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, 27 June 2019 - 7 PM

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1. Call to Order
2. Agenda Review – 27 June 2019
3. Conditional Use Hearing: Jeff Spurr at 4215 Route 106 (Parcel ID 070212) to seek conditional use permit to construct additional self-storage unit with outdoor storage in Highway Commercial district.
4. Approval of Minutes – 11 April 2019
5. Other new business / comments
6. Adjourn

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a. 23 October 2012:	Excerpt from Zoning Board Decision
b. 24 July 2013:	Zoning Administrator complaint
c. 29 September 2014:	Excerpt from Zoning Board Site Plan Review
d. 28 October 2014:	Applicant letter to Environmental Court
e. 25 February 2015:	Zoning Administrator letter to Applicant
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DRAFT MEETING MINUTES

A. **11 April 2019 Draft Meeting Minutes**

Appendix. Excerpts of relevant bylaws:
- 7.23 Self-Storage Facility
- Definition: Self-Storage Facility
- 7.8 Site Plan Review
- 4.3.2(f) Highway Commercial (HC)

-

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, June 27 at 7:00 PM

The Weathersfield Zoning Board of Adjustment will hold a public hearing on Thursday, June 27 at 7:00 PM in the Town Office/Martin Memorial Hall for the purpose of considering the following application:

1. Jeff Spurr at 4215 Route 106 (Parcel ID 070212) to seek conditional use permit to construct additional self-storage unit with outdoor storage in Highway Commercial district.
At 6:30 PM a site visit at 4215 Route 106 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.

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: 4215 RT 106
Parcel ID *(if known)*: 070212
Lot Size *(acres)*: 1.1
Road Frontage *(feet)*: 250
Existing Principal Use (enter below, e.g. "*single-family dwelling*")
(if no existing Principal Use, leave blank)
Self Storage Facilities

Permit Type *(check all that apply)*

- [ ] New Principal Building or Unit (e.g. "*single-family dwelling*")
- [x] 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.
- [ ] Amendment/Renewal of Prior Permit (enter permit # below)

Applicant

Name(s): Jeff Spurr
Name(s):
Mailing Address: 4159 RT 106
City, State, Zip: Perkinsville VT 05151
Telephone #: 802-263-5459
Mobile #:
E-mail Address: JWSpurr@comcast.net

Project Information

Proposed Principal Use Definition (*if new or changing, enter below*)
Self Storage Facilities

Approximate Value of Development	$60,000
Total New Finished Floor Area	5100 sq. ft.
Total New Unfinished Floor Area	sq. ft.
Maximum Height	12-14 ft.
Number of Stories	1

Landowner (if different)

Name(s): Same
Name(s):
Mailing Address:
City, State, Zip:
Telephone #:
Mobile #:
E-mail Address:

Filing Information (Staff Use Only)

Zoning Permit #: 19.05.29.7
Fee Collected: $455
Zoning Area: HC
Permit Issue Date: Hearing date: June 27, 2019
Appeal by Date: —

Type of Review Required (check all that apply)

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

Decision (Staff Use Only) (*circle one ONLY when review complete*)

APPROVED ☐ DENIED ☐
Permit Expiration Date: Pending hearing

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

Self storage facility & outdoor storage

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 or 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.

Does your project involve a **new home or business, change in # of bedrooms or 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 5100 sq. ft.	=	$ 455
Permit Renewal	Expired permit renewal: $30	+	$
Variance	$200	+	$
Recording Fee	Applies to all applications	+	$ 10
	TOTAL		$465

Staff Use Only
Fee Collected?
Initials

Landowner & Applicant Acknowledgements

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

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

Landowner Signature Jeff Spencer
Date 5 / 29 / 19

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 and all buildings, and the location of septic/sewer and water utilities. Include any proposed signs in the drawing.

See attached site plan sketch JS May 29, 2019

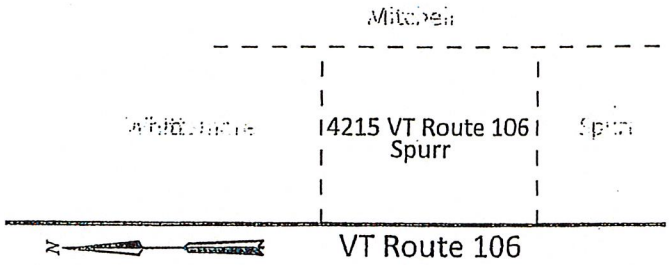
Land Use Administrator Signature _____ Applicant Signature _____

