



# TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802) 674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

## Planning Commission Agenda

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

**Monday, May 06, 2024 – 6:30 PM**

- 
1. Call to Order
  2. Agenda Review
  3. Comments from the Chair and Land Use Administrator
  4. Comment from citizens regarding items not on the agenda
  5. Approval of Meeting Minutes – April 15, 2024
- 
6. Dwellings over commercial/industrial business
  7. DRB Discussion
  8. PUD Review Continued Discussion
  9. Town Plan Amendment Required Changes - Discussion
- 
10. Discussion of items for future agendas
  11. Any other business that can be legally discussed
  12. Adjourn

The next regularly scheduled meeting of the Planning Commission will be **Monday, May 29 - 6:30 PM**, Martin Memorial Hall.

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

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

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

Planning Commission  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Monday, April 15, 2024  
6:30 PM  
REGULAR MEETING  
Draft Minutes

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

Ryan Gumbart, Land Use Administrator  
Halle Abuayyash, Town Planner (Remote)

Others Present:

Julie Levy		
Rika Henderson (Online)		

**1. Call to Order**

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

**2. Agenda Review**

Mr. Gumbart added an agenda item for the Habitat for Humanity PUD Hearing. After the meeting minutes

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

None

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

None

**5. Approval of Meeting Minutes: March 25, 2024**

The motion to approve the March 25, 2024, minutes.

**Motion:** Approved

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

**Vote:** All in Favor

**6. Habitat for Humanity PUD Hearing**

The hearing was scheduled for April 8<sup>th</sup>. Nevertheless the board didn't meet on that date, the board had a motion to continue the hearing to May 6<sup>th</sup>

**Motion:** Approved

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

**Vote:** All in Favor

**7. Dwellings Over Commercial/Industrial**

There was a discussion on the landscaping and screening section of the bylaws, particularly around the costs and practicality of requirements imposed on businesses. There were concerns about the financial impact on businesses due to landscaping mandates. Suggestions were made to modify landscaping requirements to be more cost-effective and less burdensome, emphasizing the need for balance between visibility and screening for businesses.

**8. PUD Review Continued Discussion**

The Planned Unit Development (PUD) review discussion focused on various aspects of zoning and subdivision, considering how flexible development standards could be integrated into current regulations. The discussion highlighted the importance of adapting regulations to better suit the development needs while preserving the character and environmental quality of areas. There was a push to ensure that developments are thoughtfully planned to integrate well with the existing surroundings and community needs.

**9. Discussion of Items for Future Agendas**

The PC discussed the projects listed on the Project's log sheet, this sheet is to be updated and priorities will be added accordingly

**10. Any other business that can be legally discussed:**

There was no additional business discussed.

**11. Adjourn**

**Motion:** To adjourn the meeting

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

**Vote:** All in favor

The meeting adjourned at 8:31 pm.

Respectfully submitted,

The next regularly scheduled meeting of the Planning Commission will be Monday, April 29, 2024 - 6:30 PM, Martin Memorial Hall.

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WEATHERSFIELD PLANNING COMMISSION

Joseph Bublat, Chairperson

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Hank Ainley, Clerk

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Brian Bosenberg, Vice-Chairperson

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Howard Beach, Clerk

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Michael Todd, Commissioner

## **6. Dwellings Over Commercial/Industrial Business**

## Industrial & Highway Commercial Landscape Standards

### 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 for the front, rear, and side yards, adjacent to parking areas, ~~where rear yards abut residential properties or public roads,~~ and as otherwise necessary to provide adequate ~~landscape buffers screening~~ without compromising vehicular and pedestrian safety by blocking visibility and site lines. ~~Except for street trees, all landscape plantings shall be located outside the public right-of-way.~~

All Landscaping, as installed, shall conform to and be in accordance with the landscaping plan approved and signed by the Board Chairperson, and shall include any and all landscaping changes required by the Board.

Unless increased by the Zoning Board of Adjustment during the Site Plan Review, a minimum of a 50' ~~buffer with natural screening landscape buffer~~ is required between industrial and residential zones.

I: 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, coniferous shade trees and ~~shrub masses in available yard area, especially the front, and side yards, and rear yards as deemed necessary,~~ and parking areas ~~to create landscape buffers, or as necessary.~~ 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 enhance environmental quality (e.g. wildlife habitat, soil stabilization, stormwater 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. ~~Where possible,~~ 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.

d) ~~In combination with or in lieu of traditional grass lawns, a natural/native grassland meadows may be created, provided they are maintained on a rotating two-to-three-year mowing cycle to remove invasive species and ongoing spot removal other undesirable plant material from establishing in the meadows. A meadow maintenance plan shall be submitted with the landscape plan.~~

e) Preservation of existing individual trees.

