on January 13, 2010, and is rendered here in writing. This decision is stated in the form of “Findings of Fact”, “Conclusions of Law” and the Board’s Decision. In rendering this decision, the Board relied upon the following:

1. Sworn testimony presented to the Board during the public hearings on October 14th, October 28th, December 9th 2009, and January 13th, 2010;
2. Exhibits and documents submitted in support of the application including:
 - Exhibit 1: Application Packet received September 9th, 2009, to include Site Plan dated 5/27/2009
 - Exhibit 2: Site Plan sketch of Application #09-2104PZ
 - Exhibit 3: Parking agreement dated 10/19/05
 - Exhibit 4: Act 250 Finding of Facts
 - Exhibit 5: Artist rendering of the proposed addition dated 10/28/09
 - Exhibit 6: Letter from Police Chief originally dated 8/06/09, then resubmitted with a revised date of 9/14/09
 - Exhibit 7: Letter dated December 4th, 2009 from Country Estates regarding ability to supply sufficient water to the site

- Exhibit 8: Certificate of Lighting Compliance dated November 11th, 2009 from the Weathersfield Proctor Library Board of Trustees
- Exhibit 9: Letter Dated October 29th, 2009 from Attorney Jonathan Springer, representing abutter
- Exhibit 10: Notice of Decision of Variance in 2004
- Exhibit 11: Notice of Decision on Conditional Use #09-2104PZ
- Exhibit 12: Land Use Permit #2S0636-2
- Exhibit 13: Proposed Parking Plan dated January 4th, 2010

3. Site visit conducted by Zoning Board Members and Interested Persons on October 20th, 2009

FINDINGS OF FACT

The Board determined the following to be facts for application:

- F-1 The Town of Weathersfield identifies the parcel as 5A-02-26. It is located at 5181 Route 5. The lot size is approximately 0.15 acre. It is located in the Village Zoning District.
- F-2 Town of Weathersfield Zoning By Laws currently in effect require a minimum lot size of 1 acre within the Village Zoning District.
- F-3 The property is currently owned by the Town of Weathersfield.
- F-4 The Library was constructed in 1903 prior to the adoption of the Weathersfield Zoning By-Laws and exists as a nonconforming structure on the grounds that the structure does not comply with the front and side setback requirements.
- F-5 Town of Weathersfield Zoning By Laws currently in effect require a 40 foot setback from the road right of way and 20 foot side and rear setback within the Village District.
- F-6 A public library is a Conditional Use under Town of Weathersfield Zoning By Laws Section 4.3.2(a) requiring site plan approval and a certificate of occupancy.
- F-7 Applicants estimate an additional 15-20 visitors a day with the completed addition. That number may increase to 40 for special events.
- F-8 State waste water permit WW-2-1372-1 permits building use at 40 patrons plus a maximum of 5 employees per day.
- F-9 The License for Parking neither includes nor excludes the Licensee the privilege to remove existing trees and/or existing fences. Although the License for Parking does include the clause:

“The Licensee will be solely responsible for making improvements and maintenance necessary to the parcel so that it can be utilized for a parking area...”
- F-10 According to the Act 250 Findings of Fact and Conclusions of Law #2S0636-2, there are sixty- nine (69) parking spaces available to be shared between the Ascutney House, the Post Office, and the Weathersfield Proctor Library.

The Library also has use of the Town and Country Real Estate Office parking lot on the

north side of the library building.

- F-11 Trees located within the boundaries of Weathersfield Proctor Library property will be removed for the construction of the proposed addition.
- F-12 The "Proposed Parking Plan" dated January 4th, 2010 (Exhibit 13) eliminates the need to remove trees on the abutting property to the East, and eliminates the need to remove the privacy fence to the North. This plan also eliminates the Landscaping Plan.
- F-13 Ownership of the privacy fence is unknown.
- F-14 Exhibit 1 shows a main entrance to the library on the east side of the building with a walkway to it over the parking area on the Jason property. Exhibit 13 shows the walkway on the library property.
- F-15 The 50ft-wide deeded access road through the abutting property to the post office is maintained by the Post Office.
- F-16 Plowing of the existing off road parking to the West of the existing library building is plowed and maintained by the Town of Weathersfield Highway Department.
- F-17 The Police Department has no objections to the proposed amendment. At the time of the application, there was no response from the Fire Department.
- F-18 The abutting property owner and licensor, Jill Jason, objects to the library:
- removing the privacy fence;
 - cutting trees or brush from the licensed parking area;
 - delineating parking spaces in any way;
 - paving or re-surfacing the licensed parking area;
 - installing any lighting or signage in the licensed parking area;
 - installing any drainage devices or improvements in the licensed parking area; or
 - making any changes or improvements to the licensed parking area of any kind.
- F-19 Section 6.14.3 of the Weathersfield Zoning Bylaws requires 1 parking space for every 400 sq. ft. of building floor space. An addition of 2584 sq. ft. would therefore require 6.46 parking spaces, including at least one handicapped parking space.
- F-20 The applicants assert that the addition is necessary to comply with the American Library Association standards.

CONCLUSIONS OF LAW

Variance

For the Board to approve any request for a variance, State Law requires that the Board shall find that five specific facts are found to exist as prescribed in Section 9.4.1 of Town of Weathersfield Zoning By Laws. In summary, these five criteria are as follows:

1. that there are unique physical circumstances that exist that create the hardship;
2. that because of the physical circumstances, there is no possibility that the property can be developed in strict conformity with the Bylaw;
3. that the unnecessary hardship was not created by the Appellant;
4. that the variance, if authorized, shall not alter the essential character of the neighborhood, or impair the appropriate use of adjacent property; and lastly,

5. that the amount of relief granted shall be the minimum variance that will afford relief, and represent the least deviation possible from the Bylaw and from the plan.

Criteria 1: Unique Physical Circumstances.

C1. The Zoning Board of Adjustment concluded that the lot on which the library is located is a pre-existing nonconforming small lot. The existing building does not comply with the setback requirements required in the Village Zoning District.

Criteria 2: Impossibility to Develop.

C2. The Board concluded that the property cannot be developed in strict conformity with the Town of Weathersfield Zoning By Laws. It would not be possible to enlarge the existing structure to the square footage necessary to meet the current standards of the American Library Association without increasing the degree of non-conformity.

Criteria 3: Appellant Did Not Create Hardship.

C3. The Board concluded that the Applicants are free of any responsibility in regards to the creation of the condition. The parcel was given to the town in 1903, prior to the adoption of Zoning By Laws.

Criteria 4: Character of the Neighborhood.