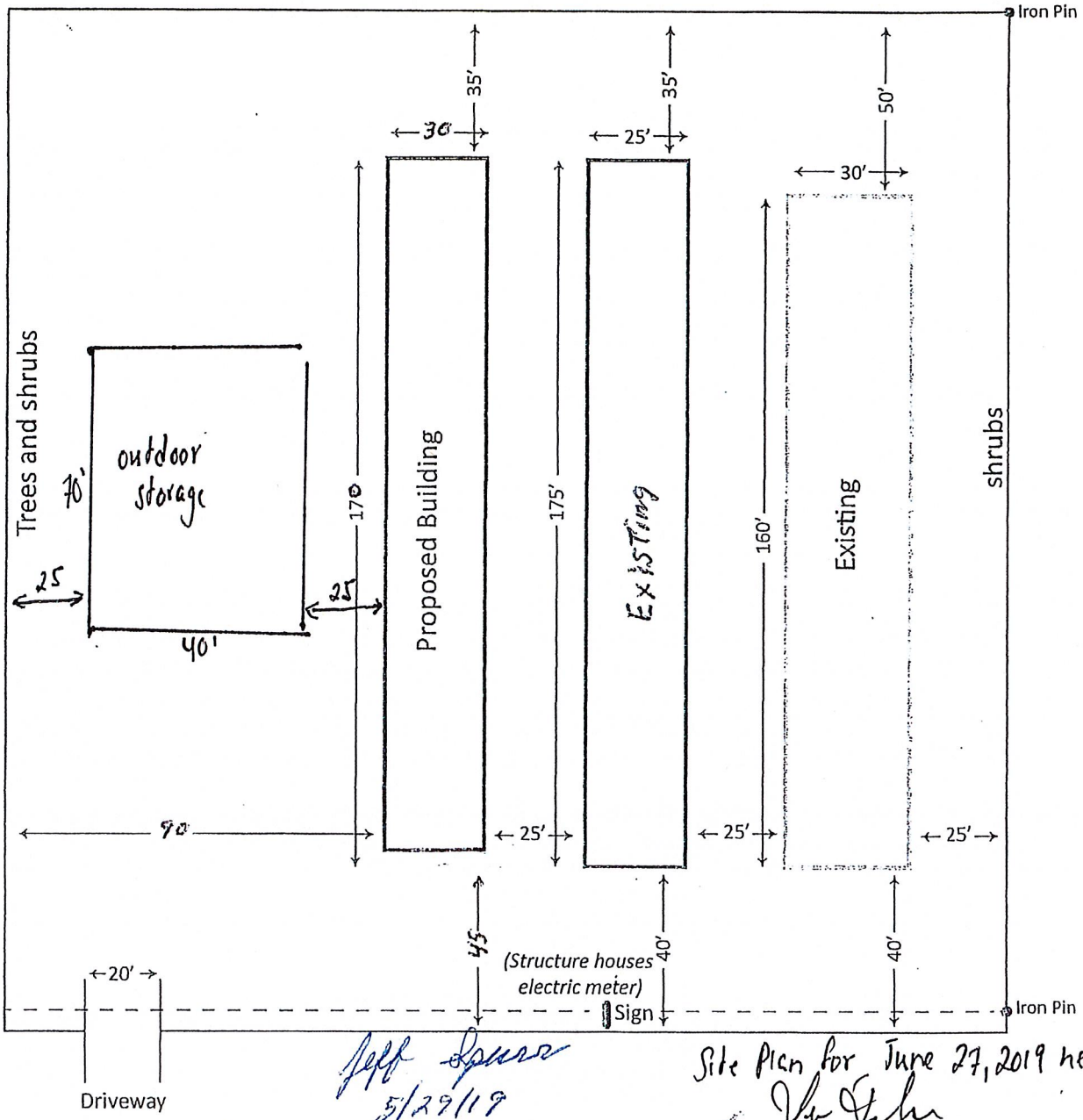
NOTE: Signature required for valid permit 5/29/2019 Pending hearing

5/29/19

Sketch Plan - Self Storage Facilities
Applicant - Spurr, Jeff

Parcel 070212

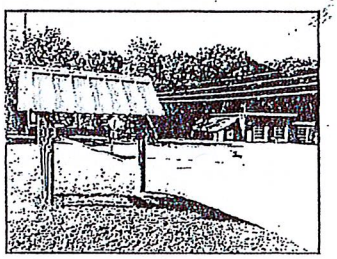




Jeff Spurr
5/29/19

Site Plan for June 27, 2019 hearing

30 x 170 = 5100
25 x 175 = 4375
30 x 160 = 4800
14275
20% = 2855



Sign to be installed within existing structure and be less than 20 square feet (4' X 5'). No modification of existing structure is proposed.

Town of Weathersfield

Public Hearing Notice

A public hearing is hereby warned for the following application:

Address: 4215 Route 106

Applicant: Jeff Spurr

Project Description: Addition to self storage facility & outdoor storage

Public Hearing scheduled for:

Date June 27 *Time* 7:00 PM

Location: Weathersfield Town Office, 5259 Route 5, Ascutney

Purpose of Hearing: Conditional use hearing

Municipal Panel: Zoning Board of Adjustment

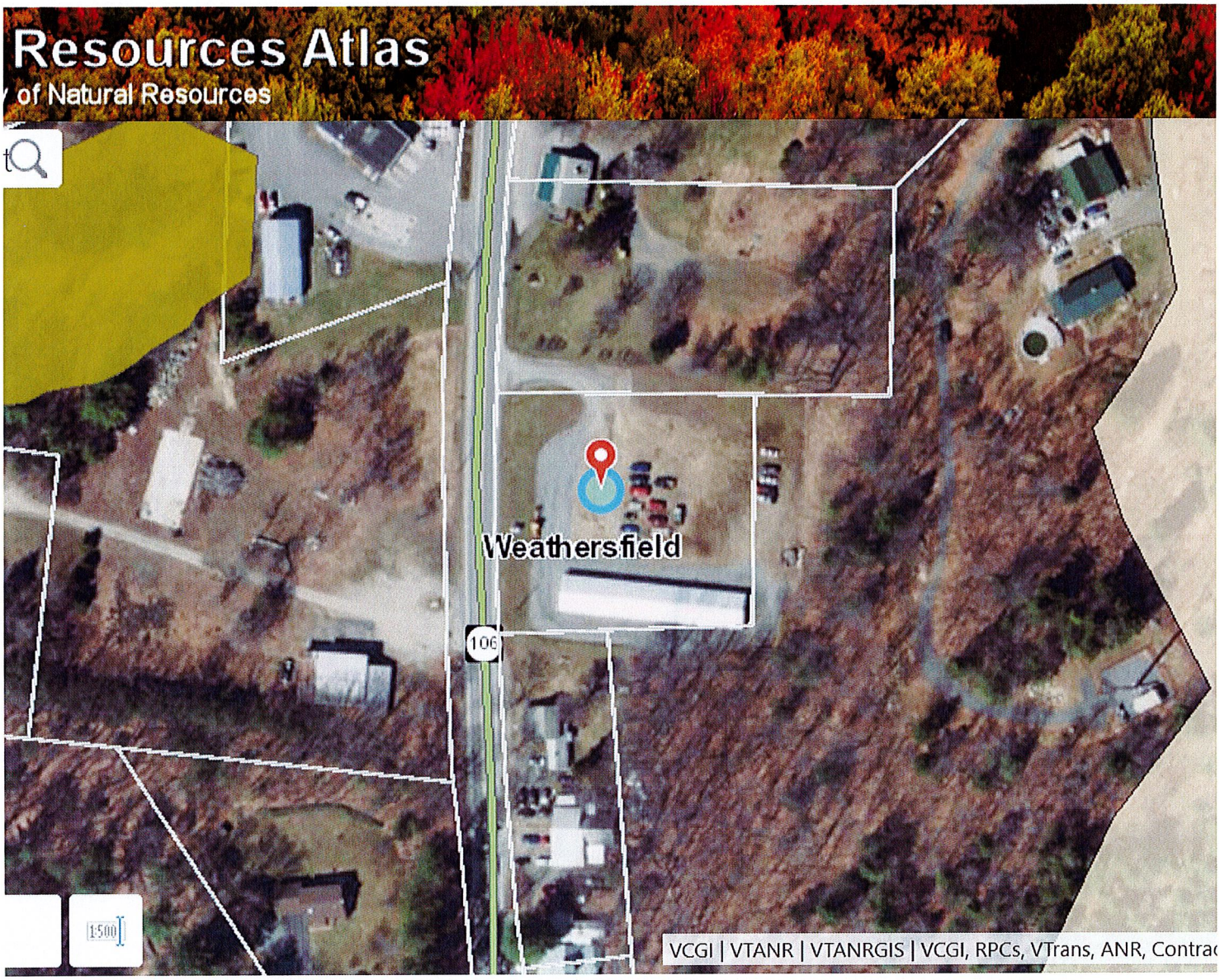
Site Visit scheduled for:

Date: June 27 *Time:* 6:30 PM

2

4215 Route 106, Weathersfield, VT

Layers activated: Vernal pools (confirmed/unconfirmed), Wetland – VSWI, Wetlands Advisory Layer, Hydric soils, Prime Agricultural soils, Flood Hazard Areas, Rare Threatened Endangered Species, Deer Wintering Areas



3

2012.10.23

C- The proposed lighting will not comply with Section 7.20 of the Weathersfield Zoning Bylaws as presented.

DECISION OF THE BOARD

On October 10, 2012, during a deliberative session of the Zoning Board, a motion was made, seconded, and unanimously approved that, based on the foregoing Findings of Fact and Conclusions of Law site plan #09.2412A as shown on Exhibit 1 be approved with the following conditions:

CONDITIONS

1. The project shall be developed as shown on the approved site plan.
2. Exterior lighting shall comply with section 7.20 of the Weathersfield Zoning Bylaws. Thus:
   a. The facility should be illuminated only at levels necessary to ensure the safety and security of persons and property.
   b. Lighting fixtures shall be directed downward and shielded from public roads, nearby residences, and distant vantage points.
   c. Full cut-off fixtures shall be used.
   d. All exterior lighting shall comply with the energy efficiency requirements in sections 7.20.2 and 7.20.3 of the Weathersfield zoning bylaws.
3. Any substantive deviation from the approved site plan without prior approval of the Zoning Board shall constitute a violation of the Weathersfield Zoning Bylaws, and the Administrative Officer will be required to take appropriate enforcement action.
4. Minor deviations from the approved site plan are permitted only with the prior approval of the Administrative Officer.
5. A Certificate of Occupancy is required for this project. The Certificate must be obtained before the facility is opened for business.
6. Landscaping is required so as to secure all disturbed areas from erosion.
7. Outside storage is not permitted with this permit as the site plan does not include space for outside storage.
8. The partially demolished building shall be removed from the property and the site and excavation thus remaining shall be covered or filled to existing grades. The Certificate of Occupancy will not be granted if the building is still present and the site not restored at the time the Certificate is applied for.
9. Each additional storage facility will require a zoning permit and the site plan amended to comply with sections 7.23 and 7.8 of the Weathersfield zoning bylaws.

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

Dated in Weathersfield, Vermont, this 23rd day of October, 2012.

David Gulbrandsen as

David Gulbrandsen, Chair
Zoning Board of Adjustment

BOARD MEMBERS PARTICIPATING IN THIS DECISION:
Ted Goddard, Lynn Esty, and Michael Cohen

WEATHERSFIELD, VT
Town Clerk's Office
Received for record
October 23 A.D. 20 12
At 10 o'clock 15 minutes AM
and recorded in Book Parcel # Page
Attest Town Clerk

Z:\My Documents\WordPerfect Documents\Zoning Board of Adjustment\Site Plan Review\Site Plan Decisions\Spurr.wpd

2013.07.24

Complaint/Request for Investigation

Date: July 24, 2013 Dave Gulbrandsen Ted Goddard Lynn Esty

Request received how? Verbally in person at a zoning board meeting

Location of alleged violation: 4215 Route 106

Parcel ID# 07-02-12

Property owner: Jeff Spurr (263-5459)

Nature of complaint: Parking and exterior storage - site plan & permit do not permit

Relief sought by complainant: Have Spurr change his site plan to show exterior storage and parking.