1. All applications shall include a plan to preserve all existing trees in good health and an asset to the Town as determined by the Board, Conservation Commission, or designated representative.
2. All trees to be preserved within the limit of disturbance shall have tree protection snow fencing installed beyond the tree's drip line. (see diagram – to be inserted)
3. Trees with a six-inch or greater diameter at breast height (DBH) shall be saved whenever possible and shall be protected from damage to roots, trunks, and branches. Soil should not be added to the top of the

existing root zone(s). Tree wells are to be provided where necessary, and trees to remain within the improvement project limits are to be trimmed as directed by the Board, Conservation Commission, or other designated representative.

f) 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 professional landscape architect to prepare a plan on a case-by-case basis.

If the applicant applies for a certificate of occupancy during a non-planting season, the applicant may obtain a temporary certificate of occupancy without installation of the Landscaping but if and only if the applicant posts a performance bond in a form acceptable to the Town Attorney in an amount established by the Board shall be posted with the Town guaranteeing installation of the Landscaping during the next planting season and further guaranteeing the subsequent posting of a two (2) year maintenance bond as may be required by the Board.

## II: Design Standards:

### a) Purpose:

1. To protect existing woodland and encourage reforestation of nonagricultural land.
2. To prevent soil erosion and soil depletion and increase water retention and water quality.
3. To improve the appearance of off-street parking and vehicular use areas near public rights-of-way or adjoining uses.
4. To protect agricultural land use and historic areas from the impact of new development.
5. To screen development from public view.
6. To promote public health, welfare, and safety by reducing noise, air pollution, visual pollution, air temperature, and light glare.

**b) Conceptual landscape design considerations.** The site and surroundings should be thoroughly analyzed. The following items shall be reviewed to determine the design layout or plant material selection:

1. The shape and form of the land itself and its relationship to the existing and proposed buildings. Plantings shall give scale to the structures and other site elements.
2. The geology and soil characteristics.
3. The surface and subsurface water conditions.
4. Existing vegetation patterns. (The native vegetation found on and around the site usually indicates which vegetation types will perform well.)
5. Solar orientation and exposure, accounting for landforms, existing vegetation, and neighboring structures.
6. Local and regional climate (precipitation, temperature ranges, humidity, wind patterns, etc.) and air, noise, and water pollution.

7. Plantings adjacent to fire suppression access and utilities shall be done so as not to obstruct or hinder their operations in the event of an emergency.
8. Plantings shall also create human scale and space. Consider pedestrian safety and state of mind by providing appropriate lighting at pathways.

**c) Buffering of neighboring lands:**

1. All applications require a planted 50' perimeter buffer or as designated by the Board as part of the development and landscape design plan. The perimeter buffer shall be provided along existing streets and property lines adjacent to the subject property. The buffer shall consist of, for example, fencing, evergreens, canopy trees, and shrubs to provide an adequate buffer.
2. Buffers shall screen 60% of the view from November to April at a height of six feet within three years from installation.
3. Within said buffer zone, no principal or accessory structure, off-street parking, loading areas, or other uses shall be permitted. Utility easements may be permitted within said buffer zone.

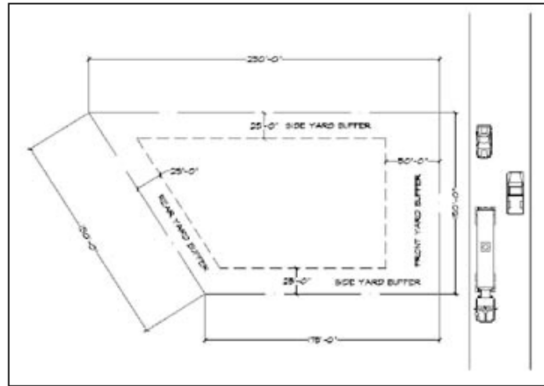
**d) Buffer landscape design.**

1. Buffers separate and create an enclosure of particular uses and zones within the community. Landscaped buffers are crucial to maintaining the diversity within the Town.
2. All plans and installation of plant material are subject to review and inspection by the Board, Conservation Commission, or designated representative.
3. Where plant materials are placed in two or more rows, plantings shall be staggered from row to row.
4. The standard design buffer module measures 50 feet long by 50 feet wide and consists of 2,500 square feet. This module shall be repeated as many times as necessary to fulfill the requirements and be in addition to any other planting requirements. See Table #1 for buffer calculation methodology and Table # 2 for the buffer size requirements.
5. Each buffer module requires six canopy trees, ten under-story/evergreen trees, and 30 shrubs. Species selection should be based on an appropriate native or indigenous species.
6. Rather than specify a modular design for each design proposal, the following plant material density for a hypothetical fifty-foot-long by fifty-foot-wide module could be repeated as many times as necessary, both in length and width. The plant material requirements of these modules may be arranged to suit the specific landscape design objectives of the proposed plan.
7. Landscape buffers that are interrupted by specific site constraints relating to engineering components, such as septic, fire suppression, and sight triangle, shall relocate the materials slated for those areas to another area on site.
8. Within the Town, the linear, less formal hedgerow commonly bounding cropland, fields, and pastures is often a more suitable model for planting along lot lines, streets, and highways transversing such landscapes. In every effort to minimize disturbance and preserve the existing flora within these naturally occurring buffers, the applicant may utilize existing material slated to be preserved to meet the buffer requirements as deemed appropriate by the Board, Conservation Commission, or other designated



representative. If existing vegetation cannot be preserved, the applicant shall provide the proper tree replacement in addition to the buffer requirements.

