



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

Thursday, 12 September 2019 - 7 PM

1. Call to Order
2. Agenda Review – 12 September 2019
3. Public Hearings:
 - (i) Continuation of 11 July 2019 appeal of Zoning Administrator decision regarding whether “junkyard” exists at 157 Moore Drive (Parcel ID 040229.7), Conservation (C-10) zoning district.
 - (ii) Setback and buffer variance application by Peter Ducas for placement of camper at Parcel ID 050256.7, Rural Residential Reserve (RRR-35) & Conservation (C-10) zoning districts.
4. Approval of Meeting Minutes – 11 July 2019
5. Adjourn



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TABLE OF CONTENTS

I. APPEAL MATERIAL – ARGUIEN – 157 Moore Drive (Parcel 040229.7) – Conservation (C-10) District

New materials received since 11 July hearing

1. 17 July 2019 – E-mail from Appellant's Attorney and attached photographs.
2. 8 November 2018 – E-mail from Vincent Chiorgno and attached Complaint Report Form.

II. VARIANCE MATERIAL – DUCAS – 00 Goulden Ridge Road (Parcel 050256.7) – Conservation (C-10) District & Rural Residential Reserve (RRR-35) District

1. 25 July 2019 – Variance Application
2. 27 July 1995 – Survey & Survey excerpt
3. 3 May 1996 – Survey & Survey excerpt
4. Building Envelope calculation prepared by Land Use Administrator

Appendix.

Excerpts of relevant bylaws:

- 7.6 Travel Trailers/Camping Vehicles
- 6.10.1 Streambank Conservation
- 9.4 Variances
- 4.3.2(d) Rural Residential Reserve (RRR-35)
- 4.3.2(e) Conservation (C-10)

DRAFT MEETING MINUTES

- A. **11 July 2019 Draft Meeting Minutes**

Town of Weathersfield, Vermont

Land Use Administrator, P.O. BOX 550, ASCUTNEY, VT 05030
Martin Memorial Hall, 5259 US Route 5
Telephone:(802) 674-2626 Fax: (802)674-2117
Email: landuse@weathersfield.org
Website: <http://www.weathersfieldvt.org>

Zoning Board of Adjustment Notice of Public Hearing

Date: Thursday, July 11 at 7:00 PM

The Weathersfield Zoning Board of Adjustment will hold a public hearing on Thursday, July 11 at 7:00 PM in the Town Office/Martin Memorial Hall for the purpose of considering the following appeal:

1. Appeal of Zoning Administrator decision regarding whether “junkyard” exists at 157 Moore Drive (Parcel ID 040229.7), Conservation (C-10) zoning district.

At 6:30 PM a site visit at 157 Moore Drive will precede the 7:00 PM Public Hearing.

Information concerning this matter is available at the Town of Weathersfield office from 7:30 AM to 5:30 PM Monday through Thursday or by calling 802.674.2626.

Arguieren 1

Sven Fedorow

From: Barry J. Polidor, PC <polidorlaw@gmail.com>
Sent: Wednesday, July 17, 2019 11:34 AM
To: Sven Fedorow
Subject: The salvage yard issue
Attachments: IMG-2121.jpeg; IMG-2122.jpeg; IMG-2120.jpeg; IMG-2123.jpeg; IMG-2124.jpeg; IMG-2127.jpeg; IMG-2132.jpeg

Attached are photos taken by the Lewises on July 12th showing the two tractors and other debris near the so-called Sugar House.

Barry J. Polidor, PC
PO Box 279 | 64 Chester Rd
Springfield VT 05156
(802) 885-4530
polidorlaw@gmail.com

PLEASE NOTE CHANGE OF EMAIL ADDRESS: Due to many problems with our vermontel.net emails ending up in spam and junk folders, we have changed our email address to polidorlaw@gmail.com. Please change in your contacts folder when you get a chance. We spoke with VTel to see if we could remedy the situation and they said there was nothing they could do on their end so an email address change was necessary for us.

WARNING: FRAUD ALERT: If you receive an e-mail from this office requesting that you wire or otherwise transfer funds, you must confirm the request and any corresponding instructions via telephone before you initiate any transfer. Hackers are targeting e-mails of attorneys and other businesses in attempts to initiate fraudulent wire requests. ALSO, CONFIRM THE TELEPHONE NUMBER WITH PREVIOUS EMAILS YOU HAVE RECEIVED FROM THIS OFFICE.

CONFIDENTIALITY NOTICE: This e-mail (and any of the attachments accompanying it) may contain confidential or privileged information from Barry J. Polidor, PC. This information is intended solely for use by the individual entity named as the recipient hereof. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this transmission is prohibited. If you have received this transmission in error, please notify us immediately and do not disclose, copy or distribute any information in this e-mail. Thank you.









Arguieren 2

Sven Fedorow

Subject: FW: Barbour
Attachments: Barbour Complaint Details.pdf

From: Chiorgno, Vincent <Vincent.Chiorgno@vermont.gov>
Sent: Wednesday, July 17, 2019 9:58 AM
To: Sven Fedorow <Landuse@weathersfield.org>
Subject: Barbour

Sven,

See the last entry on page 3 of the attachment. The state determined 3 of the vehicles to be junk and 3 to fall under, Title 24 §2241 (15) (D) an area used or maintained for the parking or storage of operational commercial motor vehicles, as that term is defined in 23 V.S.A. § 4103(4), that are temporarily out of service and unregistered but are expected to be used in the future by the vehicle operator or owner. (Added 1969, No. 98, § 1; amended 1971, No. 36, § 1, eff. April 1, 1971; 1973, No. 164 (Adj. Sess.), § 2, eff. July 1, 1974; 1983, No. 185 (Adj. Sess.), § 1; 2003, No. 101 (Adj. Sess.), § 2; 2009, No. 56, § 4; 2009, No. 93 (Adj. Sess.), § 2; 2013, No. 161 (Adj. Sess.), § 72.)

Vincent Chiorgno
Environmental Analyst IV
Salvage Yard Program
Waste Management & Prevention Division
State of Vermont DEC

1 National Life Drive, Davis 1
Montpelier, VT 05620-3704
Phone: 802-522-0245
<http://dec.vermont.gov/waste-management/salvage-yards>

 **VERMONT** *Agency of Natural Resources*



Vermont Agency of Natural Resources
Department of Environmental Conservation
Environmental Compliance Division
1 National Life Drive, Davis 2
Montpelier, VT 05620-3803
Complaint Report Form

This report is considered confidential/sensitive in nature and should be treated as such. The contents may be subject to an exemption under the VT Access to Public Record and Documents Law.

Complaint Number: 17EC01274 **Related Complaint Number:**
Town: Weathersfield **County:** Windsor
Date of Incident: 12/22/2017 **Time of Incident:**
Description: Allegation of unpermitted salvage yard.
Comments: New owner
Directions to Site: Moore Drive, Weathersfield.

SUBJECT PROPERTY

Grand List Year: 2016 **Town:** Weathersfield
Owner 1: ARGUIEN LILLIAN **Owner 2:**
Mailing Address: 2032 WEATHERSFIELD CTR RD SPRINGFIELD VT 05156
Property Location:
Property Description: LAND
Span #: 70522411201 **Parcel ID #:** 040229-7
Total Acres: 10.20 **Category:** Miscellaneous **Residential Code:** T

ALLEGED VIOLATOR

Name: Daniel Barbour **Approx. Age:** **DOB:**
Company Name: **Title:**
Physical Address: VT
Mailing Address: VT
Email Address:
Home Phone: **Cell Phone:** **Work Phone:**

AGENT

No Complaint Agent Information

COMPLAINANT

Name: Barry Polidor
Company: **Title:** Attorney
Physical Address: 64 Chester Road Springfield VT 05156
Mailing Address: PO Box 279 Springfield VT
Email Address: bpolidor@vermontel.net

Home Phone:Cell Phone:Work Phone: 802-8854531**WITNESSES**Name: Nancy LewisCompany:Title:Physical Address: VTMailing Address: VTEmail Address:Home Phone:Cell Phone:Work Phone:-----
Name: David LewisCompany:Title:Physical Address: VTMailing Address: VTEmail Address:Home Phone:Cell Phone:Work Phone:-----
Name: Ashley ritterhausCompany:Title:Physical Address: VTMailing Address: VTEmail Address:Home Phone:Cell Phone:Work Phone:**INCIDENT TRACKING**Complaint Received Date: 12/27/2017Complaint Input By: Marc RoyInitial Contact Date: 1/1/0001Initial Contact Person: Marc RoyCIR: Citizen ComplaintIs Data Sensitive?: FDistrict: 2WBID #: VT10-16**PROGRAM CODES**Program Code: WMPD 02b Salvage Yard - UnpermittedInvestigator: Vince ChiorgnoStatus Code: 2 - Violation(s) Found - Voluntary Correction after contactDate Assigned to Investigator: 12/27/2017Date Recieved by Investigator: 12/28/2017Date Opened by Investigator:Date Closed: 10/10/2018Permit #:Condition#:PIN #:NOAV Issued?: FNOAV Issued Date:Citation Issued?: FCitation Issued Date:Program Incident Report:

On site 1/11/2018. No dwelling on property and no dwelling within site of the junk vehicles. Owner unavailable. A total of 11 vehicles. An old ambulance, bulldozer, wrecker, skidder, 2 pick-ups, boat, camper, small excavator, trailer box and a utility trailer. The complainants right-of-way passes by the vehicles.