C4. The Board concluded that granting the variance would not create an undue adverse affect on the essential character of the Village neighborhood in which the library is located. The architecture is compatible with the surrounding structures.

Criteria 5: Minimum Variance.

C5. The Board has concluded that the facts support the statutory requirements for considering a variance.

CONCLUSIONS OF LAW

Conditional Use

- C6. Zoning Board of Adjustment concludes that the proposed use is a Semi Public use as prescribed in the Town of Weathersfield Zoning By Laws Section 4.3.2(a).
- C7. The Board concluded that the proposed addition shall not result in an undue adverse effect on the capacity of existing or planned community facilities, in particular; police, fire, water, sewer, schools, power, roads, and recycling
- C8. The Board concluded that the proposed addition shall not result in an undue adverse effect on the character of the area affected as defined by the purpose or purposes of the zoning district within which the project is located.
- C9. The Board concluded that the proposed addition shall not result in an undue adverse effect on traffic on roads and highways in the vicinity.
- C10. The Board concluded that the proposed addition shall not result in an undue adverse effect on bylaws and ordinances now in effect.
- C11. The Board concluded that the proposed addition shall not result in an undue adverse effect on utilization of renewable energy resources.
- C12. The Board has concluded that the proposed addition is compliant with the Weathersfield Town Plan and Land Use Policies contained therein.
- C13. The Licensor (Jill Jason) of the License for Parking did not appeal permit #09.2104PZ,

dated December 9th, 2004; resulting in the parking requirement as final and binding upon all assigns and successors in interest.

DECISIONS OF THE BOARD

On January 13, 2010, at a deliberative session of the Zoning Board, and based on the foregoing findings of fact and conclusions of law, a motion was made, seconded and unanimously voted that the Zoning Board of Adjustment:

- (a) approves the Site Plan associated with application #09.0909, with conditions
- (b) grants approval of application #09.0909 for the following variances:
 - * The front setback is reduced from 40 feet to 39 feet;
 - * the south side setback is reduced from 20 feet to 4 feet;
 - * the rear setback is reduced from 20 feet to 6 feet; and
 - * the north side setback is reduced from 20 feet to 16 feet; and
- (c) grants approval of application #09.0909 for a Conditional Use Permit with conditions.

CONDITIONS

1. The applicant shall submit a Site Plan that illustrates the boundaries that comply with the terms of the Parking Agreement (Exhibit 3), and that excludes any delineation of parking spaces. *Rec'd 2-18-2010 (d.F.B.)*
2. Handicap Parking shall be provided in compliance with Section 6.14.4(a) of the Town of Weathersfield Zoning By Laws in effect at the date of this Decision, to include compliance with American with Disabilities Act and any revisions thereto.
3. A Certificate of Occupancy is required in accordance with Section 7.2 of the Town of Weathersfield Zoning By Laws.
4. The applicant shall manage storm water during the construction of the proposed addition as prescribed in the Low Risk Site Handbook and shall maintain said storm water management provisions until vegetation has become permanently established.
5. Lighting shall comply with Section 7.2.0 of Town of Weathersfield Zoning By Laws.
6. All Conditions within the Parking Agreement (Exhibit 3) will remain in effect.
7. The project must be completed as shown on the application and revised site plan and in accordance with the testimony and evidence presented to the Board during the hearing.
8. Any modifications the Site Plan must be submitted to the Town of Weathersfield Zoning Administrator.

Appeals from decisions of the Zoning Board of Adjustment shall be taken to the Vermont Environmental Court in accordance with the requirements of Title 24, Chapter 117, of the Vermont Statutes Annotated, and The Vermont Rules of Civil Appellate Procedure.

Dated at Weathersfield, Vermont, this 28th day of January 2010.



David Gulbrandsen, Vice Chair
Zoning Board of Adjustment

BOARD MEMBERS PARTICIPATING IN THIS DECISION:

Ted Goddard , Westley Hazeltine, and Barbara Ingalls

HEARING ITEM

11

Town of Weathersfield

PO Box 550, Ascutney, Vermont 05030-0550

ZONING BOARD OF ADJUSTMENT NOTICE OF DECISION

Date: August 26, 2015

Application # 08.01.15

Applicant: Weathersfield Proctor Library
PO Box 550
Ascutney, VT 05030

Landowner: Town of Weathersfield
PO Box 550
Ascutney, VT 05030

Location: 5181 US Route 5
Weathersfield, VT 05030

Parcels: 5a-02-26

Interested Persons:
Ernie Shand, Proctor Library Trustees Chair

Introduction

Application #08.01.15 was filed by the Town of Weathersfield for the construction of a new restroom that will expand the existing building by 8 x 14 or 112 square feet and the relocation of a walkway (handicap access) from the west side of the building to the north side.

Zoning Board of Adjustment members independently visited the site two weeks prior to the public hearing. The public hearing was held at 7:00pm, Wednesday, August 26, 2015 in the Weathersfield Town Offices. The following Zoning Board of Adjustment members participated in the public hearing: Betty Brooks (Clerk), Kevin Christie, Willis Wood (Chair), and Carl Wyman.

In accordance with Section 9.6.1 of the Weathersfield Zoning Bylaws, all public notice requirements were met.

This Notice of Decision is produced by the Zoning Board of Adjustment. The Decision is presented in three separate sections called; *Findings of Fact*, *Conclusions of Law*, and *Decision of the Board*. In making its decision, the Zoning Board of Adjustment relied upon the testimony from Town of Weathersfield officials and interested persons as well as the exhibits listed below.

Exhibit 1: Application, NBF Architects Site Plan Sheets 1 and 2

802.674.2626 | landuse@weathersfield.org

- Exhibit 2: Technical memorandum from the Land Use Administrator
Exhibit 3: Summary of Public Hearing Notifications

These exhibits have been filed with the Town Clerk's offices and are available for viewing in the land use records.