9. Though material adjacent to the applicant's site may help with buffering, only material on the applicant's site shall be utilized to evaluate the buffer module requirements.



**Diagram 165-77.6**  
**Buffer Module Calculation Methodology (Example)**

Yard	Yard Length (feet)	Multiply by	Buffer Depth (feet)	=	Total Buffer Area (feet)	Divide By	Area of Module (feet)	=	Total Modules Required
Front	150	x	50	=	7,500	/	2,500	=	3
Side	175	x	50	=	8,750	/	2,500	=	3.5
Side	250	x	50	=	12,500	/	2,500	=	5
Rear	150	x	50	=	7,500	/	2,500	=	3

Total Modules Required 14.5

**Table # 1**  
**Buffer Module**

10. In this example, the applicant will need to provide 87 canopy trees, 145 understory/evergreen trees, and 435 shrubs to meet the requirements outlined in the buffer section of this section.

11. Special consideration should be given to native and deer-resistant plant material.

**d. Planting sizes.**

	<b>Canopy Trees</b>	<b>Ornamental and Evergreen Trees</b>	<b>Understory Trees</b>	<b>Shrubs</b>	<b>Branching Height</b>
General Material	3" to 3 1/2" caliper	7' to 8' height	5' height	18" to 24" height	N.A.
Buffer Material	1 1/2" to 1 3/4" caliper	7' to 8' height	5' height	36" minimum height	N.A.
Street Tree Material	3" to 3 1/2" caliper	N.A.	N.A.	N.A.	7' height