Found Mr. Barbour at his residence 5 miles from the property in question. He states he has had no problems with the neighbors

until one of them decided to sell their property. He also said he will do what he needs to do so he is not in violation. He will forward me an inventory and status report on the vehicles within a week. VC

Spoke to Mr. Barbour today as he contacted me during the winter wanting to be sure he moves toward compliance. We again discussed the status of his vehicles. The plan is to set up a site visit within 30 -60 days. I explained to him that his work vehicles that he uses at different job sites must start and run and not have weeds and trees growing around them but do not have to be registered. He again stated his son will be removing 3-4 of the vehicles. VC

On site with Mr. Barbour. 3 junk vehicles remain. In addition there are 3 pieces of equipment a bulldozer, a skidder and a small dump truck that Mr. Barbour uses for work for logging and excavating purposes. Close complaint no longer in violation of Salvage Yard Rule. VC

Closure Review By:

Closure Review Date:

ENVIRONMENTAL ENFORCEMENT OFFICER INVESTIGATION REPORT

No Investigation Report Information

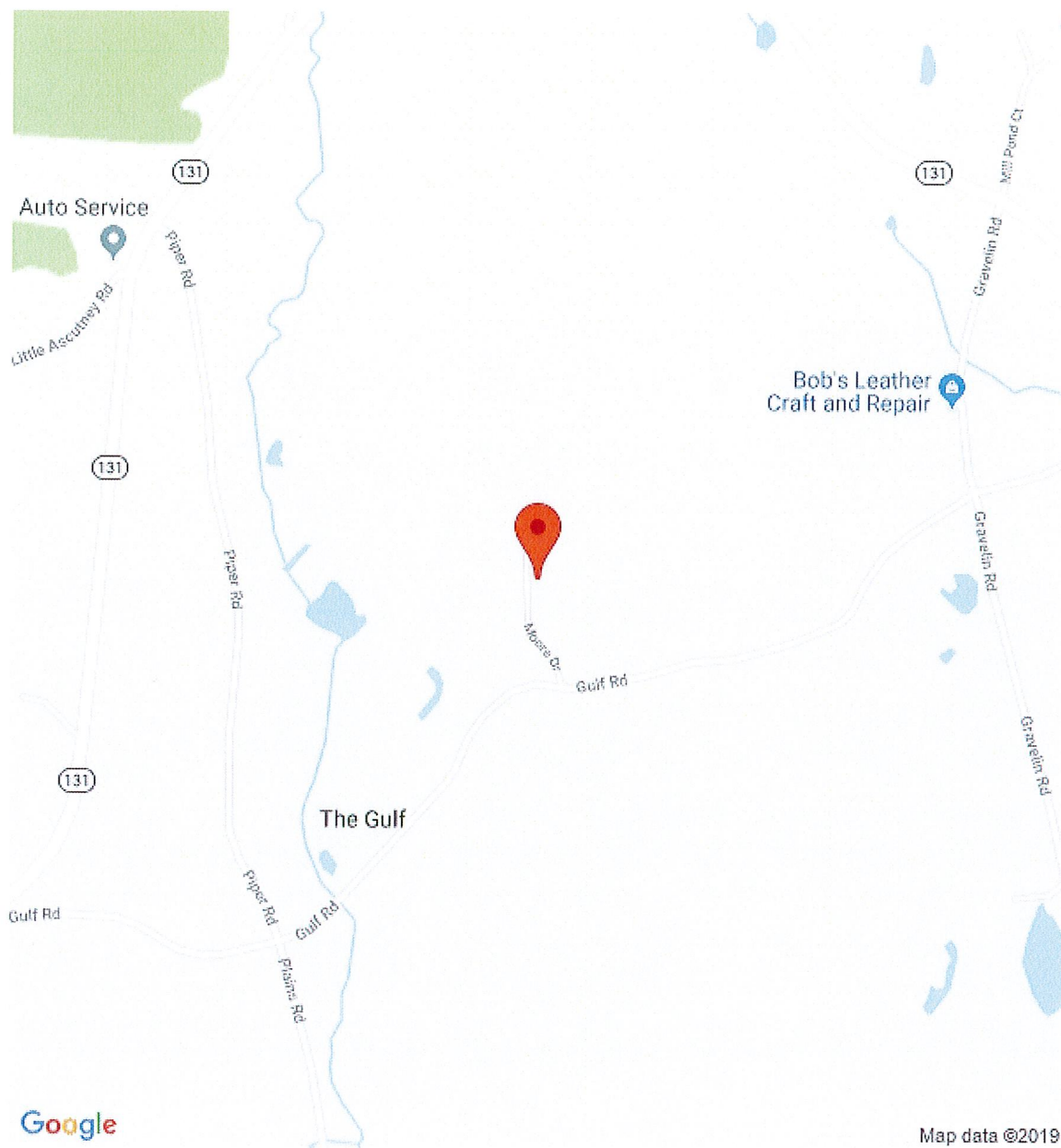
FOIA

No FOIA Information

LOCATION

Latitude: 43.4158780

Longitude: -72.483030



Town of Weathersfield, Vermont

Land Use Administrator, P.O. BOX 550, ASCUTNEY, VT 05030
Martin Memorial Hall, 5259 US Route 5
Telephone:(802) 674-2626 Fax: (802)674-2117
Email: landuse@weathersfield.org
Website: <http://www.weathersfieldvt.org>

Zoning Board of Adjustment Notice of Public Hearing

Date: Thursday, September 12 at 7:00 PM

The Weathersfield Zoning Board of Adjustment will hold a public hearing on Thursday, September 12 at 7:00 PM in the Town Office/Martin Memorial Hall for the purpose of considering the following variance application:

1. Setback and buffer variance application by Peter Ducas for placement of camper at Parcel ID 050256.7, Rural Residential Reserve (RRR-35) & Conservation (C-10) zoning districts.

At 6:30 PM a site visit at Goulden Ridge Road / Parcel ID 050256.7 will precede the 7:00 PM Public Hearing.

Information concerning this matter is available at the Town of Weathersfield office from 7:30 AM to 5:30 PM Monday through Thursday or by calling 802.674.2626.

Ducas 1

Town of Weathersfield

Zoning Permit Application

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

Property Information

Address 00 Goulden Ridge Road
 Town, State, Zip _____
 Parcel ID 050256.7
 Lot Size (acres) 3.9
 Road Frontage (ft) 1000
 Existing Principal Use (enter below, e.g. "single-family dwelling")
(if no existing Principal Use, leave blank)
Undeveloped lot

Applicant

Name(s) Peter Ducas
 Name(s) _____
 Mailing Address 269 High Ridge Road
 Town, State, Zip Bridgeport, CT 06606
 Telephone # _____
 Mobile # 203-257-6087
 E-mail Address _____

Landowner (if different)

Name(s) _____
 Name(s) _____
 Mailing Address _____
 Town, State, Zip _____
 Telephone # _____
 Mobile # _____
 E-mail Address _____

Decision (Staff Use Only)

APPROVED DENIED

Permit Expiration Date Pending hearing 9/12/2019

Permit Type (check all that apply)

- New Principal Building or Unit (e.g. "single-family dwelling")
- New Accessory Structure (e.g. "shed")
- Alteration to Existing Structure (e.g. "new room addition")
- Change of Use (e.g. "personal service" to "restaurant")
- Demolition / Removal (e.g. demolition & removal of pool)
- Sign (one-sided square footage): _____ sq. ft.
- Variance

Project Information

Proposed Principal Use Definition *(if new or changing, enter below)*
Camper

Approximate Value of Development \$ _____

Total New Finished Floor Area _____ sq. ft.

Total New Unfinished Floor Area _____ sq. ft.

Maximum Height _____ ft.

Number of Stories _____

Filing Information (Staff Use Only)

Zoning Permit # 19.07.25. Z

Fee Collected \$ 215

Zoning Area RRR-35 / C-10

Permit Issue Date _____

Appeal by Date _____

Type of Review Required (check all that apply)

- Administrative
- Zoning Board of Adjustment
- Conservation Commission
- Flood Hazard / Agricultural Soils

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

Setback variance for placement of camper on property on Goulden Ridge Road. Total lot width approximately 160 ft. bisected by stream with steep approx. 20 foot high banks. No existing road access across stream. Highway access permit pending.