Action taken: ① 8/13/2013 - Jeff Spurr came into office to pay taxes - asked him about cars on storage lot - he says they are his vehicle, vehicles of employees for repair shop, cars waiting to be repaired; cars that have been repaired and are waiting to be picked up; cars that have been abandoned by their owners; one piece of construction equipment that is still working on the storage facility landscaping; & backhoe that he plans to store there for plowing snow at the storage facility. I said I would think about it and get back to him.

Z:\WordPerfect Documents\Zoning Administrator\Complaint_Request_for_Investigation\AAATemplate.wpd

→ NOTE: Barb Ingalls, a member of the zoning board, brought forth a list of complaints about zoning from her husband.(*) These apparently are in response to Jeff Spurr complaining to Jeff Ingalls regarding my conversation with Spurr. she/he named Matt Waters' property ("it's a mess"); Country Creamee ("employees are parking in what was formerly a mobile home park - out a change in use); landscaping @ the Bradley office bldg (blocks visibility); a car for sale @ the fire station; assertion is that enforcement is not uniform. Shouting match ensued - Ingalls & Graham asserting that Spurr ought to be able to "decide about the parking himself" and Gulbrandsen, Esty & Goddard claiming

(*) at the ZBA mtg on 8/14/2013

2013.07.24

that Spurr had specifically ~~not~~ stated that he did not want "outside storage" and that Spurr was not in compliance with his permit. (Gulbrandsen said he wasn't "complaining", that it was just an "observation".) → Note: Spurr claims that he is only "parking" vehicles there - not "storing" them.

2014. 09. 29

~a residential property on the east side.

~a landscaping business across Route 106 on the West side

~a cell phone tower on the south-east side

F17: The proposed facilities would not be readily visible from the east because of the topography of the abutting property.

F18: The two (2) additional storage facilities will be 40 feet from Route 106. There will be 25 feet between each building and located 35 feet from the rear boundary. Each building will be 175 feet in length.

F19: The current storage facility is 160 x 30 sq. ft.

F20: Mr. Spurr stated that he has been using the open space on this property for over-flow parking needs from his auto repair business, which is located on an adjacent lot.

F21: Mr. Spurr further testified that he plans to continue using this property for over-flow parking until the construction of the two (2) proposed storage units are completed.

F22: Once all structures are completed, Mr. Spurr testified, only the loader and snow plow would be located on the property during the winter months.

F23: The site plan, as amended and signed, does not show any indication of storage or parking on this piece of property.

F24: The Community Facility Project Review and Sign Off sheet was completed and there were no concerns indicated.

F25: Applicant proposes to erect a free standing sign that will be less than 20 sq. ft. and installed within the existing structure, in accordance with Zoning Bylaws 7.9.4.

CONCLUSIONS of LAW

Based on the facts cited above, the Zoning Board of Adjustment draws the following conclusions regarding the **Site Plan**:

Compatibility with Surrounding Development

CL1: The architecture, height and material of the building is not incompatible with other commercial buildings in the area.

Traffic Access and Circulation

2014.09.29

Facts and Conclusions of Law, that the **Conditional Use Permit #082614** is **Denied** on the following grounds:

C1: Proposed use of the property, as given under testimony, for overflow parking, junk vehicle storage, employee and customer parking (associated with the auto repair business on the adjacent lot) does **NOT** comply with the Area Land & Structural Requirements as stated in 4.3.2(f) of the Weathersfield Zoning Bylaws.

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.

C2: The application for the Conditional Use Permit, as submitted, was in accordance with the Weathersfield Zoning Bylaws. The testimony from the landowner for the intended use of the property, received at the hearing, does not match the Application submitted.

Dated at Weathersfield, Vermont, this 29th day of September, 2014.

Lynnette A Esty 9/29/14

Chair Date

Members participating in the site visit, hearing and deliberations:

Lynnette Esty, Chair

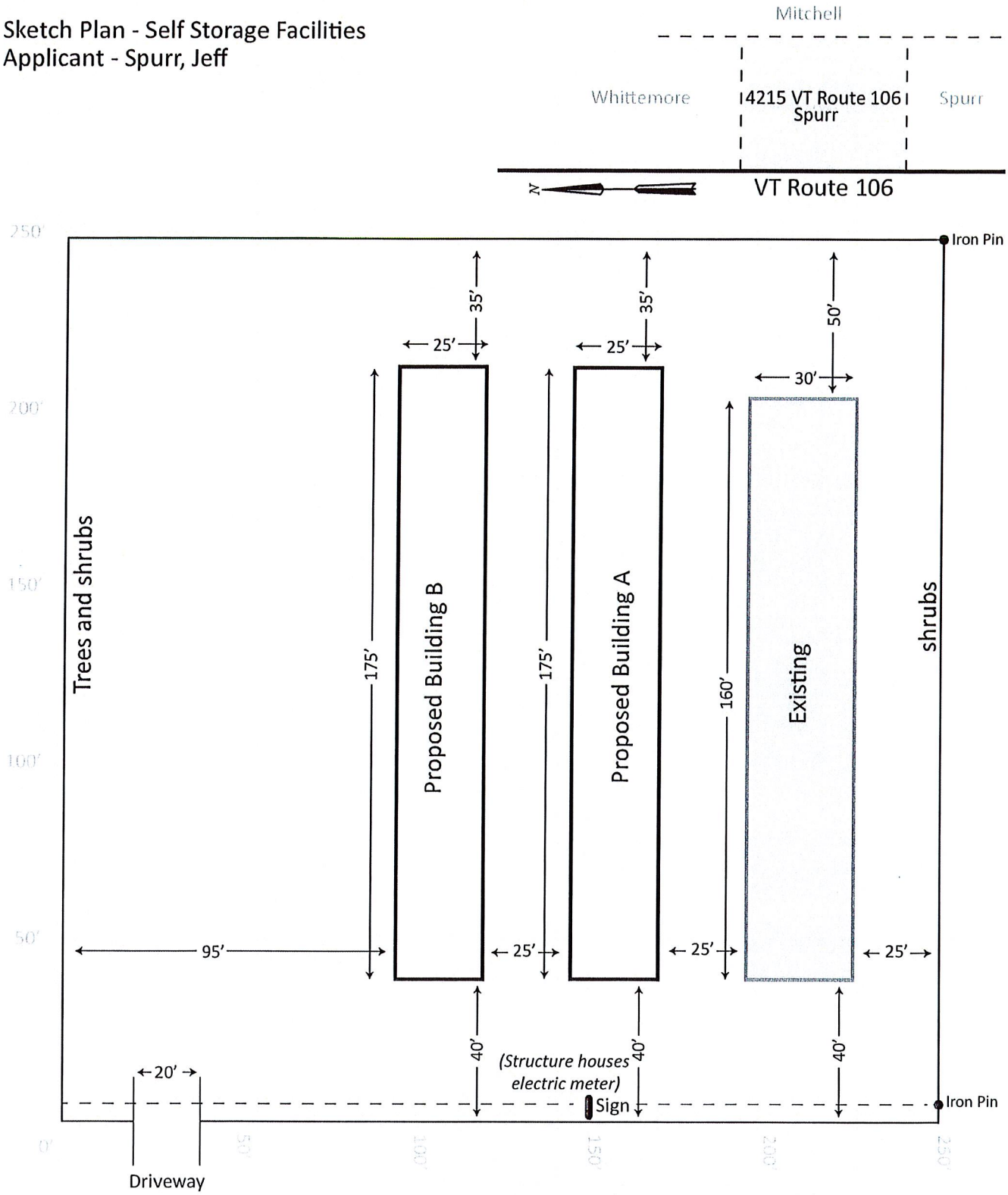
deForest Bearse, Vice-Chair

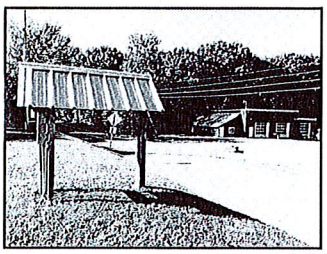
Patricia Daniels, Clerk

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the [planning commission/zoning board of adjustment/development review board]. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

2014. 09. 29

Sketch Plan - Self Storage Facilities
Applicant - Spurr, Jeff





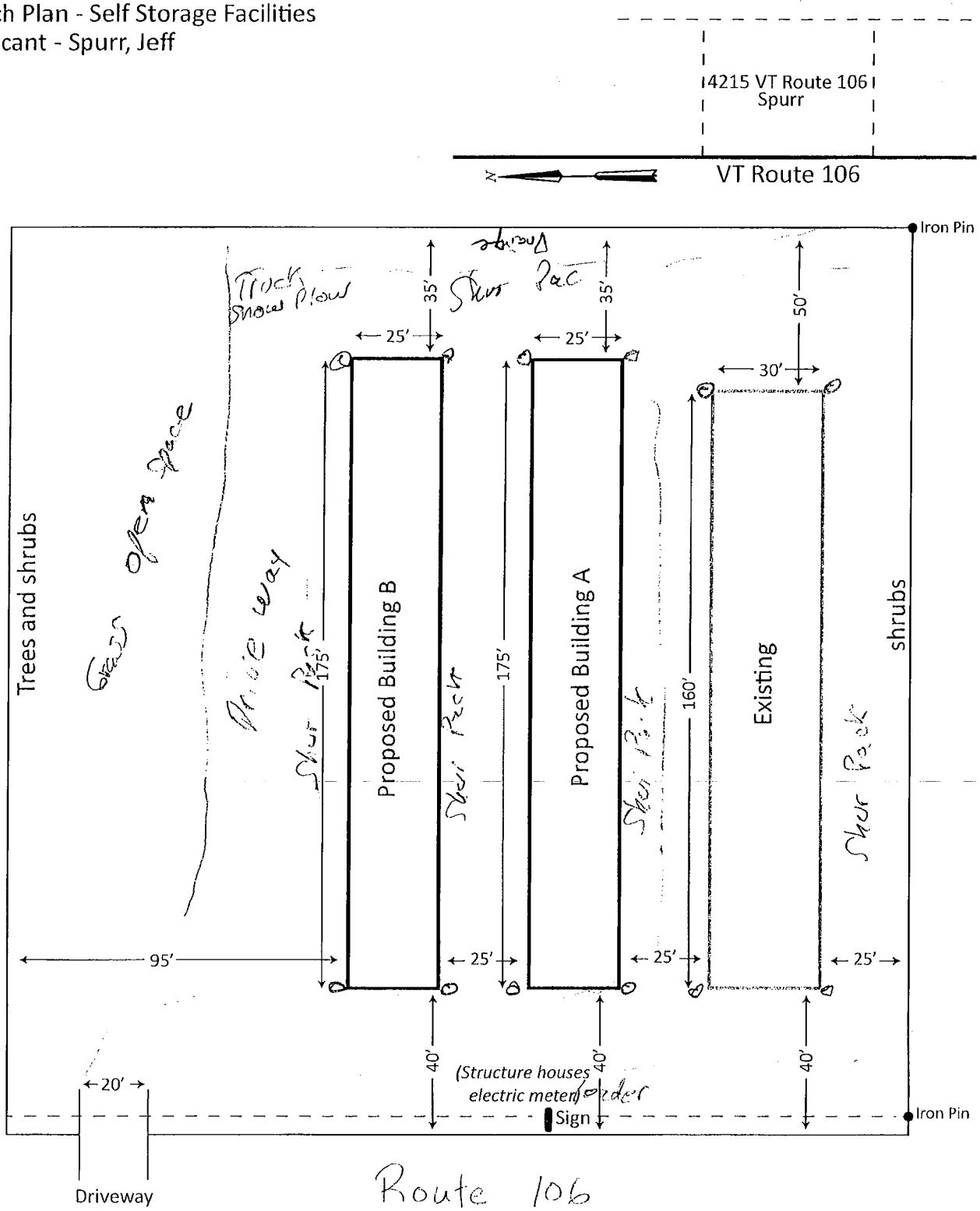
Sign to be installed within existing structure and be less than 20 square feet (4' X 5'). No modification of existing structure is proposed.