**Table # 2  
Plant Material Size Quick Reference Chart**

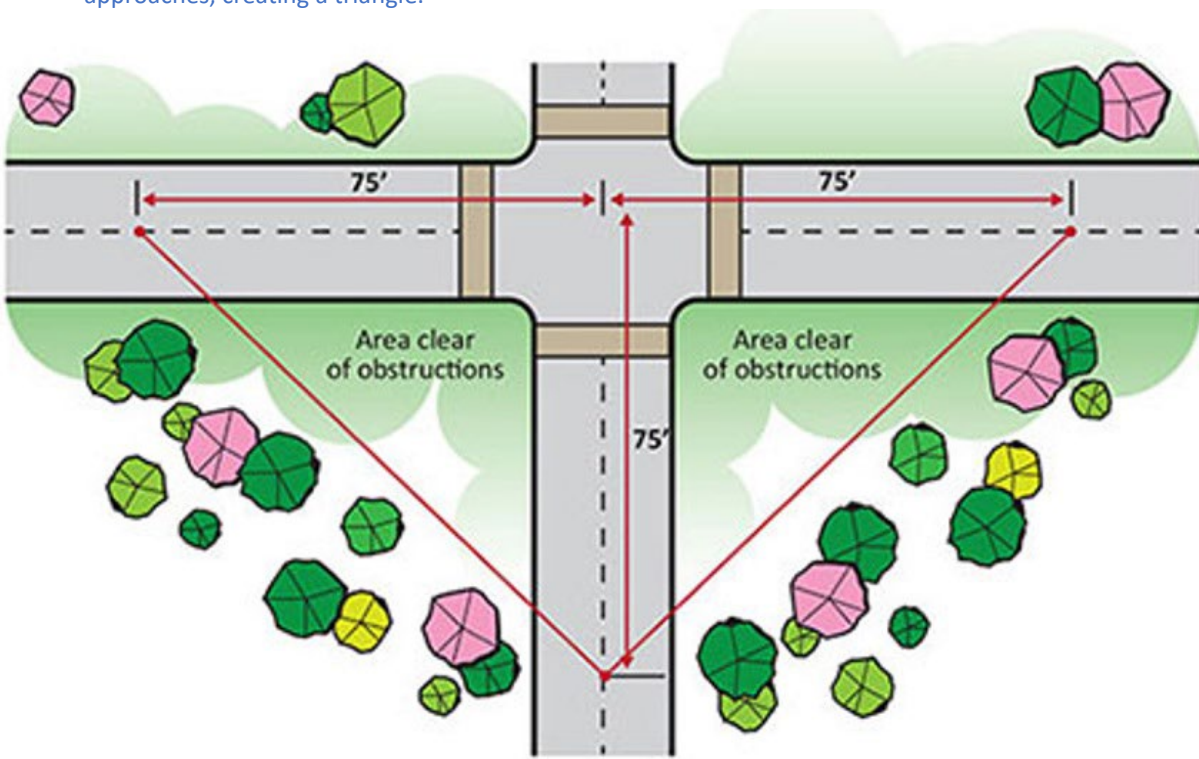
**e) Parking lot landscape design.**

1. Where parking is located in a front yard, the Board may require the construction of landscaped berms up to a height of five feet, with slopes at a ratio of not less than 3:1.
2. Where off-street parking and loading areas adjoin or face a residential zone, the approving authority may require the construction of a fence or stone wall not less than three feet nor more than six feet in height, maintained in good condition. Additionally, the approving authority may require the construction of planted berms up to a height of five feet, with slopes at a ratio of not less than 3:1.
3. The said buffer shall screen 60% of the automobile/parking lot from the road and pedestrian view from November to April within three years of installation.
4. Woody shrubs shall be set back from the curb five feet for vehicular overhang and snow removal.
5. Plantings shall not obstruct the visibility necessary for automobile and pedestrian circulation and safety within the facility.
6. All plant material shall be subject to review by the Board, Conservation Commission, or other designated representative.
7. Large expanses of pavement and long, unbroken rows of parking spaces shall be avoided. No row of parking spaces shall contain more than 15 spaces unless broken by shade tree-landscaped islands.
8. Landscape islands shall have a minimum width of 10 feet and a minimum depth of 18 feet.
9. At a minimum, landscape islands shall contain one canopy (shade) tree.
10. Adjoining rows of parking shall be separated by landscape islands having a width of at least 10 feet.
11. Canopy trees are required to reduce the heat island effect. At a minimum, one canopy tree for every four parking spaces for on-grade parking shall be planted at the perimeter or within said parking area.
12. Trash collection areas. Trash collection areas shall be enclosed by a fence masonry wall with a minimum height of six feet.

13. Masonry walls or fences shall consist of the same or complementary building materials used for the site's principal use.
14. An opaque gate shall provide access to the trash collection areas with a minimum height of six feet.
15. Gate materials shall be visually consistent with the appearance of the masonry walls or fence enclosing the trash collection area and the principal use on the site.
16. Loading zones. All loading zones shall contain a 60% evergreen plant material buffer.
- 18 The said buffer shall screen 60% of all loading areas from the road and pedestrian view from November to April within three years of installation.

**e) Sight triangle and site access:**

1. All sight triangles shall be indicated on the landscape site plan and comply with VT DOT sight distance requirements for driveway and intersection access. The sight distance varies greatly depending on the design speed of the road.
2. A Sight Triangle is similar to standard sight distance but is located at an intersection. The distance is defined as a triangle, as each leg of the intersection requires sufficient sight distance to the adjacent approaches, creating a triangle.



Example # 1. (Landscape illustration only, do not use as a design standard – see Vermont DOT standards)

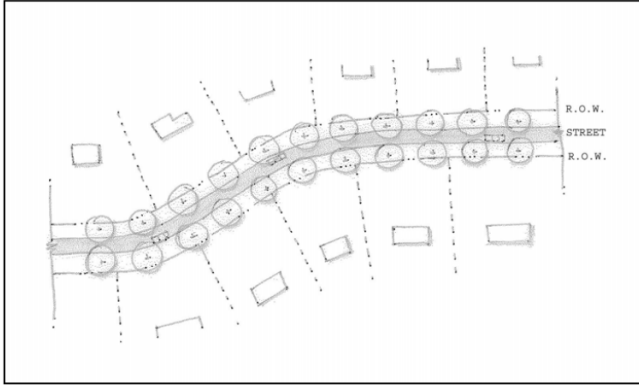
3. Any shade trees located in a sight distance shall have a minimum branching height of 7'-0". All shrubs shall be maintained at a height no greater than 24". All landscape buffers shall be located outside of the sight triangle.

**f. Street and access road landscape design:**

1. Street trees shall be required on all public and private roads in the Town.
2. Species and tree placement shall be specific to the site design concept and site conditions and subject to approval by the approving authority.
3. The use of multiple species is required. Tree species shall alternate along the road to create a sequence through the space.
4. A specific standard design module for street and highway plantings will not be put forth here since each site (and its surroundings) has a unique character. A downtown street tree planting may only require a single species of canopy tree equally spaced in a geometric pattern. With the landscape forms most often found in Wethersfield, the use of a single species of trees in geometric patterns becomes less appropriate. The linear, less formal hedgerow seen commonly bounding cropland, fields, and pastures is often a more suitable model for plantings along lot lines and streets and highways traversing such landscapes.
5. All street trees in a formal street tree planting shall be located within the street right-of-way and in such a manner as not to interfere with sidewalks and/or utilities. All street trees shall have a minimum branching height of 7'-0".
6. Within formal street tree plantings, tree spacing shall correlate with road hierarchy and, in general, spacing shall range from a minimum of 30 feet on center to a maximum to 50 feet on center. At slower design speeds the spacing shall be closer together (i.e., 30 feet on center.)