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 _____ sq. ft.	=	\$ _____
Accessory Use	\$30 + 0.05 x _____ sq. ft.	=	\$ _____
Conditional Use	\$200 + 0.05 x _____ sq. ft.	=	\$ _____
Permit Renewal	Expired permit renewal: \$30	+	\$ _____
Variance	\$200	+	\$ 200
	SUBTOTAL		\$ 200
Late Fee	Double all fees for after-the-fact permit	2x	\$ _____
Recording Fee	Applies to all applications	+	\$ 10
	TOTAL		\$215

Staff Use Only
Fee Collected?
[Signature]
Initials
[Signature]

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:

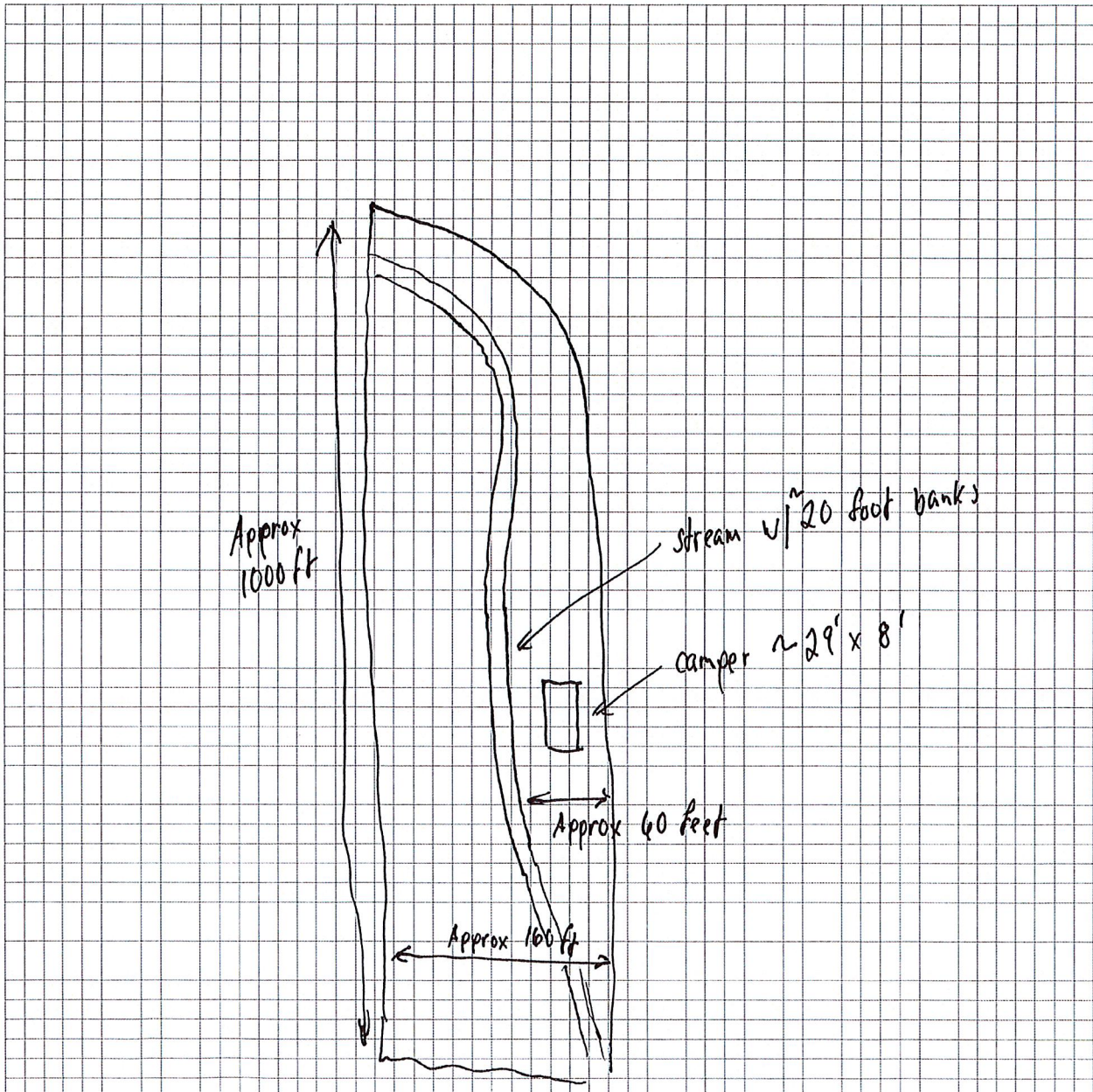
- ◆ Applications will not be considered properly filed and vested for rights to review under any applicable laws until fees are paid in full and all items necessary to determine compliance with this bylaw are complete and submitted;
- ◆ Vermont law allows the Land Use Administrator 30 days to act on 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 X Peter Duca
Date 07 / 25 / 2019

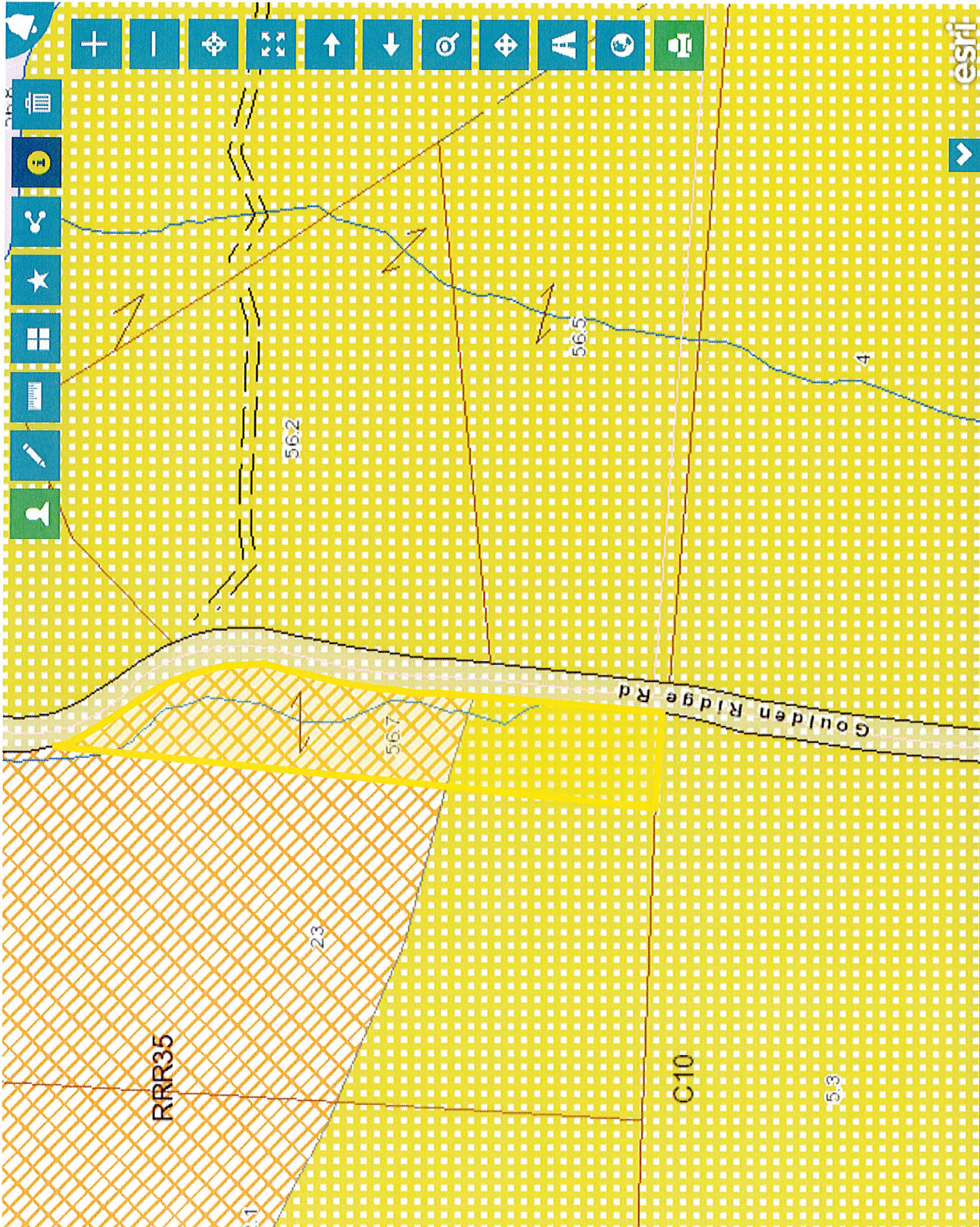
Applicant Signature _____
Date ____/____/____