Original copy for application filed 9-29-14

2014. 09. 29

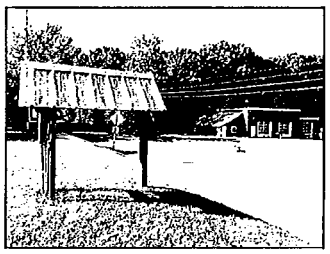
Ex 1

Sketch Plan - Self Storage Facilities
Applicant - Spurr, Jeff



2/24/14
Jeff Spurr

⊙ light Fixture



Sign to be installed within existing structure and be less than 20 square feet (4' X 5'). No modification of existing structure is proposed.

modified (in pencil)

Original copy filed 9-29-14

2014.10.28

07-02-12 (Spurr)
Received on Oct 2014

October 28, 2014

Ms. Jacalyn M. Fletcher, Court Manager
Vermont Environmental Court
2418 Airport Road, Suite 1
Barre, VT 05641

RE: Notice of Appeal - Spurr Self Storage Facility
Appeal of Weathersfield Zoning Board of Adjustment decision
Denial of the construction of two additional self-storage buildings

Dear Ms. Fletcher;

I am writing to submit a notice of appeal on the Weathersfield Board of Adjustment site plan and conditional use decision dated September 29, 2014.

The property and self storage business in question is located at 4215 VT Route 106 in Perkinsville, VT 05151. The current business is comprised of one 4800 sq foot self storage building. The application to the Zoning Board of Adjustment proposed adding two more similarly-sized self-storage buildings so that there would be three buildings equaling a total of 13,550 sq feet. That application was denied on the grounds that cars parked informally on the property constituted a second principal use.

I am claiming party status as the applicant, landowner, and business proprietor named in the Town of Weathersfield Zoning Board of Adjustment Notice of Decision. I will be advising our Town's Land Use Administrator of my appeal to the Vermont Environmental Court and requesting that he provide me a list of interested persons to notify.

I close by thanking the Court for all their assistance and guidance that helped me understand the appeal submittal process.

Sincerely,

Jeffrey Spurr

Jeffrey Spurr

cc. Chuck Wise, Town of Weathersfield Land Use Administrator
Lynn Esty, Town of Weathersfield ZBA Chair
Micheal Todd, Town of Weathersfield Planning Commission Chair

enc. Town of Weathersfield Zoning Board of Adjustment decision with exhibits

2015. 02. 25

07-02-12

Town of Weathersfield

PO Box 550, Ascutney, Vermont 05030-0550

February 25, 2015

Mr. Jeffrey Spurr
4159 VT Route 106
Perkinsville, VT 05151

Dear Jeff;

I am writing to inform you about the meeting between Chris Callahan and the Zoning Board of Adjustment. Similar to our meeting, Mr. Callahan wanted to understand the ZBA's decision and determine if there were sufficient grounds to resolve the permit appeal outside of the Environmental Court.

The ZBA's opinion is that you should withdraw your current application and resubmit a new application that has;

- A revised site plan clearly showing location of the proposed self-storage buildings and outside storage area(s)
- A written description of how the storage buildings and outside storage area will be used
- A landscaping and screening plan consistent with the requirements outlined in Section 7.8.5 of the Weathersfield Zoning Bylaws.
- A lighting plan and description of the fixtures consistent with the requirements outlined in Section 7.20 of the Weathersfield Zoning Bylaws.

During this meeting, the ZBA repeatedly expressed eagerness to approve an application that captures what you proposed to do and what is allowable under the current Weathersfield Zoning Bylaws.

Please know I stand ready to help. Should you wish to act upon the ZBA's advice, I would work with you to develop the full application, do the public notifications, and set a new meeting of the ZBA. Should you wish to continue your appeal with the Environmental Court, please communicate that decision to me at your soonest convenience.

Sincerely yours,

Charles H. Wise Jr., AICP

802.674.2626 I zoning@weathersfield.org

07-02-12

2015.02.25

To: Jeff Spurr
From: Chuck Wise, Weathersfield
Date: February 25, 2015
RE: Zoning compliance and certificate of occupancy

I want to issue a certificate of occupancy for Spurr Storage. This is a critical step for us. We want that property in compliance while your current permit application appeal is processed. Fortunately, this can be easy.

I have attached a copy of the 2012 ZBA decision and relevant bylaw language. We both have to follow this decision and the zoning bylaws to the letter. There are two items we need to address before I can issue a certificate of occupancy. They are highlighted in yellow on the decision and discussed in detail below.

Exterior lighting
Your choice of lighting fixture is not in compliance with the Zoning Bylaws. The bylaws require a full cut off fixture that shields the light from nearby homes and reduces light pollution.

> **Option #1 (Low Cost)** – Your current fixture is the old barn style or standard area light that is completely unshielded and represents the high-glare, light polluting fixtures the bylaws are attempting to regulate. That fixture can be easily repaired with an accessory that directs the light downward and achieves a full cut off fixture status. These products are typically inserts or covers that have a myriad of product names like light shield, light blocker, sky cap, glarebuster, and downblaster. There are even DIY options available online for anyone with time and duct tape. Total costs range between $12 and $25, but can go upwards of $50 depending on the desired complexity.
>
> **Options #2 (Low Cost)** – Replace the current fixture with a full cut-off, motion activated, adjustable head, exterior light fixture. Many of these new lighting technologies are much improved from the old-style lighting options and just plain better for security and general lighting needs. Total costs range between $40 and $150, but can go upwards of $350 depending on the use of LED or solar technologies.