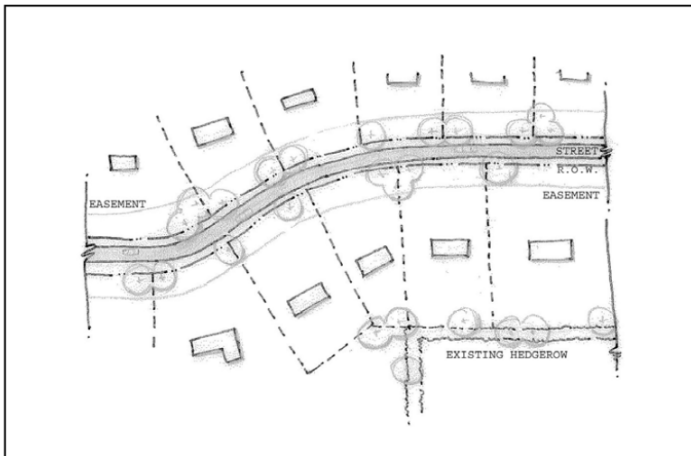
<b>Road Design Speed</b>	<b>Tree Spacing</b>
+50	50 feet on center
35 to 49	40 feet on center
0 to 34	30 feet on center

**Table # 6  
Formal Street Tree Plant Spacing**



**Diagram 165-77.4**  
**Formal Street Tree Planting.**

7. In order to preserve the rural character of a specific site, the board may request an informal street tree planting. Species shall be grouped / massed along roads in such a manner to fit appropriately within the site and shall be placed within a street tree easement. See Diagram 165-77.5.



**Diagram 165-77.5**  
**Informal Street Planting.**

## **7. DRB Discussion**

# RESOLUTION

## For the creation of a development review board for the Town of Weathersfield

WHEREAS, the Town of Weathersfield has enacted zoning bylaws and subdivision bylaws pursuant to the provisions of 24 V.S.A. Chapter 117; and

WHEREAS, this Board has established a planning commission and a zoning board of adjustment as authorized by provisions of 24 V.S.A. Chapter 117 to, among other responsibilities, assist in the administration of the above said bylaws; and

WHEREAS, this Board is authorized to establish a development review board to perform all development review functions under 24 V.S.A. Chapter 117 pursuant to Section 4461(a).

NOW, THEREFORE, IT IS HEREBY RESOLVED by this Board that it shall establish for the Town of Weathersfield, effective **DATE**, a development review board which shall consist of **five (5) members** and shall have the authority to exercise all of the functions of the zoning board of adjustment as set forth in 24 V.S.A. Chapter 117, and shall further exercise all development review functions performed by the planning commission pursuant to 24 V.S.A. Chapter 117.

BE IT FURTHER RESOLVED that members of the development review board shall serve for terms of **two (2) years**, except that initial terms shall be as set forth below; and

BE IT FURTHER RESOLVED that the following individuals are appointed to the development review board for the terms set forth herein:

<u>Member Name</u>	<u>Term Expiration</u>
Todd Hindinger	2025
Grace Knight	2025
Andrea Murray	2026
Beth Hunton	2026
_____	2026

and,

BE IT FURTHER RESOLVED that the Board may appoint up to **three (3) alternate** members of the development review board whose terms will be **one (1) year**:

<u>Member Name</u>	<u>Term Expiration</u>
Willis Wood	2025
Jason Rasmussen	2025

and,

BE IT FURTHER RESOLVED that all matters presently pending before the zoning board of adjustment shall be completed by the zoning board of adjustment, and, upon completion of all pending matters, the zoning board of adjustment shall then cease to exist; and

BE IT FURTHER RESOLVED that all land use review matters presently pending before the planning commission shall be completed by the planning commission.

Dated at Weathersfield, Vermont this \_\_\_\_ of \_\_\_\_\_, 2024.