Site Plan Drawing

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

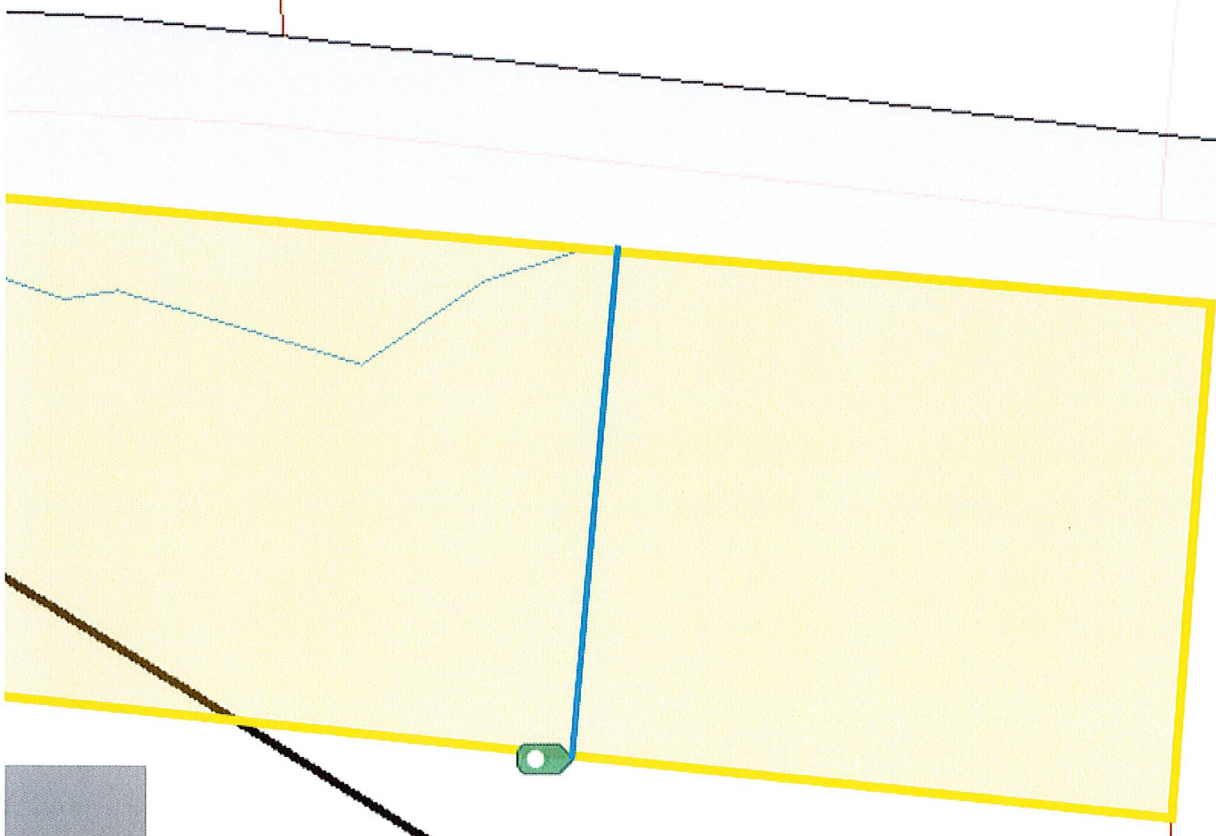


Land Use Administrator Signature *John Fisher* Applicant Signature *X Peter Lucas*
NOTE: Signature required for valid permit Pending hearing 9/12/2019



VT

2
7
A



Measurement Result

163.2 Feet

Segment : 179.7 Feet

Clear

Feet



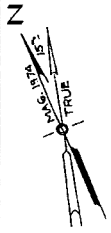
esri

X: -72.42469, Y: 43.39774

0 30 60ft

esri

Ducas 2



- REVISION -
1. THIS PLAT SHOWN AS EXHIBIT 'A' WAS REVISED 7/27/85 TO SHOW CONTOURS OF THE ENTIRE PARCEL SOUTH OF ROUTE 131.
 2. THESE ARE EXHIBITS 'B', 'C' AND 'D' TO BE RECORDED ALONG WITH THIS DOCUMENT TO COINCIDE WITH THE TOWN OF WEATHERSFIELD SUBDIVISION REGULATIONS.
 3. THE ADJUTING PROPERTY OWNERS WERE RESEARCHED IN MAY OF 1985 AS SHOWN ON EXHIBIT 'D'.
 4. ANY MONUMENTS SET IN 1995 ARE 3/4 INCH ALUMINUM ROD WITH A BREAK-OFF POINT AND A 3" ALUMINUM CAP STAMPED CVPS. PROPERTY CORNER - W.H.S. 45 198.
 5. PARCELS 1 AND 2 WERE ISSUED A PERMIT FROM THE DISTRICT 2 DEPARTMENT OF CONSERVATION WASTEWATER MANAGEMENT DIVISION, PERMIT #W-2011 AND PERMIT # DE-1-3877
 6. THE SMALL PARCEL SHOWN AS ENCLOSED NUMBER 11 WILL BECOME A PART OF PARCEL NUMBER 2 AND WILL BE RETAINED BY CVPS FOR ITS SUBSTATION AND ELECTRICAL TURBINE GENERATOR.
 7. THE PRELIMINARY SURVEY WAS PERFORMED IN 1974 BY WILLIAM H. JOHNSON, L.S. 1182, AND IS RECORDED IN THE TOWN OF WEATHERSFIELD LAND RECORDS UNDER SURVEY # 273 & ABANDONED AND WANTED RIGHTS WILL BE RETRIEVED FOR PARCEL # 2.

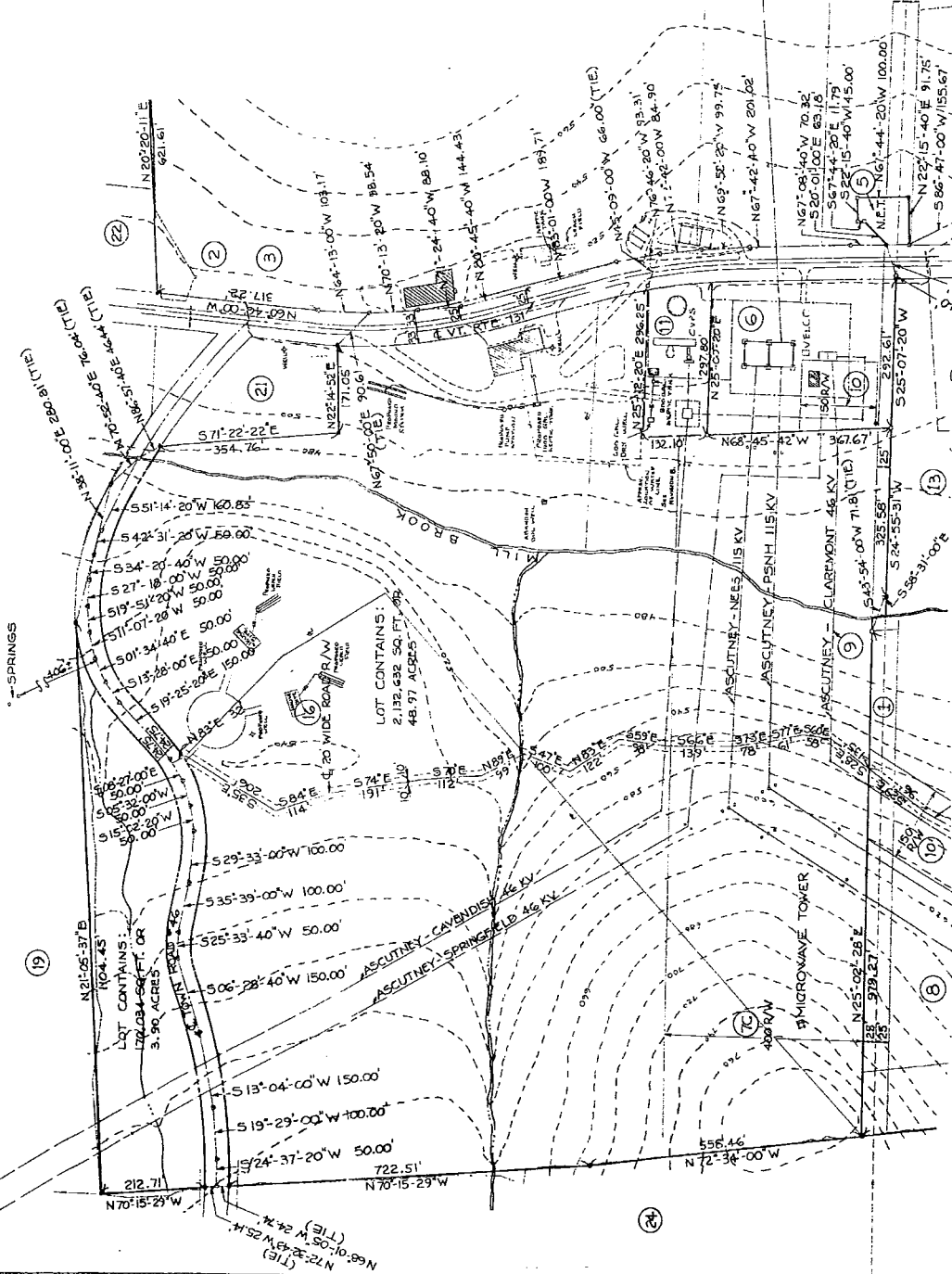


LOCUS #2777A
EXHIBIT 'A'