Findings of Fact

- F1. Parcel #5a-02-26 is .15 acres in total size. It is located at 5181 US Route 5. It is located in the Village Zoning District.
- F2. Under the provisions of Section 4.3.2(a) of the Weathersfield Zoning Bylaws, a library is allowed as a Conditional Principal Use and requires a conditional use and site plan review.
- F3. The Town of Weathersfield Zoning Bylaws requires a minimum lot size of 1 acre within the Village Zoning District. The Library was constructed in 1903 and the .15 acre lot is a preexisting non-conforming lot that was created prior to establishment of the Weathersfield Zoning Bylaws.
- F4. The building addition cannot be built without requiring a 10 foot variance to the 20 foot side setback requirement. The Variance criteria are under Section 9.4.1 of the Weathersfield Zoning Bylaws.
- F5. The library requires a functional and handicap accessible restroom. The existing library restroom is not ADA compliant and cannot handle the capacity needs for library patrons. To meet the requirement of providing restrooms for library patrons, the library has installed a portable restroom outside the building. There is no suitable space within the current building to provide a handicap accessible bathroom. Under the Zoning Bylaw definition for setbacks, structures added to existing buildings to provide access to the disabled or handicapped are not required to meet setback requirements.
- F6. The library will remove the existing wooden access ramp and rehabilitate the existing stair entrance to the library. The handicapped accessible walkway will be located to the north side of the building and will use the bathroom area for alternative building access. Based on Section 9.2.2 Exemptions, the building access way does not require a permit and as defined in Section 8.0 Definitions, Setback is defined to exclude ramps and walkways from meeting setback requirements.
- F7. The purpose of the 4 foot building eave is to extend the roof over the walkway for general walkway safety and preventing roof snow accumulation around the side entrance way. The extension of the roof eaves moves the buildings footprint north by 4 additional feet. The extension of the roof eave allows a building light to be installed that is fully shielded. The light is not shown on the plans, but is anticipated to be installed as part of the project.
- F8. The addition of a handicap accessible restroom or a walkway will not alter library patronage, traffic generation rates, parking requirements, or any other uses of the library.
- F9. The Weathersfield Police Department, Ascutney Fire Department, Weathersfield Highway Department, and Ascutney Fire District have no concerns with the project as presented.

Conclusions of Law

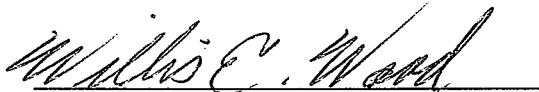
- C1. Based on Section 9.4.1 Variance Criteria, there is no possibility this property could be altered or expanded in strict compliance of the Weathersfield Zoning Bylaws without requiring a variance of setback requirements. The proposed variance does not result in an undue adverse effect on the essential character of the village neighborhood in which the library is located.
- C2. The Zoning Board of Adjustment concludes that the addition of handicap accessible restroom and access way shall not result in an adverse impact to public infrastructure or community facilities. The Zoning Board of Adjustment concludes the proposed additions are compliant with the Weathersfield Town Plan and land use regulations.
- C3. Based on Section 4.3.2(a), a Certificate of Occupancy is required. It is unlawful to use or occupy the building addition until reviewed and approved by the Zoning Administrator.

Decision of the Board

On September 1, 2015, at a deliberative session of the Zoning Board of Adjustment, and based on the findings of fact and conclusions of law, the Zoning Board of Adjustment grants approval of application #08.01.15 with the following conditions.

- a. A variance, reducing the north side setback from 20 feet to 10 feet, is approved. The variance only applies to the building expansion.
- b. The library maintains an active state waste water permit that meets all the requirements of the Vermont Department of Environmental Conservation's permitting process.
- c. Modifications to the Site Plan must be submitted to the Town of Weathersfield Zoning Administrator. Modifications to the building restroom and handicap ramp expansion are permissible if such changes do not change the use or further encroach upon the north side setback variance.

Dated at Weathersfield, Vermont this 1st day of September 2015.



Willis Wood, Chair
Weathersfield Zoning Board of Adjustment

Board members participating in this Decision: Betty Brooks (Clerk), Kevin Christie, Willis Wood (Chair), and Carl Wyman.

An interested person who participated in the Zoning Board of Adjustment's proceeding may appeal this decision to the Vermont Environmental Court. Pursuant to 24 V.S.A. §4471, such appeal must be taken within 30 days of the date of this decision.

Zoning Permit Application
 Use this common application form for all zoning permit applications.

Weatherfield Planning and Zoning
 PO Box 550 Ascutney VT 05030
 landuse@weatherfield.org 802-674-2626
 www.weatherfield.org

Project Location Address: 5181 US Route 5
(use street name only, if E911 address has not been assigned)

Applicant name: Ernest W. Shand Property Owner Ernest W. Shand
Weatherfield Proctor Library (if different from applicant)

Postal address: PO Box 519 Postal address: _____

City, St, Zip: Ascutney VT 05030 City, St, Zip: _____

Day or cell phone: 802 674 5021 Day or cell phone: _____

Email: shand@myfairpoint.net Email: _____

Signature: [Signature] Signature: _____

Project Description (site plan attached): Building addition for handicap accessible restroom and access way

Estimated lot size (acres): .15 Estimated Construction Cost: _____
(Estimate includes time and materials)

Existing square footage: _____ Additional square footage: _____
(if applicable) (if applicable)

Are you proposing work within the public right of way? Yes No

Town roads - applicants need prior approval from the Highway Superintendent
 State highways - please attach the Vermont Agency of Transportation letter of intent to this application

Please attach a copy of Vermont's wastewater system and potable water supply permit (if applicable)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed by the Land Use Administrator and/or referred to the Zoning Board of Adjustment. If the application needs to be sent to the Zoning Board of Adjustment, the Land Use Administrator will work with you to collect the additional information that is required. Please ask for assistance if you have any questions or desire help filling out this application. Applicants are always encouraged to visit the Planning and Zoning Office at Martin Memorial Hall, 5259 US Route 5, Ascutney, VT. All permit decisions are subjected to a 15 day public appeal period. If there are no appeals made, the zoning permit becomes official.

Office use only:	Type of review required	Zoning permit#: <u>080115</u>
Date received: <u>1 August 2015</u>	<input type="checkbox"/> Administrative	Decision: _____ <small>(see attached documentation)</small>
Zoning district: <u>Village</u>	<input checked="" type="checkbox"/> Zoning Board of Adjustment	Zoning Fee: \$ <u>waived</u>
Parcel ID#: <u>5A-02-26</u>	<input type="checkbox"/> Conservation Commission	Recording Fee: \$ <u>waived</u>
Frontage: <u>N/A</u>	<input type="checkbox"/> Flood Hazard / Agricultural Soils	Appeal by date: _____