WEATHERSFIELD SELECTBOARD

\_\_\_\_\_  
Michael Todd, Chairperson

\_\_\_\_\_  
Nathan McNaughton, Vice-Chairperson

\_\_\_\_\_  
Rika Henderson, Clerk

\_\_\_\_\_  
Dave Fuller, Selector

\_\_\_\_\_  
Kelly O'Brien, Selector



## **8. PUD Review Continued Discussion**

## **Key**

Black: Original remaining text

~~Red stricken: Original removed text~~

Green underlined: New added text

**Yellow highlighted: Changes since last revision**

**(Amendment will move 5.1.1 to 5.1, relocate 5.1.2 to nest within 5.2, and 5.1.3 to 5.6)**

# **Article 5: Development Review**

## **5.5 Flexible Development (PUD)**

In accordance with the provisions of 24 V.S.A § 4417, Flexible Subdivisions or Flexible Developments are encouraged to provide landowners with greater freedom in design and layout. The purpose of this provision is to alleviate the hardships associated with developing in strict accordance with district dimensional requirements and to approach development of a lot with a long range vision and a goal of better protecting the values of the given district.

### ***5.5.1 Review Process***

1. Applications for flexible development are submitted to the Administrative Officer.
2. Within 30 days the Administrative Officer shall act by scheduling a hearing with the Development Review Board (DRB).
3. The Development Review Board shall conduct the hearing in the following order which may be done in one meeting or may be continued as needed. If the hearing is continued to a time and date certain and the applicant seeks an extension to allow more time for preparations, the applicant shall attend the hearing on that date to provide a status update and propose a realistic completion date for the DRB to consider when continuing the hearing. One or more site visits may be called for by the DRB at any point during the review process.
  - a. Sketch Plan Review
  - b. Preliminary or Final Plat Review
  - c. Site Plan Review
  - d. Flood Hazard Review (if applicable)
  - e. Conditional Use Review
4. Following the completion of all necessary reviews the DRB will close the hearing and issue a decision in writing within 45 days in accordance with 24 V.S.A § 4464. The appeal period following issuance of a DRB decision is 30 days. Permits shall be effective on the 31<sup>st</sup> day.
5. The Final Plat shall be recorded by the Town Clerk within 180 days of the date of issuance of the DRB decision.

### ***5.5.2 Application Materials***

1. An application shall be made on a form provided by the Administrative Officer which is located on the Land Use page of the town website.
2. A survey of the entire property which delineates the proposed development area and lots within that development area. The survey shall be prepared in accordance with the Weathersfield Subdivision Regulations.

- a. In lieu of a survey, an applicant may submit a sketch plan in accordance with the Weathersfield Subdivision Regulations. A final plat survey will be required before the DRB issues a decision in favor of the applicant.
3. A Site Plan drawn in accordance with section 5.2 Site Plan Review.
4. Any other materials deemed necessary by the DRB inform their review which may result in a decision in favor of the applicant. Additional materials shall not be required for projects which cannot result in a decision in favor of the applicant.

### *5.5.3 General Standards*

1. The development is designed to closely align with the purposes of the applicable district.
2. All Subdivision Standards shall be met except that the Area, Land & Structural Requirements may be modified.
3. Flexible Development shall be the singular use attributed to the subject property. The property may be comprised of one or more tax parcels.
4. The development shall comply with all applicable local, State and Federal requirements.
5. The development shall not place undue burden on municipal services. Phasing may be required in coordination with municipal improvements prescribed by the Selectboard.
6. For lots with multiple districts the DRB shall make a determination as to which district standards are appropriate for the Flexible Development of the entire lot.

### *5.5.4 Conservation District Standards*

Beyond the overall purpose of Flexible Development described above, the purpose within the Conservation District is to perpetuate the use of large properties for agriculture, forestry, plant and wildlife habitat, and open space. The use of land for these purposes promotes the rural economy, enhances rural character, and protects the environment's natural process which all life depends on. Flexible Development in the Conservation district shall be designed to promote this vision.

Flexible Development shall be required for all subdivisions on lots greater than 28 acres within the Conservation District. Lots with less than 10 acres shall be ineligible for Flexible Development but may utilize an Accessory Dwelling Unit for additional residential development on the lot.

Area, Land, & Structural Requirements as they are required in section 2.2.5 shall apply to the overall property of the Flexible Development. A building envelope shall be delineated in accordance with siting standards below.

#### **Building Envelope Siting Standards:**

1. Up to 10% of the total lot area or 10 acres, whichever is less, may be included in the building envelope.
2. The building envelope shall be sited to cause a minimal impact to
  - a. Prime or Statewide agricultural soils and any other potential agricultural land.
  - b. Forestland which connects to forestland on surrounding properties.
  - c. Visual appeal of the rural character seen from the roads.
  - d. State mapped habitat identified as containing Rare, Threatened, or Endangered species, Significant Natural Communities, or Deer Wintering Areas.
  - e. Areas identified in the 1992 Biological Natural Areas of Weathersfield report by Elizabeth Thompson.
  - f. Streams, wetlands, vernal pools, ponds and other aquatic resources.
3. The building envelope may contain slopes in excess of 25% however no development

shall occur on such slopes.