GRAPHIC SCALE
0 50 100 200 300 400 500
FEET

CVPS - ASCUTNEY CENTER SUBDIVISION
PROPERTY PURCHASED FROM
PHILIP V. JAKVIS & EVA A. JARVIS
DATED JUNE 15, 1962
AND RECORDED IN
VOLUME 59, PAGES 137 & 138
OF THE LAND RECORDS
FOR THE TOWN OF WEATHERSFIELD, VERMONT

CENTRAL VERMONT PUBLIC SERVICE CORP.
DRAWN BY: RCH CHECKED BY: DRC
SCALE: 1" = 100' DATE: 11-21-75 DWG. # 186-B



NOTES:

1. MAP IS COMPILED FROM A CLOSED TRANSIT & TAPE TRAVERSE.
2. PRESENT BOUNDARY LINES CONFORM TO TOWN OF WEATHERSFIELD LAND RECORDS AS NOTED BY EACH NAME OF LANDOWNER.
3. SURVEY BASED ON EXISTING GROUND EVIDENCE AND LAND RECORD INFORMATION COMPILED BY CVPS CORP.
4. ALL NEW MONUMENTATION SET AUGUST, 1974.
5. ALL MONUMENTATION AROUND N.E.T.T. CO. LOT WAS REPRODUCED FROM AN OLD SURVEY MAP BY FRED KOERNER DATED APRIL 19, 1957.
6. ALL BEARINGS ARE MAGNETIC 1974 AS SHOWN.
7. FOR DATA CONCERNING LAND TRANSACTIONS, LOCATE ENROLLMENT NUMBER AND PHOTODUPLICATION NUMBER ON DWG. # 186-A-1; (EXHIBIT 'B')

FINAL PLAT - APPROVAL
PLANNING COMMISSION
WEATHERSFIELD, VT.
REQUIREMENTS OF STATUTES
DATE: 9/25/85
H.W. BISHOP

LEGEND

- SET IRON PIPE
- EXISTING IRON PIPE
- EXISTING MARBLE MONUMENT
- TRaverse POINT
- STONE W/ L
- PROPERTY W/ L
- HIGHWAY R/W LIMITS
- TRANSMISSION LINES
- CONTOUR LINES
- DRILLED WALL

SPRINGS

(19)

N 21°-05'-37" E
170.45'

LQT CONTAINS:
170,034 SQ. FT. OR
3.90 ACRES

TOWN ROAD 46

S 34°-20'-40" W 50.00'
S 27°-18'-00" W 50.00'
S 19°-51'-20" W 50.00'
S 11°-07'-20" W 50.00'
S 01°-34'-40" E 50.00'
S 13°-28'-00" E 50.00'
S 19°-25'-20" E 150.00'



PROPOSED LEACH FIELD
PROPOSED WELL

N 83° E 32'

20' WIDE ROAD R/W
PROPOSED LEACH FIELD

LOT CONTAINS:
2,132,632 SQ. FT. OR
48.97 ACRES

S 08°-27'-00" E 50.00'
S 05°-32'-00" W 50.00'
S 15°-02'-20" W 50.00'

S 29°-33'-00" W 100.00'
S 35°-39'-00" W 100.00'
S 25°-33'-40" W 50.00'

S 06°-28'-40" W 150.00'

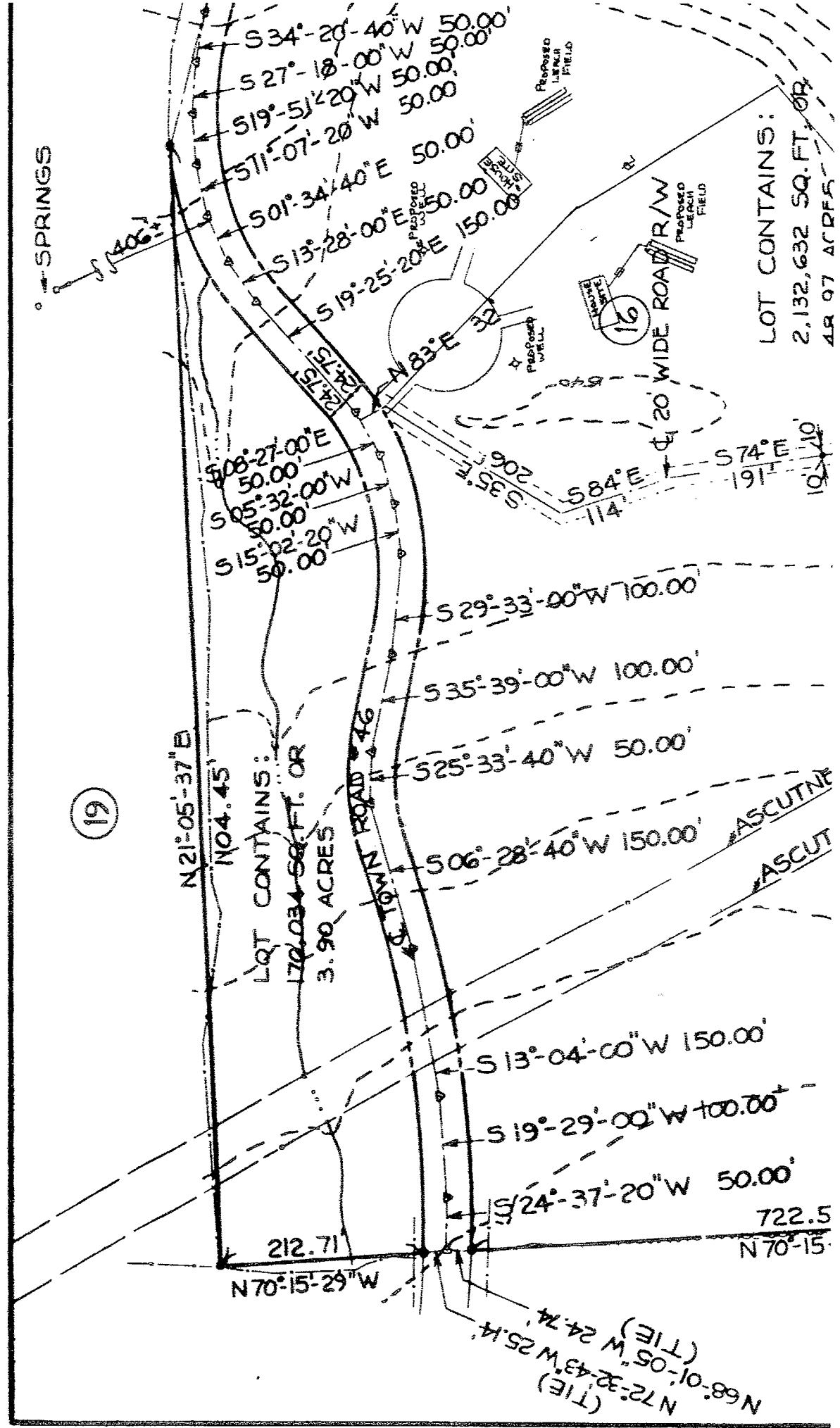
S 13°-04'-00" W 150.00'
S 19°-29'-00" W 100.00'

S 24°-37'-20" W 50.00'