Conditional Use, Site Plan, and Variance Review - Zoning Application Summary

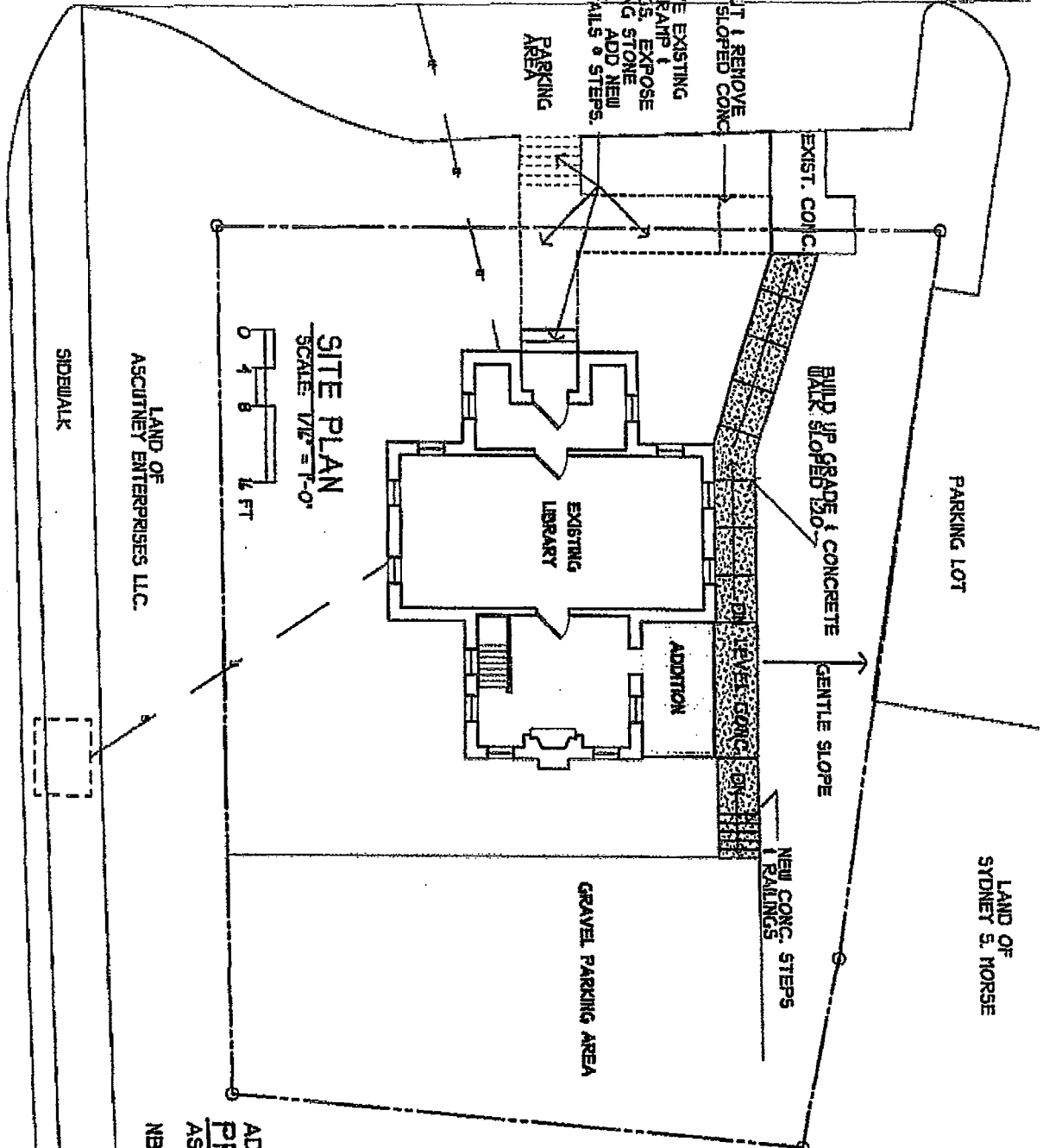
The Weathersfield Proctor Library wants to install a handicap accessible restroom and walkway. The current restroom is not ADA compliant and cannot be safely used by our library patrons. We will install a new 8 x 12 restroom that will also have the side handicap entrance/egress. The restroom meets all current ADA standards.

The wooden access ramp in the front will be removed with the original stone stairs and metal railings cleaned up and/or restored. The new concrete walkway will be at grade connecting the front, side entrances with the side and rear parking lots.

NBF Architects prepared a site plan, a floor plan, and a conceptual rendering of the restroom and access way.

LAND OF DONALD J. & PATRICIA G CHABOT

LAND OF SYDNEY S. HORSE



REMOVE EXISTING WOOD RAMP & RAILINGS. EXPOSE EXISTING STONE STEPS. ADD NEW HANDRAILS & STEPS.

BUILD UP GRADE & CONCRETE

GENTLE SLOPE

NEW CONC. STEPS & RAILINGS

PARKING AREA

LAND OF ASCUTNEY ENTERPRISES LLC.

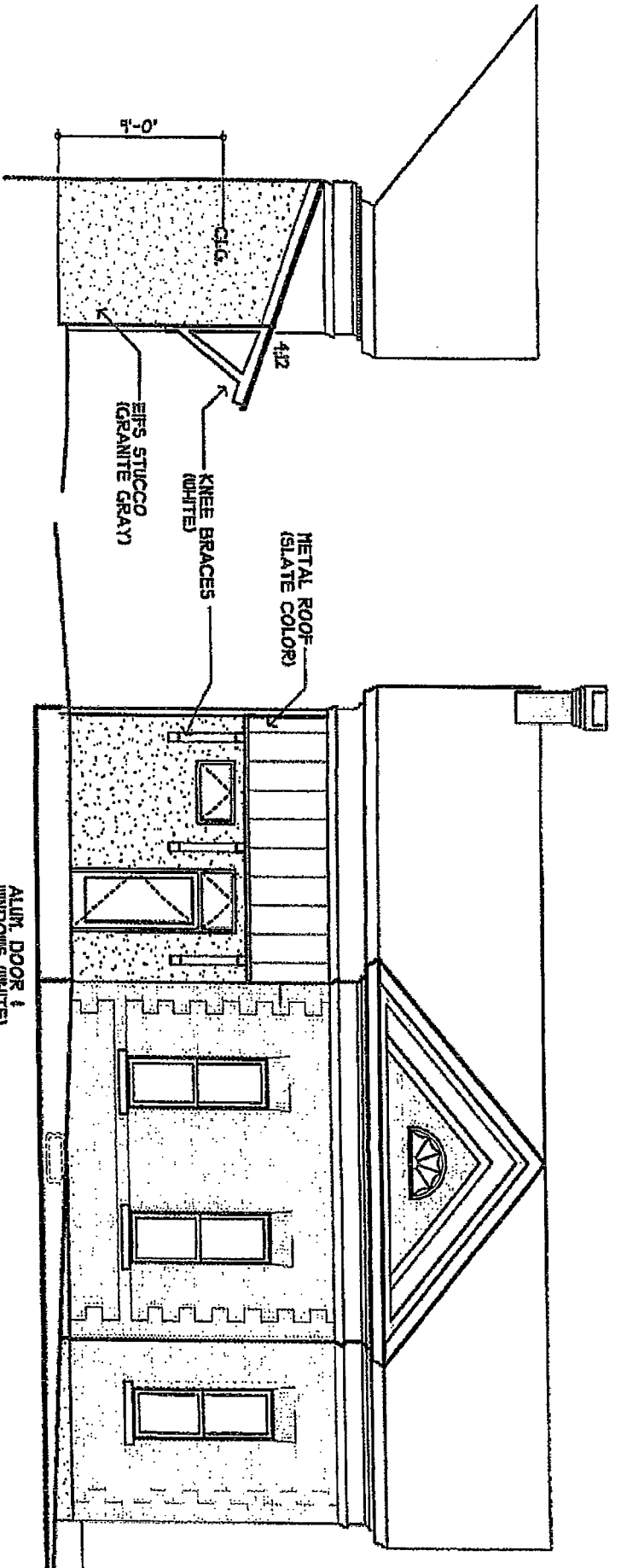
SITE PLAN
SCALE 1/4" = 1'-0"