4. The building envelope shall not contain land in FEMA mapped floodplains or floodways or land above 1,500 feet.

**Development within the Building Envelope:** shall allow for modifications to the Area, Land, & Structural Requirements

Basic dimensional requirements:

## **9. Town Plan Amendment Required Changes**

**[https://www.weathersfieldvt.org/sites/g/files/vyhlf6216/f/uploads/weathersfieldtownplan\\_0.pdf](https://www.weathersfieldvt.org/sites/g/files/vyhlf6216/f/uploads/weathersfieldtownplan_0.pdf)**

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 24 : Municipal and County Government**

### **Chapter 117 : Municipal and Regional Planning and Development**

#### **Subchapter 005 : Municipal Development Plan**

(Cite as: **24 V.S.A. § 4382**)

#### **§ 4382. The plan for a municipality**

(a) A plan for a municipality shall be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

(1) A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment.

(2) A land use plan, which shall consist of a map and statement of present and prospective land uses, that:

(A) Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public and semi-public uses, and open spaces, areas reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service.

(C) Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

(D) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the municipality.

(3) A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads, and port facilities, and other similar facilities or uses, with indications of priority of need.

(4) A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs, and method of financing.

(5) A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features, and resources.

(6) An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system.

(7) A recommended program for the implementation of the objectives of the development plan.

(8) A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas, and the region developed under this title.

(9) An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.

(10) A housing element that shall include a recommended program for public and private actions to address housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should use data on year-round and seasonal dwellings and include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted residential development as described in section 4412 of this title.

(11) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

(12)(A) A flood resilience plan that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and

(ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

(B) A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

(b) The maps called for by this section may be incorporated on one or more maps and may be referred to in each separate statement called for by this section.

(c) Where appropriate, and to further the purposes of subsection 4302(b) of this title, a municipal plan shall be based upon inventories, studies, and analyses of current trends and shall consider the probable social and economic consequences of the proposed plan. Such studies may consider or contain, but not be limited to:

(1) population characteristics and distribution, including income and employment;

(2) the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;

(3) existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

(d) Where appropriate, a municipal plan may provide for the use of "transit passes" or other evidence of reduced demand for parking spaces in lieu of parking spaces. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1971, No. 257 (Adj. Sess.), § 7, eff. April 11, 1972; 1975, No. 236 (Adj. Sess.), § 2; 1979, No. 174 (Adj. Sess.), § 8; 1985, No. 188 (Adj. Sess.), § 10; 1987, No. 200 (Adj. Sess.), §§ 8, 10, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 7; 1991, No. 130 (Adj. Sess.), § 2; 1995, No. 122 (Adj. Sess.), § 2, eff. Apr. 25, 1996; 2003, No. 115 (Adj. Sess.), § 89; 2011, No. 52, § 33, eff. July 1, 2012; 2013, No. 16, § 4, eff. July 1, 2014; 2013, No. 146 (Adj. Sess.), § 6, eff. May 27, 2014; 2015, No. 171 (Adj. Sess.), § 17, eff. Jan. 1, 2018; 2023, No. 47, § 12, eff. July 1, 2023.)



# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## **Title 24 : Municipal and County Government**

### **Chapter 117 : Municipal and Regional Planning and Development**

#### **Subchapter 005 : Municipal Development Plan**

(Cite as: **24 V.S.A. § 4385**)

#### **§ 4385. Adoption and amendment of plans; hearing by legislative body**

(a) Not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality under section 4384 of this title, the legislative body of a municipality with a population of 2,500 persons or less shall hold the first of one or more public hearings, after public notice, on the proposed plan or amendment, and shall make copies of the proposal and any written report by the planning commission available to the public on request. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. Failure to hold a hearing within the 120 days shall not invalidate the adoption of the plan or amendment.

(b)(1) The legislative body may change the proposed plan or amendment, but shall not do so less than 15 days prior to the final public hearing. If the legislative body at any time makes substantial changes in the concept, meaning, or extent of the proposed plan or amendment, it shall warn a new public hearing or hearings under subsection (a) of this section.

(2) If any part of the proposal is changed, the legislative body, at least 15 days prior to the hearing, shall file a copy of the changed proposal with the clerk of the municipality, with any individual or organization requesting a copy in writing, and with the planning commission. The planning commission shall submit to the legislative body at or prior to the public hearing a report that analyzes the extent to which the changed proposal, when taken together with the rest of the plan, is consistent with the legislative goals established in section 4302 of this title.