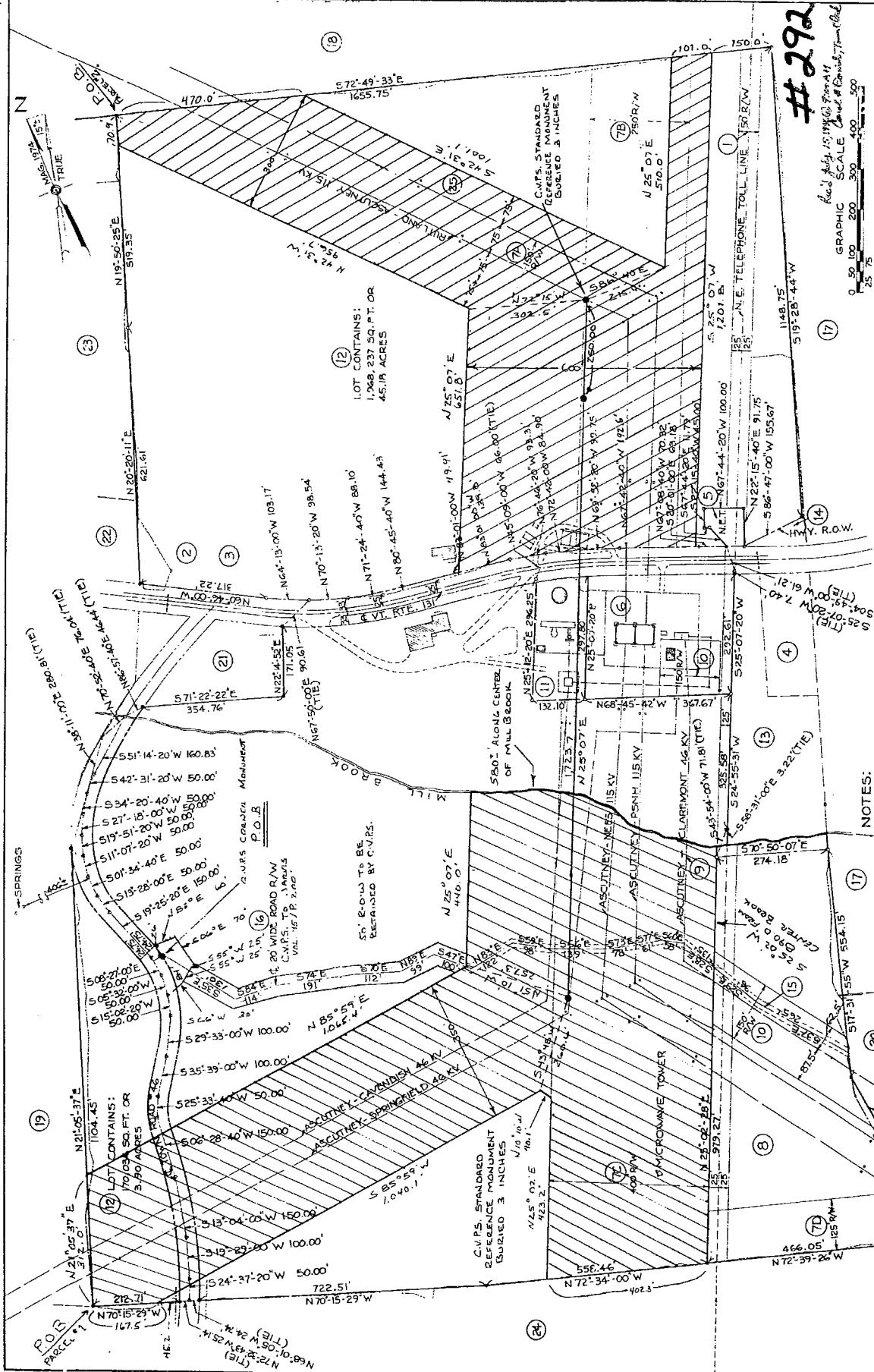
212.71'
N 70°-15'-29" W

722.5
N 70°-15'

N 72°-32'-43" W 25.14' (TIE)
N 68°-01'-05" W 24.74' (TIE)



Ducas 3



#292

Rec'd July 15 1980 5:00 PM
 Dept. of Economic Development

C.V.P.S. EASEMENT AREA
 PROPERTY PURCHASED FROM
 PHILIP V. JARVIS & EVA A. JARVIS
 DATED JUNE 15, 1962
 AND RECORDED IN VOLUME 59 PAGE 137, 138
 OF THE LAND RECORDS
 FOR THE TOWN OF WEATHERSFIELD, VERMONT

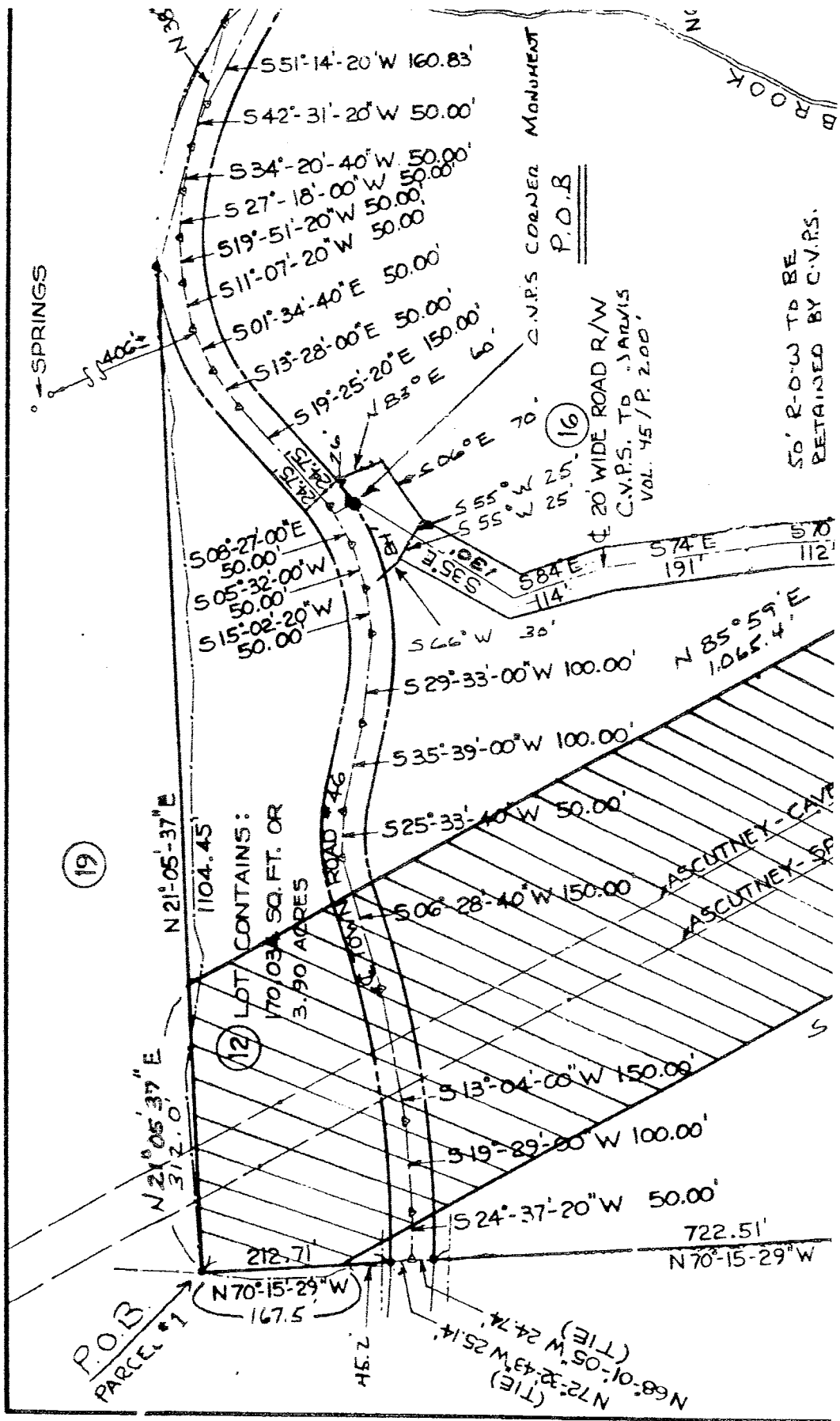
CENTRAL VERMONT PUBLIC SERVICE CORP.
 DRAWN BY: RCR CHECKED BY: PAC
 SCALE: 1"=100' DATE: 1-21-75 DWG. # 186-B

1. WILLIAM H. JOHNSON
 CRYSTAL MOUNTAIN SURVEYING
 VERIFIED THE PROPERTY
 AND THIS MAP IS A
 TRUE REPRESENTATION
 THEREOF.

NOTES:
 1. MAP IS COMPILED FROM A CLOSED TRANSIT TAPE TRAVERSE.
 2. PRESENT BOUNDARY LINES CONFORM TO TOWN OF WEATHERSFIELD RECORDS AS FILED BY RECORDING EVIDENCE TO LAND SURVEY BUREAU OF RECORDS AND MAPS BY C.V.P.S. CORP.
 3. SURVEY INFORMATION COMPILED BY C.V.P.S. CORP.
 4. ALL MONUMENTATION SET AUGUST, 1974.
 5. ALL MONUMENTATION AROUND N.E.T.T. CO. LOT WAS REPRODUCED FROM AN OLD SURVEY MAP BY FRED KERNER DATED APRIL 19, 1957.
 6. ALL BEARINGS ARE MAGNETIC 1974 AS SHOWN.
 7. FOR DATA CONCERNING LAND TRANSACTIONS, LOCATE ENCLOSED NUMBER OF DESIRED PROPERTY OR EASEMENT ON DWG. # 186-A TO FIND DATA UNDER MATCHING NUMBER.
 8. THE REVISION OF MAY 6, 1976 IS TO SHOW THE EASEMENT AREA CONVEYED TO CENTRAL VERMONT PUBLIC SERVICE CORPORATION.

LEGEND

- SET IRON PIPE
- EXISTING MARBLE MONUMENT
- TRVERSE POINT
- FENCE LINE
- PROPERTY LINE
- HIGHWAY R/W LIMITS
- C.V.P.S. REFERENCE MONUMENT
- EASEMENT AREA



(Signature) *W. D. ...*

Ducas 4

Appendix

7.6 Travel Trailers/Camping Vehicles

Travel trailers, campers, pick-up campers and motor homes shall be parked only in approved travel trailer camping areas or sales lots; except that a property owner may park his own, or a guest's travel trailer on his/her property (beyond the required setbacks for the district in which it is located), and these may be used as temporary living quarters by non-paying guests for periods of up to four weeks.

In no event, shall travel trailers be considered as permanent residences.

6.10.1 Streambank Conservation *(Amended November 22, 2011)*

Purpose

The purpose of this bylaw is to prevent:

- erosion of the soil adjacent to streams;
- sedimentation of streams;
- destruction of stream bank habitat.