Parking and/or Outside Storage
You had a legitimate disagreement concerning the definition of outside storage versus vehicle parking. I am now requesting you develop a plan to move forward.

> **Option #1 (Medium effort)** – Give me a plan to remove all those vehicles from the property within a reasonable amount of time. The snow plow and back hoe/loader are property incidentals and exempted from this request. I do not need the vehicles removed immediately, I just want a reasonable timeline that shows you intend to remove the vehicles from that property and get into compliance with your permit.

2015.02.25

Option #2 (Medium effort) - Leave the vehicles there and apply for a permit for outside storage. If you apply for outside storage, please note the space limit is 960 square feet or what is defined as 20% of the square footage of your current storage building.

This is not a formal violation notice. This is a first-step communication and a request to voluntarily work with me. Let me know if there is anything I can do to help, to clarify, or to accommodate you on. But please know it is important we work towards compliance and getting that certificate of occupancy!

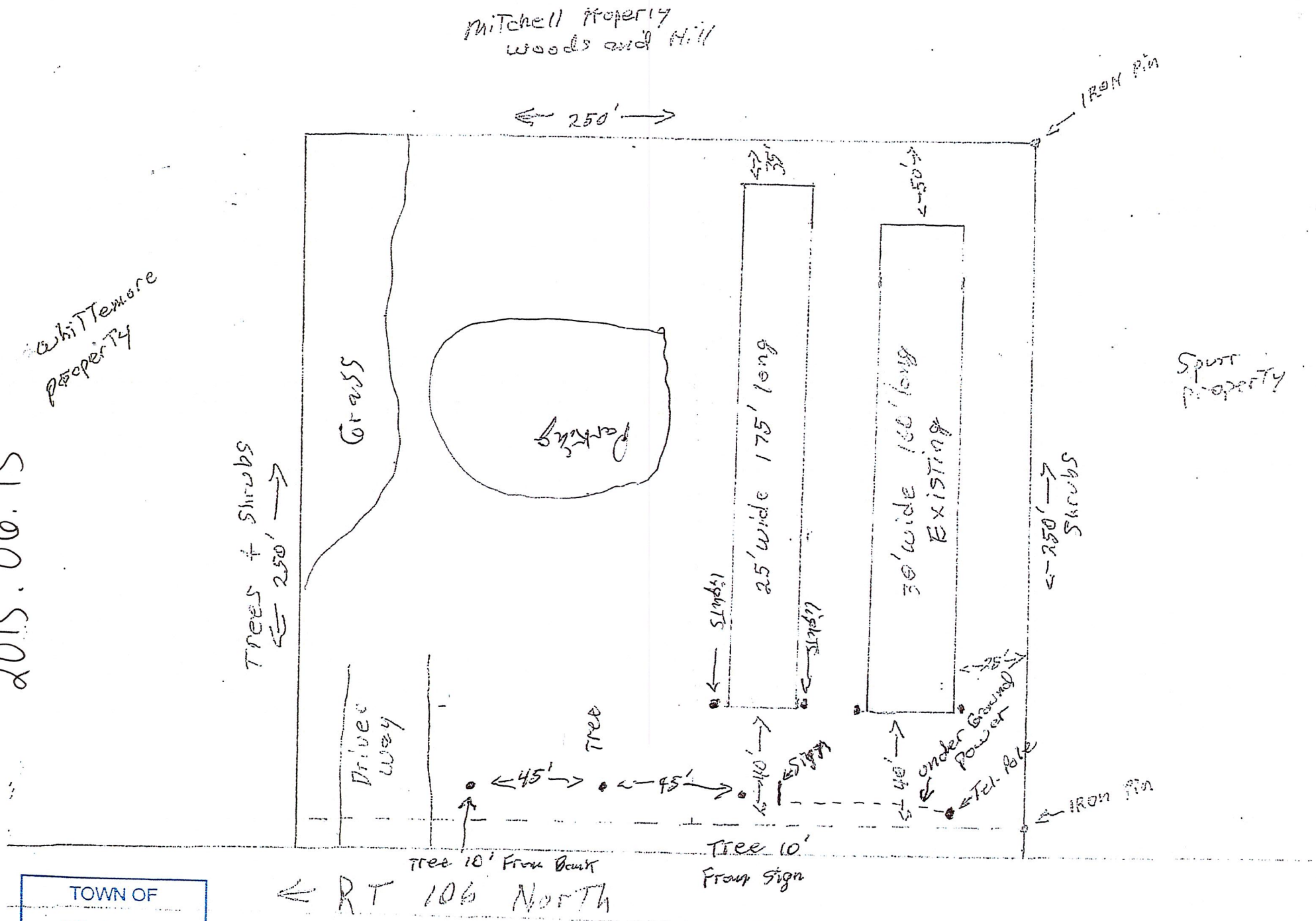
Signage

A final topic involves the current building sign and the proposed sign (in the electric meter structure) for the Spurr Storage area. Please work with me to finalize your proposed sign and I will issue a permit for both signs immediately.