LAND OF ASCUTNEY ENTERPRISES LLC.

SIDEWALK

ADDITION TO THE PROCTOR LIBRARY
ASCUTNEY, VERMONT
NBF ARCHITECTS 6/25/15

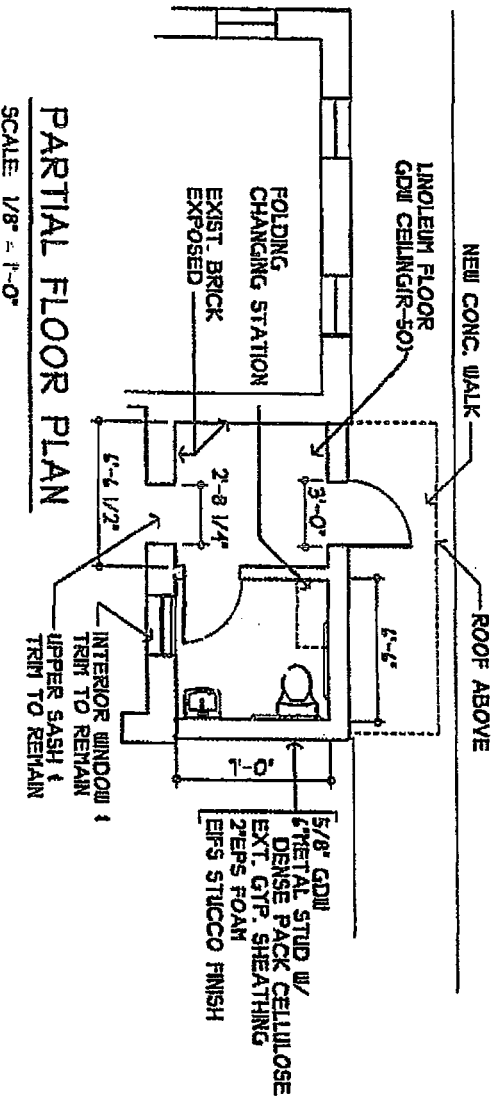


EAST ELEVATION

SCALE: 1/8" = 1'-0"

NORTH ELEVATION

SCALE: 1/8" = 1'-0"



PARTIAL FLOOR PLAN

SCALE: 1/8" = 1'-0"



ADDITION TO THE
PROCTOR LIBRARY

ASCUTNEY, VERMONT

NBF ARCHITECTS 6/25/15

EXHIBIT #2: Technical Memorandum from the Land Use Administrator

August 10, 2015

The Weathersfield Proctor Library falls in the Village Zoning District. The existing building and .15 acre lot pre-date the establishment of Weathersfield Zoning Bylaws.

Section 4.2 of the Weathersfield Zoning Bylaws imposes restrictions on how a community facility can be regulated. Of these criteria, only the setbacks are relevant to the proposed project.

Section 9.4 of the Weathersfield Zoning Bylaws outlines the criteria for granting variances. Only the Zoning Board of Adjustment has the authority to grant variances based upon criteria outlined in the bylaws and commented upon here.

- The building is located on a .15 acre parcel that is well below the 1 acre minimum required by the village zoning district.
- There are no practical options for expanding the library (a historic building) and to remain within the current property setbacks.
- Proctor Library has not created this hardship.
- Providing a variance will not negatively impact the essential character of the village nor will it restrict land development on abutting parcels.
- The proposed variance is the minimum amount required to add a handicap accessible bathroom.

While not specifically part of the variance criteria, the proposed expansion does not 'increase the problem.' A portion of the historic building already violates the property setback and the addition simply creates a greater percentage of building on that line.

It is the opinion of the Land Use Administrator that a setback variance can be granted by the Zoning Board of Adjustment.

Special Note

Mr. Ernest Shand is the duly authorized representative from the Weathersfield Proctor Library. We will maintain a copy of the July 16, 2015 Meeting Minutes where the full board of Library Trustees voted unanimously to have Mr. Shand represent the library for the zoning permit process.

To: Zoning Board of Adjustment meeting – Abutters Notice
From: Chuck Wise, Town of Weathersfield
Date: August 10, 2015
RE: **Weathersfield Zoning Board of Adjustment Public Hearing – Proctor Library**

In accordance with Vermont State Law and the Weathersfield Zoning Bylaws, a public hearing is required for site plan and conditional use reviews. The Town must warn that public hearing by publishing a notice in the newspaper, advertising the notice in 3 public spaces, and **mailing a public hearing notification to all project abutters**. Participation in the public hearing is a prerequisite to the right to take any subsequent appeal.