Application

This bylaw shall be applied to any stream wherever the stream channel width is greater than 4 feet at the regular high water mark. These streams shall be referred to as Aprotected streams@. (See definition of stream, Section 8)

Method

- A naturally vegetated buffer strip shall be maintained on the banks of protected streams.
- The width of the buffer strip shall be measured from the regular high water mark (see definition of regular high water mark, Section 8) of the protected stream to the top of the stream bank or 25 feet, whichever is less.
- The buffer strip width shall be measured as the tape lies.
- No new development or manipulation of the buffer vegetation, other than approved management practices or approved stream crossings, shall occur within the buffer strip.
- Stream crossings shall be approved by the State of Vermont River Management Program where required by the State of Vermont.
- No structure shall be placed within 10 feet of the buffer strip.
- No structure shall be placed or erected within 10' of the buffer.
- No structure that requires a zoning permit shall be placed within 50 feet of the buffer strip.
- No structure requiring a building permit shall be erected within 50' of the buffer.

Approved Management Practices

The following activities are allowed to occur within a protected stream bank buffer:

- Removal of invasive species
- Cutting hazard trees and/or limbs (stump shall remain)
- Removal of debris

9.4 Variances

9.4.1 Variance Criteria

The Board of Adjustment shall hear and decide requests for variances as required by the Act [§4469(a)] and appeal procedures under Section 9. In granting a variance, the Board may impose conditions it deems necessary and appropriate under the circumstances to implement the purposes of these regulations and the municipal plan currently in effect. The Board may grant a variance and render a decision in favor of the appellant **only if all of the following facts are found**, and the findings are specified in its written decision:

- 1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these 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;
- 2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of these regulations and that the authorization of a variance is necessary to enable the reasonable use of the property;
- 3) The unnecessary hardship has not been created by the appellant;
- 4) The variance, if authorized, will 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 renewable energy resources, or be detrimental to the public welfare; and
- 5) The variance, if authorized, will represent the minimum that will afford relief and will represent the least deviation possible from these regulations and from the plan.

4.3.2(d) Rural Residential Reserve (RRR 3-5)

Purpose: Rural areas that give Weathersfield its valued rural atmosphere; a mix of open and wooded lands, agriculture, and residences, accessible and remote. Residential growth in the Rural Residential Reserve District will increase demand for utilities and services moderately to severely dependent upon the intensity and remoteness of the growth location.

Uses that do not require a Zoning Permit: The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see Sect. 6.10.8)
- Baby-sitting service (see Sect. 7.13)
- Minor structures (see definitions)
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Administrative Officer:

Permitted Principal Uses:

- Cemetery
- Group home
- Single family dwelling
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic courts
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility ^{1,3} (see Sect. 7.13)
- Campground, resort, children's camp ^{1,3}
- Church (see Semi-Public)
- Contractor's storage ^{1,3} (of materials, machinery heavy equipment)
- Family child care facility ^{1,3} (see Sect. 7.13)
- Indoor or outdoor recreation facility ^{1,2,3} (see definitions)
- Inn/small hotel ^{1,3} (see definitions)
- Medical facility ^{1,2,3} (see definitions)
- Extraction of earth resources ^{1,2,3}
- Mobile home park (see Sect. 7.5)
- Public water, sewage treatment plant ^{1,2,3}

4.3.2(d) Rural Residential Reserve (cont.)

- School ^{1,2,3} (see definitions)
- Semi-public ^{1,2,3} (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Single family PRD ^{1,2,3}
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock
- Home industry
- Wireless Communication Facilities ^{2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Multi-family dwelling or PRD
- Two family dwelling (new construction)
- Non-highway Commercial
- Small enterprise
- Self-Storage Facility *(effective July 9, 2012)*

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
 2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
 3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
- Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

Lot Area Minimum: 3 acres

Lot Frontage and Setbacks:

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

Building Heights:

Maximum building height: 35 feet *(Amended 6/11/2012)*

¹ Site Plan Review required

² General/Special Provisions apply

³ Certificate of Occupancy required

4.3.2(e) Conservation (C-10)

Purpose: Areas in which sparse development is wise for one or more of the following reasons: remote from roads or utility services; location of scarce mineral resources, prime agricultural or forested land, significant or irreplaceable natural, historic, recreational or scenic resources; slope elevations exceeding 25%; land over 1,500 feet in elevation; severe soil limitations; risk of flooding; or flood ways need.

Uses that do not require a Zoning Permit: The following uses are permitted without a Zoning Permit, provided that these uses are in compliance with these Bylaws:

- Agriculture/Forestry (see Sect. 6.10.8)
- Baby-sitting service (see Sect. 7.13)
- Minor structures (see definitions)
- Temporary signs

Permitted Uses: The following uses are permitted following the issuance of a Zoning Permit by the Adm. Officer:

Permitted Principal Uses:

- Group home
- Single family dwelling (must not defeat purpose of the District)
- Two family dwelling (altered from pre-existing single family dwelling, if no enlargement of structure; no new construction)

Permitted Accessory Uses:

- Accessory dwelling unit (see Sect. 6.9.1)
- Accessory use or structure
- Adult day care service (see Sect. 7.13)
- Athletic structures
- Bed and Breakfast (up to 3 bedrooms for transient boarders/tourists)
- Family child care home (see Sect. 7.13)
- Home occupations
- Ponds (see Sect. 6.10.4)
- Seasonal roadside stand (see Sect. 7.11)
- Signs, permanent
- Swimming pool (in ground or aboveground)

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

Conditional Principal Uses:

- Adult day care facility ^{1,3} (see Sect. 7.13)
- Campground, resort, children's camp^{1,3}
- Cemetery
- Church (See Semi-public)
- Contractor's storage ^{1,3} (materials, machinery, heavy equipment)
- Family child care facility ^{1,3} (see Sect. 7.13)
- Inn/small hotel ^{1,3} (see definitions; must not defeat purpose of the District)
- Medical facility ^{1,2,3} (see definitions)
- Extraction of earth resources ^{1,2,3} (Site Plan Review)
- Outdoor recreation facility ^{1,2,3} (see definitions, must not defeat the purpose of the District)

4.3.2(e) Conservation (cont.)

- Public water, sewage treatment plant ^{1,2,3}
- School ^{1,2,3}
- Semi-public ^{1,2,3}
- Other uses (as determined after public hearing, by the Board of Adjustment, to be of a similar type and character as those listed above and meeting the purposes of this District)

Conditional Accessory Uses:

- Dock
- Home industry
- Wireless Communication Facilities ^{2,3}
- Single family PRD ^{1,2,3}

Uses Not Permitted: The following uses are not permitted within this District:

- Gasoline/service station
- Highway Commercial
- Indoor recreational facility
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Mobile home park
- Two family dwelling (new construction)
- Multi-family dwelling or PRD
- Non-highway Commercial
- Small enterprise
- Self-Storage Facility (*effective July 9, 2012*)

Area, Land, & Structural Requirements:

1. Only one principal use is allowed per parcel of land.
 2. Each principal use requires at least the minimum lot area and minimum required frontage specified for the district in which it is located.
 3. Establishment of multiple principal uses on a single parcel of land requires a PUD permit.
- Soil or terrain conditions may require larger lot sizes to satisfy Town or State public health regulations; the burden of proof of soil suitability and terrain is on the applicant.

Lot Area Minimum:

Basic District Requirement: 10 acres (the owner(s) of record prior to January 4, 1994, of a lot containing at least 6 acres and less than 20 acres and which lot, under the prior bylaws was in RRR 3-5 District, shall be permitted to subdivide said lot into 2 lots, provided both lots meet the town subdivision and zoning requirements)

Two family dwelling (altered from pre-existing single family dwelling): 2 acres (more may be required to provide a proper sewage disposal system)

Lot frontage and setbacks: Applies for all uses unless increased by the Board of Adjustment as a condition to help a conditional use avoid defeating the purpose of the District.

Frontage	200 feet
Front Setback	40 feet
Rear Setback	50 feet
Side Setback	50 feet

Building Height:

Maximum building height: 35 feet (*Amended 6/11/2012*)

¹ Site Plan Review required

² General/Special Provisions apply

³ Certificate of Occupancy required

Zoning Board of Adjustment

July 11, 2019

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Willis Wood, Todd Hindinger, and James Cahill. Sven Fedorow, land use administrator, was also in attendance.

Nancy Lewis, David Lewis, Ashley Rittershaws, Barry Polidor, Anne Marie Hestnes-Harris, and H. Vern Harris were in the audience.

Prior to the meeting, there was a site visit at 6:30 PM at 4215 Route 106. All of the above listed Board members attended. Also, Nancy Lewis, David Lewis, Ashley Rittershaws, and Barry Polidor were at the site visit.

2. Call to order

Willis Wood called the meeting to order at 7:12 PM.

3. Appeal of Zoning Administrator decision regarding whether “junkyard” exists at 157 Moore Drive (Parcel ID 040229.7), Conservation (C-10) zoning district

Willis Wood opened the hearing at 7:14 PM by reading the Warning. Willis Wood knows Danny Barbour, but has not seen him for a few years. He feels that he can be fair for this hearing. Nancy Lewis, David Lewis, and Ashley Rittershaws affirmed. Nancy Lewis, David Lewis, and Ashley Rittershaws have interested party status.