(c) A plan of a municipality or an amendment thereof shall be adopted by a majority of the members of its legislative body at a meeting which is held after the final public hearing. If, however, at a regular or special meeting of the voters duly warned and held as provided

in 17 V.S.A. chapter 55, a municipality elects to adopt or amend municipal plans by Australian ballot, that procedure shall then apply unless rescinded by the voters at a regular or special meeting similarly warned and held. If the proposed plan or amendment is not adopted so as to take effect within one year after the date of the final hearing of the planning commission, it shall be considered rejected by the municipality. Plans and amendments shall be effective upon adoption. Copies of newly adopted plans and amendments shall be provided to the regional planning commission and to the Commissioner of Housing and Community Development within 30 days after adoption, which may be done electronically, provided the sender has proof of receipt. If a municipality wishes its plan or plan amendment to be eligible for approval under the provisions of section 4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

(d) Plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the municipality. An amendment to a plan does not affect or extend the plan's expiration date. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1981, No. 132 (Adj. Sess.), § 10; 1987, No. 200 (Adj. Sess.), §§ 12, 13, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 9; 2015, No. 90 (Adj. Sess.), § 2; 2017, No. 197 (Adj. Sess.), § 15; 2023, No. 6, § 259, eff. July 1, 2023.)

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## **Title 24 : Municipal and County Government**

### **Chapter 117 : Municipal and Regional Planning and Development**

#### **Subchapter 005 : Municipal Development Plan**

(Cite as: **24 V.S.A. § 4387**)

#### **§ 4387. Readoption of plans**

(a) All plans, including all prior amendments, shall expire every eight years unless they are readopted according to the procedures in section 4385 of this title.

(b)(1) A municipality may readopt any plan that has expired or is about to expire. Prior to any readoption, the planning commission shall review and update the information on which the plan is based, and shall consider this information in evaluating the continuing applicability of the plan. In its review, the planning commission shall:

(A) consider the recommendations of the regional planning commission provided pursuant to subdivision 4350(c)(2) of this title;

(B) engage in community outreach and involvement in updating the plan;

(C) consider consistency with the goals established in section 4302 of this title;

(D) address the required plan elements under section 4382 of this title;

(E) evaluate the plan for internal consistency among plan elements, goals, objectives, and community standards;

(F) address compatibility with the regional plan and the approved plans of adjoining municipalities; and

(G) establish a program and schedule for implementing the plan.

(2) The readopted plan shall remain in effect for the ensuing eight years unless earlier readopted.

(c) Upon the expiration of a plan, all bylaws and capital budgets and programs then in effect shall remain in effect, but shall not be amended until a plan is in effect.

(d) The fact that a plan has not been approved shall not make it inapplicable, except as specifically provided by this chapter. Bylaws, capital budgets, and programs shall remain in effect, even if the plan has not been approved. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1975, No. 164 (Adj. Sess.), § 4; 1981, No. 132 (Adj. Sess.), § 11; 1987, No. 200 (Adj. Sess.), § 14, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 10; 2015, No. 90 (Adj. Sess.), § 3.)

## **10. Discussion of items for future agendas**

## PLANNING COMMISSION PROJECTS

\*Listed in order of priority\*

<u>Project</u>	<u>Last Action Taken</u>	<u>Current Status</u>	<u>Next Steps</u>
<b>1.</b>			
Town Plan Amendment – Required Changes	First discussion at 12/11 PC meeting. Halle to review needed changes.	Halle will prepare changes to one of the sections to be reviewed by the PC.	Board to work with Halle on various updates. Update scheduled for 5/6
<b>2.</b>			
Zoning Bylaws Amendment – PUD Review	Table by district was added and some language changes.	Awaiting review by PC. Further changes will be necessary.	Work on changes in PC meeting
<b>3.</b>			
Zoning Bylaws Amendment – Dwellings over commercial/industrial business	First Discussion on April 15th	Continued Discussion	Work on changes in PC meeting
<b>4.</b>			
Zoning Bylaw Amendment – Lot setbacks in all districts	First discussion on 1/22		PC to decide how they want to move forward
<b>5.</b>			
Town Plan Amendment – Energy Section	12/11 PC voted to accept the amendment and send to the Selectboard for approval.	Awaiting review by SB.	If SB votes to adopt, the changes are effective immediately.
<b>6.</b>			
Zoning Bylaws Amendment – Private Airstrips & Helipads <b>Completed</b>	1/8 PC voted to accept the amendment and send to the Selectboard for approval.	Awaiting review by SB. Applications reviewed under amended bylaw following SB hearing warning.	If SB votes to adopt, the changes are effective 21 days after.

**Future Projects:**

1. 2024 – Planning – Update Scenic Resources section of Town Plan
2. March 11, 2024 – Zoning – Create Airport overlay district
3. 2024 – Discussion – Small lots and setbacks
4. 2024 – Zoning – Update Floodways and Floodplains language
5. 2024 – Planning – Update Future Land Use Map in Town Plan
6. 2024 – Discussion – Work with Fire and Police Departments on Standards for development
7. 2024 - Zoning - Landscaping and screening
8. 2024 -

**Questions:**

Road frontage for lots at terminus? (Moore Drive)