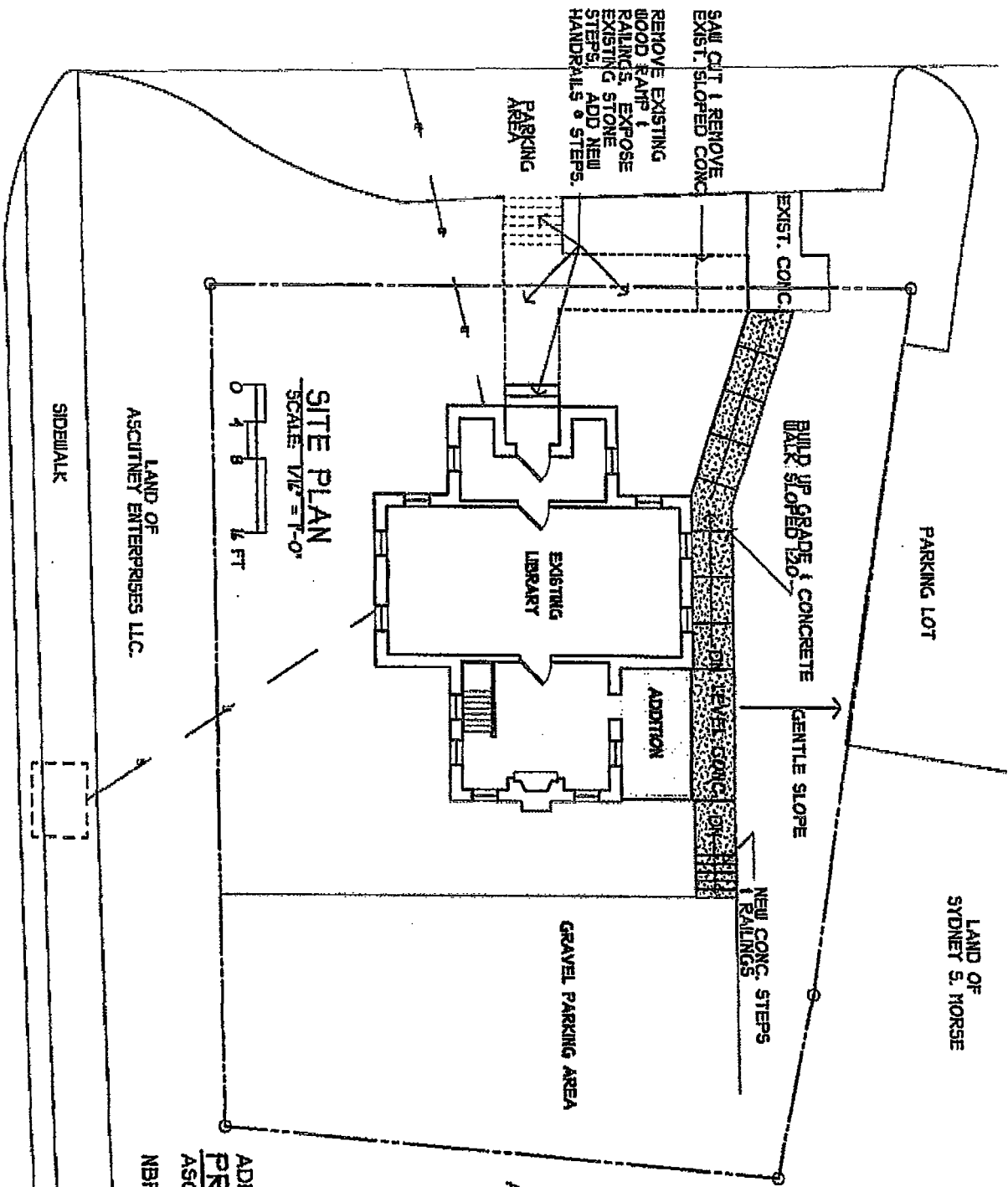
Weathersfield Zoning Board of Adjustment Public Hearing
7pm, Wednesday, August 26, 2015
Weathersfield Town Offices, Martin Memorial Hall, 5259 US Route 5

The Weathersfield Proctor Library wants to install a handicap accessible restroom and walkway. The current restroom is not ADA compliant and cannot be safely used by our library patrons. The library proposes installing a new 8 x 12 restroom that will also have full handicap entrance/egress. The restroom meets all current ADA standards. The wooden access ramp in the front will be removed with the original stone stairs and metal railings repaired. The new concrete walkway will be at grade connecting the front, side entrances with the side and rear parking lots. A copy of the building plan is appended to the second page of this memorandum.

A copy of the application as well as additional information may be obtained by emailing the Land Use Administrator at landuse@weathersfield.org. Written input on the application can be received via email until Close of Business, Wednesday, August 26, 2015.

LAND OF
DONALD J. & PATRICIA G. CHABOT

LAND OF
SYDNEY S. MORSE



REMOVE EXISTING
WOOD RAMP 1
RAILINGS, EXPOSE
EXISTING STONE
STEPS, ADD NEW
HANDRAILS & STEPS.

SAW CUT & REMOVE
EXIST. SLOPED CONC.

BUILD UP GRADE & CONCRETE
BANK SLOPED 1:20.

GENTLE SLOPE

NEW CONC. STEPS
& RAILINGS

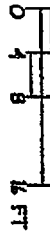
PARKING
AREA

PARKING LOT

GRAVEL PARKING AREA

LAND OF
ASCUTNEY ENTERPRISES LLC.

SITE PLAN
SCALE 1/8" = 1'-0"



LAND OF
ASCUTNEY ENTERPRISES LLC.

SIDEWALK

ADDITION TO THE
PROCTOR LIBRARY
ASCUTNEY, VERMONT
MBF ARCHITECTS 4/25/15

HEARING ITEM

12



Town of Weathersfield, Vermont

Zoning Board of Adjustment, P.O. BOX 550, ASCUTNEY, VT 05030
Martin Memorial Hall, 5259 US Route 5
Telephone: (802) 674-2626 Fax: (802) 674-2117
Email: zoning@weathersfield.org
Website: <http://www.weathersfield.org>

Zoning Board of Adjustment NOTICE OF DECISION

Application for a Variance

March 31st, 2017



Doc ID: 000022840006 Type: ZON

File **05-0226**

Application No.: #ZBA-16-11-01
Applicant: Town of Weathersfield Proctor Library
Landowner(s): Town of Weathersfield, VT
Project Location: 5181 Route 5, Ascutney VT
Parcel(s) Involved: 5A-02-26.

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a Side Setback Variance submitted by the Town of Weathersfield Proctor Library under the Town of Weathersfield, Vermont Zoning Bylaws.
2. The application was received by the Land Use Administrator on November 1st, 2016
A copy of the application is available at Weathersfield Town Office.
3. Notice of a public hearing was published in the Valley News.
4. Notice of a public hearing was posted at the following places:
 - a. The municipal clerk's office.
 - b. Town of Weathersfield VT Website
 - c. Proctor Library web site and bulletin board
 - d. Ascutney and Downers Post Offices
5. A copy of the notice of a public hearing was mailed to abutting property owners.
6. The application was considered by the Zoning Board of Adjustment at a public hearing on March 22nd, 2017. The Zoning Board of Adjustment reviewed the application under the Town of Weathersfield Zoning Bylaw, as amended October 21st, 2013

7. The following members of the Zoning Board of Adjustment were present at the public hearing:
 - Willis Wood
 - Dave Gulbrandsen
 - Carl Wyman
 - Betty Brooks
 - Ethan McNaughton

8. At the outset of the hearing, the Zoning Board of Adjustment afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that subsection are met. The Zoning Board of Adjustment granted interested person status to the following persons:
 - Nancy Nutile-McMenemy
 - Ernest Shand
 - Mark Richardson
 - Roderick Bates

All interested parties were sworn in by the Zoning Board Chair at the beginning of the public hearing.