Sven Fedorow stated that the Town manager has been up to 157 Moore Drive twice. Vincent Chiorgno, the State junkyard specialist, has been to this location too. Sven Fedorow and Vincent Chiorgno both made a determination that 157 Moore Drive did not reach the junkyard status according to the Town’s Bylaws.

Exhibit #1 was the packet which included a letter from Barry Polidor to Vincent Chiorgno dated June 26, 2018, a letter from Land Use Administrator to Nancy Lewis dated November 8, 2018, a letter from Barry Polidor appealing Land Use Administrator decision dated November 19, 2018, a letter from Barry Polidor to Vincent Chiorgno dated November 20, 2018, an email from Vincent Chiorgno to Land Use Administrator dated May 23, 2019, a letter from Daniel Barbour to the Town of Weathersfield dated July 3, 2019, and the file history (letters/emailed from April 10, 2013 to January 24, 2018).

Sven Fedorow stated that our Bylaws are ambiguous. The definition of junk in our Bylaws is similar to the State's. The State did not want to pursue this as a junkyard. James Cahill stated that in the documentation Vincent Chiorgno mentioned three unregistered vehicles. He wanted to know if there was any other criteria mentioned. Sven Fedorow stated that there was not. The State Salvage yard Rules is a 27 pages document that is fairly lengthy. The Town's Bylaws are based on the State's Statues. The Town should match the State's interpretation. He stated that he defers to a higher authority who is Vincent Chiorgno, the State's specialist.

Barry Polidor disagreed that he Town's Bylaws are based on the State's. He referenced 7.15, definition of junkyard. The State has a Statue that talks about "junk" and describes it. He proceeded to read it. The State letters/emails stated that they were done with this. They only looked at the vehicles at this site. There are more than three vehicles there that are dismantled. There is a drum up there and safety and welfare concerns. The State Statue (22.46) cannot be in derogations of the Town's Bylaws. The local ordinance prevails if it is the stronger one. The pictures that he presented were taken in the fall of 2017. The difference between then and now is that a camper and boat are gone. The wood pile and the blue truck are new. When the State first visited it, Vincent Chiorgno stated that he would work with Daniel Barbour to bring him into compliance. Barry Polidor wanted to know how Daniel Barbour is currently in compliance. On May 30, 2018, the State wrote to Barry Polidor and Daniel Barbour that it will do what is needed to come into compliance with the State.

Sven Fedorow stated that he is not sure where the boat and camper where when the State visited this location. He went up there later in the summer. The Town can be stricter than the State. There is nothing in the Bylaws where it has to be stricter than the State. There is the State regulations and the Bylaws have some definitions. It could be said that it affects the neighborhood if the Board finds that it meets the junkyard criteria.

Nancy Lewis stated that the previous zoning administrator said it would if things were bought or sold. There have been some things removed and some added. Sven Fedorow stated that sales does not determine if it is a junkyard. If there were regular sales, then it would be different. Sven Fedorow stated that the Town's attorney would look to see how the State would handle it and their definition of "junk".

Barry Polidor stated that in his first letter (November 2011) to Hal Wilkins, the previous zoning administrator, he included photos. In Hal Wilkin's letter (December 2011) back to him, he stated that is was clearly a junkyard and the Town's attorney, Chris Callahan, was in agreement. Sven Fedorow stated that he does not know what happened in 2017. These items are not in the file, or been recorded. The Board needs to make the decision now. Willis Wood read the letter dated July 3, 2019 from Daniel Barbour.

Exhibit #2 will be eleven photos presented by Barry Polidor taken in June 2018. Exhibit #3 will be twenty-three photos taken by Nancy Lewis in 2016 & November 2017. Exhibit #4 will be eight photos taken by Nancy Lewis in 2015.

Ashley Rittershaws stated based on the number of vehicles and other things there, she feels that it is a junkyard. David Lewis stated that it is a mess up there and the Town should want to keep it appealing. He feels it is a junkyard too. The Town might need to change ordinances or Bylaws. It has been an eyesore for ten years. Their neighbor built his house and then Daniel Barbour put his junk up there after. The neighbor had to sell his house for a lower price.

Anne Marie Hestnes-Harris stated that she has lived in other towns where they had ordinances as to how many unregistered vehicles could be at a location. Barry Polidor stated that the State says four or more. At one visit, there were only three. From 2017 to June 2018, the vehicles are still all there, but the camper and boat are gone. There is an addition of a truck. We are asking to issue a notice of violation so Daniel Barbour has to apply for a permit. Sven Fedorow stated that based on our local zoning, a State permit would be needed. Todd Hindinger stated that it is not an allowed use there, so no permit may be issued. Barry Polidor stated that it could be a contractor storage. Sven Fedorow stated that it would have to be looked at to be a contractor storage. Our Bylaws stated that if it is a junkyard, it needs a State permit. The State cleared it. There could be a permit for a salvage yard from the State because the State does not look at the Town's Bylaws. He was told by Vincent Chiorgno that he had been up there with Daniel Barbour and some of the vehicles did start. Nancy Lewis stated that Vincent Chiorgno informed her that Daniel Barbour could get three vehicles to start. He also told her that Daniel Barbour could take vehicles off to get in compliance and then put them back on.

Sven Fedorow stated that the State should have counted all the vehicles there and could issue an enforcement action if there were more than four unregistered vehicles there. David Lewis stated that there are also two tractors behind the sugar house. H. Vern Harris has seen them there. Barry Polidor stated that the State seemed not to have addressed other issues there, such as the 55 gallon drum, refrigerator, only concentrated on the vehicles. Sven Fedorow stated that there has to be a threshold to go beyond "junk". One rusty vehicle does not qualify for junk. The State stated that the construction equipment started.

Exhibit #5 was the Title 24: Municipal and County Government definitions from V.S.A.
Exhibit #6 was the Title 23 Motor Vehicles, Chapter 021: Title to Motor Vehicles.

The Board listed the items that they saw upon their site visit. They saw a skidder (down low), two crawlers (one by the skidder and one in the woods), large 18 wheeler box trailer, a sugarhouse, a one ton blue dump truck, vintage ambulance, vintage tow truck, dozer (up high), abundance of metal materials in various piles, various piles of wood, various piles of dimensional lumber, smashed pick up with bicycle in front, old box truck (Springfield Terminal Railroad), dozer (down low), back of 18 wheeler cab (down low near skidder), refrigerator, 55 gallon drum (partially full), forklift grader, and some useful equipment. Willis Wood stated that in order to be an automobile graveyard it needs to have four or more junk vehicles. Todd Hindinger asked David Lewis to show him the boundary posts on the

survey. Todd Hindinger could not find them when they were at the site visit. David Lewis showed them to Todd Hindinger on the map. Todd Hindinger wanted to know who had the right of way. David Lewis stated that they all do. He stated that he has owned the property since 1986. In the past, his family did some camping on the property. The Board made a suggestion that David Lewis might want to have someone mark out his property's corner posts. Barry Polidor will get in contact with someone to do that for them. Nancy Lewis asked if the hearing is closed could she still present current pictures. The Board told her that she could not. Once the hearing is closed, the Board cannot accept anymore testimony or evidence.

Jim Cahill asked Barry Polidor if there were anything specific with health hazards. Barry Polidor stated on the drum, rotting metal, engines could be leaking fuel, and the swamp in the back area.

Todd Hindinger asked Barry Polidor if the argument is to look at the Town's and State's rules. Barry Polidor stated that the Board should only look at the Town's rules. It is not whether or not the State was correct. The State should not be concerned with this decision. The State did not say it was a salvage yard, but the Board could. Then there would be a violation. If you get a State salvage yard, does not mean that you can get the Town's.

Ashley Rittershaws stated that a Board member asked about property lines. If the items were on David Lewis's property, then he could get them off. Todd Hindinger stated that it would be called abandoned property and it would be easier. He pointed out to David Lewis that the extension of his comes down through the meadow and it is 100 feet wide there till the right of way. David Lewis stated that he has nothing to go on, but his memory. The two posts were at the end of his property. They have seen them in the past. Sven Fedorow stated that the condition on this particular property has changed. Some things are not there and some things have been there for a long time. David Lewis stated that everything is in Daniel Barbour's words. Todd Hindinger stated that the hearing is an appeal of the Zoning Board Administrator's decision. The evidence is the exhibits, testimony, and Bylaws.

Todd Hindinger made a motion to continue this hearing on August 8, 2019 at 7:00 PM at Martin Memorial Hall. James Cahill seconded it. All were unanimous to continue this hearing.

4. Approval of Minutes – 27 June 2019

Willis Wood made a motion to approve the minutes of June 27, 2019 as corrected. James Cahill seconded it. All were in favor of approving the minutes.

5. Adjournment

James Cahill made a motion to adjourn at 8:58 PM. Todd Hindinger seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,
Diana Stillson