Persons present not wishing to achieve status as an interested person:

- Jim Cahill

9. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:
 1. Exhibit #1: Application #ZBA-16-11-01
 2. Exhibit #2: Non dated, Non Entitled Proctor Library Site Plan
 3. Exhibit #3: Multi colored Architectural rendered proposed addition images
 4. Exhibit #4: NBF architects Site Plane dated 2/21/17 (3) pages
 5. Exhibit #5: Letter from the State of Vermont dated 10/20/05. Subject Line: Re: Land use Permit #2S0636-2
 6. Exhibit #6: License for parking spaces agreement dated 10/19/05
 7. Exhibit #7: Notice of Zoning Board of Adjustment Decision of Application #09.0909 dated 28 January 2010
 8. Exhibit #8: Notice of Zoning Board of Adjustment Application Decision of Application #08.01.15 dated August 26, 2015.

These exhibits are available for review at the Weathersfield Town Office.

10. A site visit was conducted by the Zoning Board on March 23rd, 2017 at 6:30 pm with the following people present:
 - Nancy Nutile-McMenemy
 - Betty Brooks
 - Willis Wood
 - Ernest Shand
 - Mark Richardson
 - Roderick Bates
 - Carl Wyman
 - Ethan McNaughton
 - David Gulbrandsen

FINDINGS

Based on the application, testimony, exhibits, and other evidence the Zoning Board of Adjustment makes the following findings:

1. According to the Land Use Administrator and the Weathersfield Zoning Bylaws, the application requires review under the following sections of the Town of Weathersfield Zoning Bylaw:
 - Section 4.3.2(a) Village District.
 - Section 9.4 Variance
 - Section 9.6 Public Hearings
2. The applicant seeks a zoning permit for the construction of a 16ft x 16 ft addition to the South side of the existing Town of Weathersfield Proctor Library located at 5181 VT Route 5. The property consists of the accumulation of +/- .15 acres in the Village (V) Zoning District, tax map parcel No. 5A-02-26.
3. Town of Weathersfield Zoning By Laws currently in effect require a minimum lot size of 1 acre within the Village Zoning District.
4. Town of Weathersfield Zoning By Laws currently in effect require a 40 foot front setback from the road right of way, 20 foot side and 20 foot rear setback.
5. The Proctor Library was constructed in 1903 prior to adoption of the Weathersfield Zoning By Laws. The Library currently exists as a non-conforming structure on the grounds that the structure does not comply with the front and side setbacks.
6. The applicant stated the deed restrictions on the property are such that if the structure were to stop being used as a library, the structure and property would revert back to the family of the original donor.
7. The proposed addition would result in an additional non-conformance to the south side setback of 5 feet.
8. The applicant seeks the proposed addition so that the Proctor Library may serve the growing needs of the community. Often the capacity is reached during scheduled community events and meetings.
9. The proposed addition will allow separation between adult and children activities within the library.
10. The proposed addition will allow administration activities to relocate to the basement, resulting in additional space for library activities
11. Permits existing on the site
 - #09.0909 dated 28 January 2010 for the construction of a new restroom and relocation of handicap access (Exhibit #7)
 - Application #08.01.15 dated August 26, 2015. for the construction of a 2,584 square foot addition (Exhibit #8)

12. The Proctor Library become ADA compliant as a result of Application #09.0909, the addition of the handicap access and relocation of the restroom.
13. The applicant testified the existing stairway access to the basement is steep and poorly lit, considered to be non-compliant.
14. The applicant testified proposed addition includes a compliant stairway access to the basement. The proposed addition basement will adjoin the existing basement.
15. The applicant testified that the existing Proctor Library basement cannot be occupied due to the absence of a direct exit to the exterior. The proposed addition will include a direct exit from the basement to the exterior, as a result, the existing basement may be utilized.
16. An addition to the rear (East) of the pre-existing structure would not allow for the space required to separate the adult and children activities.
17. An addition to the rear (East) of the pre-existing structure would encroach on the rear (East) setback and eliminate a portion of on site parking.
18. The Site Plan, Exhibit #2, does not illustrate the following:
 - Location of parking

CONCLUSIONS

In conformance to the Town of Weathersfield Zoning By Laws in effect on this date, Section 9.4.1, in order to grant a variance, the Board shall find that five specific facts are found to exist. In summary, these five criteria are as follows:

1. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or physical condition peculiar to the particular property, and that unnecessary hardship is due to the conditions and not the circumstances or conditions generally created by the provisions of these regulations in the neighborhood or district in which the property is located;

Conclusion 1: Parcel #5A-02-26 is a pre-existing small lot of +/- .15 acres. Restrictions in the library deed limit the use of the structure as a library.

2. Because of the physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions or these regulations and that the authorization of a variance if necessary to enable reasonable use of the property

Conclusion 2: The premises constitute a small lot which pre-existed the zoning bylaws. The Town's usage of the property is limited by deed conditions also predating the zoning by-laws which limit the usage of the premises to that of a public library. The development is needed to enable the reasonable use of the property as a current day library.

Conclusion 3: The Proctor Library pre-exists as a non-conforming structure and lot size prior to the adoption of the Town of Weathersfield By Laws. The Board concluded that the Appellant is free of any responsibility in regards to the creation of the condition

3. The variance, if authorized, shall not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to the renewable energy resources, or to be detrimental to the public welfare

Conclusion 4. The Board concluded that the proposed project will not have an undue adverse effect on the character of the area as defined by specifically stated policies and standards of the municipal plan, the Proctor Library is pre-existing and there are several structures in close proximity to the site that are of similar size and character

4. The variance, if authorized will represent the minimum that will afford relief and will represent the least deviation possible from the regulations and from the plan

Conclusion 5: The Board has concluded that Exhibit #4 (Option B) defines the minimum variance required to install a stairway and landing that is compliant


Conclusion 6: In accordance to Weathersfield Zoning Bylaws Section 6.2.1: “Lots in individual and separate and nonaffiliated ownership from surrounding properties in existence on the effective date... (of the bylaws) may be developed for the purposes permitted in the district in which they are located, even though not conforming to the minimum lot size requirements...”

DECISION AND CONDITIONS

On March 28th, 2017, at a deliberative session, and based on the foregoing Findings of Fact and Conclusion of Law, the Zoning Board of Adjustment by unanimous vote of the members approve the application #ZBA-16-11-01 subject to the following conditions:

- 1) The project shall be completed as shown on application No. ZBA-16-11-01 and as depicted on Exhibit #4 (Option B).
- 2) The Applicant is to amend the site plan to illustrate the following:
 - a. Pre-Existing Front and Rear Setbacks
 - b. Parking
 - c. Designated Handicap Parking
- 3) The Applicant is to install proper signage indicating direction and location of overflow parking
- 4) A Certificate of Occupancy must be obtained before the proposed addition can be occupied
- 5) Any deviation from the permit shall constitute a violation of the permit and the Land Use Administrator will be required to take enforcement action to correct the violation.

Dated at the Town of Weathersfield, Vermont, this 31st day of March, 2017



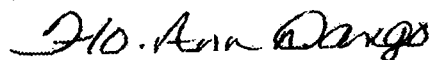
David Gulbrandsen, Chair

Zoning board members participating in this decision:

- Dave Gulbrandsen
- Willis Wood
- Carl Wyman
- Betty Brooks
- Ethan McNaughton

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/Zoning Board of Adjustment/development review board]. 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.

Received for Record at Weathersfield, VT
On 04/05/2017 At 10:00:00 am



RECEIVED

APR 05 2017

WEATHERSFIELD, VT
TOWN CLERK

John Ann Dams
Town Clerk

AGENDA ITEM

6

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.

5.1.2 Site Plan Review

Applications shall include the following:

- 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:** Consisting of one or more sheets, clearly and legibly drawn. Sheets shall be at a minimum 18 inches by 24 inches, or larger at the request of the Zoning Board of Adjustment, and must illustrate the following: (The degree of detail to be determined by the Zoning Board of Adjustment.)
 - 1) Name of project;
 - 2) Name and address of applicant and property owner;
 - 3) Name and address of person or firm who prepared Site Plan (if other than applicant);
 - 4) Date drawn and date of latest version (if any);
 - 5) North arrow and scale;
 - 6) Vicinity map showing the site within the Town and Zoning District;
 - 7) Boundaries, dimensions, and total area of the lot drawn to appropriate scale;
 - 8) Existing buildings, wells, highways, and publicly owned property, all within 1/8 mile of the property boundary;
 - 9) Existing and proposed contour lines (two foot minimum), existing wetlands, bodies of water, and other prominent physical section and elevation;
 - 10) Existing and proposed building footprints (with setbacks) located on the lot showing the location of all entrances and loading docks and building heights;
 - 11) Proposed vehicular and pedestrian circulation, parking, off street parking, and points of access to the public right-of-way;
Landscaping plan showing quantity and type of plants to be used to provide screening and integration with the adjacent property and/or to enhance the appearance of the proposed development;
 - 12) Existing and proposed location of wells and septic systems, including connection to public facilities;
 - 13) Location of existing and proposed utility system;
 - 14) Location and type of all outside lighting;
 - 15) Where applicable, the location and size of water storage to be used for firefighting;
 - 16) Drainage and runoff plan;
 - 17) Location of critical wildlife habitat;
 - 18) Evidence of review of the 1992 Biological Natural Areas of Weathersfield, Vermont survey and map(prepared by Elizabeth H. Thompson) to identify any potential disturbances or threats; and
 - 19) Any other items as identified by the Zoning Board of Adjustment, including a traffic impact study in accordance with the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).

5.2 Site Plan Review

In accordance with 24 V.S.A. Sect. 4416, for any use other than a one- or two- family dwelling, and where indicated in the bylaws, the approval of site plans by the Zoning Board of Adjustment is required prior to the issuance of a zoning permit. In reviewing site plans, the Zoning Board of Adjustment may impose appropriate conditions and safeguards with respect to impact on character of the area, adequacy of traffic access, circulation and parking; landscaping and screening; compatibility with surrounding development; noise, vibration, erosion, and dust; and protection of natural resources. Consideration shall be given to traffic mobility and safety on affected streets, impacts on surrounding uses, and to desired land use patterns as encouraged by the Town Plan and the zoning bylaws of the affected district(s). A performance bond or other surety may be required as a condition for approval as authorized in 24 V.S.A. Sect. 4464. Conditions may include, but are not limited to, the following:

5.2.1 Compatibility with surrounding development

The Zoning Board of Adjustment may require the design and placement of structures to conform with the existing relationship of surrounding buildings to the street, the landscape, and to each other, including setback distances, physical orientation, construction materials, and architectural design. Design shall not be limited to any particular style or period, but should be consistent with established trends and patterns in the surrounding area.

5.2.2 Traffic access and circulation

Among other appropriate safeguards and conditions, the Zoning Board of Adjustment may:

- a) Require the installation of frontage roads, speed change lanes, or other highway design elements on a street or adjacent to any access or connecting roads, if deemed necessary based on current or anticipated conditions.
- b) Limit the number and width of access drives; require consolidation of existing access points.
- c) Limit access to a property to a side street or secondary road in order to avoid access to heavily traveled streets and highways
- d) Require shared access and/or parking for adjoining properties or for future users of the remainder of a parcel; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required parking spaces between uses.
- e) Require an applicant to commission a traffic impact study from a qualified consultant according to the Weathersfield Traffic Impact Study Guidelines (Refer to Appendix #2).
- f) Require the location or relocation of access points on one side of a street or highway directly across from existing access points on the opposite side.
- g) Prohibit the location of parking facilities between the front line of building(s) and the street.
- h) Accommodate existing or future facilities for non-vehicular travel.

5.2.3 Protection of natural resources

The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum setback distances of the district. (Refer to Sect. 3.2.2 “1992 Biological Natural Areas of Weathersfield, Vermont”.)

5.2.4 Storm water management and drainage

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 Zoning Board of Adjustment may require a storm water management and erosion control plan prepared by a professional engineer licensed by the State of Vermont. The plan shall provide detailed information regarding proposed erosion and sedimentation control measures to be employed during all stages of the development (including site preparation, construction and post-construction). The Zoning Board of Adjustment may waive compliance with this provision in situations involving minimal disturbance of the site and/or limited areas of steep slope in which the development clearly poses a negligible risk to water quality, public facilities and roads, and nearby properties.

5.2.5 Landscaping and screening

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.