Attachments

1. 2012 ZBA Decision for Spurr Storage (#09.2412a)
2. Section 7.20 Outdoor Lighting of the Weathersfield Zoning Bylaws
3. Section 7.23 Self-Storage Facility of the Weathersfield Zoning Bylaws

2015.06.15



Original - Received
15 June 2015

Appendix

7.23 Self-Storage Facility *(Expires August 5, 2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw)*

The following special provisions apply to self-storage facilities:

a) Wholesale or resale sales are prohibited at self-storage facilities.

b) Garage sales conducted by each lessee or renter are permitted. However, such activities by each lessee or renter shall not exceed three (3) consecutive days, nor more than twelve (12) total days in any calendar year.

c) Sufficient off-street parking shall be provided to prevent on street parking.

d) Auctions conducted by the facility manager are allowed, but only when a tenant is in default of his/her lease agreement.

e) The storage of Hazardous Materials is prohibited.

Off-street parking

f) This use is exempt from the requirements of section 6.14 of the Weathersfield Zoning Bylaws.

g) Residential provisions for on-site management are allowed as an accessory use subject to water/wastewater disposal accommodations.

h) In addition to storage buildings, a Self-Storage Facility may also include outdoor storage areas the total size of which shall not exceed 20% of the gross floor area of the facility's storage buildings. Such storage areas shall be screened pursuant to the requirements of Section 7.8.5 of these Zoning Bylaws and shall meet the setback requirements for the zoning district in which the facility is located. Such areas are not to be considered "parking lots" or "parking areas".

Self-Storage Facility: A building or group of buildings and associated external areas containing separate, individual, and private storage spaces available for lease or rent for the purpose of inactive storage only and which are not accessory structures to residential uses. *(Expires 8/5/2012 as an interim definition; effective 7/9/2012 as a permanent definition)*

7.8 Site Plan Review

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

7.8.1 Compatibility with surrounding development

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

7.8.2 Traffic access and circulation

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

a) Require the installation of frontage roads, speed change lanes, or other highway design elements on a street or adjacent to any access or connecting roads, if deemed necessary based on current or anticipated conditions.

b) Limit the number and width of access drives; require consolidation of existing access points.

c) Limit access to a property to a side street or secondary road in order to avoid access to heavily traveled streets and highways

d) Require shared access and/or parking for adjoining properties or for future users of the remainder of a parcel; require the reservation of shared rights-of-way for future roads, parking areas, and pedestrian facilities; allow for consolidation or shared use of required parking spaces between uses.

e) Require an applicant to commission a traffic impact study from a qualified consultant according to the *Weathersfield Traffic Impact Study Guidelines* (Refer to Appendix #2).

f) Require the location or relocation of access points on one side of a street or highway directly across from existing access points on the opposite side.

g) Prohibit the location of parking facilities between the front line of building(s) and the street.

h) Accommodate existing or future facilities for non-vehicular travel.

7.8.3 Protection of natural resources

The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. These requirements may include modification of the minimum setback distances of the district. (Refer to Sect. 6.10.9 "1992 Biological Natural Areas of Weathersfield, Vermont.")

7.8.4 Storm water management and drainage

Adequate provisions shall be made for the management of erosion, sedimentation and storm water runoff. For all projects undergoing Site Plan Review, except one- or two-family dwellings, appropriate storm water management measures shall be incorporated into the final site design to ensure that no additional storm water runoff is generated beyond the boundaries of the property and that existing drainage patterns are not altered in a manner which impacts neighboring properties, town highways or surface waters.

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

7.8.5 Landscaping and screening

Landscaping shall enhance the features and conditions unique to each site and shall include a combination of shade and street trees, shrubs, planting beds, well-kept grasses and ground covers. Landscaping is required in front and side yards, adjacent to parking areas, where rear yards abut residential properties or public roads, and as otherwise necessary to provide adequate screening and without compromising vehicular and pedestrian safety by blocking visibility and site lines. Landscaping plans shall emphasize the following:

a) The preservation of existing ground cover and trees, especially those that are mature or determined to be of special horticultural or landscape value.

b) The use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the facades of buildings, break-up expanses of parking, visually reduce the scale and bulk of large buildings, integrate the site with the surrounding landscape and to enhance environmental quality (e.g. wildlife habitat, soil stabilization, storm water retention, air quality, energy conservation).

c) The use of street trees along well-traveled roads. Street trees should be planted where site conditions make such planting practical. Such trees shall be planted along the edge of the road right-of-way to create a canopy effect and shall be indigenous, deciduous species tolerant of road-salt, soil compaction and drought.

A three-year plan for all proposed landscaping shall be prepared and bonding or other surety may be required to ensure installation and maintenance. The Zoning Board of Adjustment may require a professional landscape architect to prepare a plan on a case-by-case basis

4.3.2(f) Highway Commercial (HC)

Purpose: Areas adjacent to highways or highway intersections with sufficient traffic to support the efficient provision of goods and services to the public. Serves local residents and transients, provides some local employment and helps to broaden the Town tax base. Access drives and curb cuts must be carefully planned to avoid traffic nuisances and dangers.

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:

- Highway Commercial [1,2,3]
- Light industrial [1,3] (see definitions)
- Self-Storage Facility ≤10,000 sq ft of gross floor area [1,2,3,4]
- Small enterprise [1,2,3]

Permitted Accessory Uses:

- 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)
- Self-Storage Facility ≤10,000 sq ft of gross floor area [1,2,3,4]
- 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)
- Church (see Semi-public)
- Contractor's storage [1] (materials, machinery, heavy equip.)
- Family child care facility [1,3] (see Sect. 7.13)
- Gasoline/service station [1,2,3]
- Group home
- Indoor recreational facility [1,3]
- Inn/small hotel [1,3] (see definitions)
- Outdoor recreation facility [1,2,3] (sees definitions)
- Public water, sewage treatment plant [1,2,3]
- Semi-public [1,2,3] (Primarily nonprofit: church, museum, library, private club, YMCA, YWCA, mortuary, etc.)
- Self-Storage Facility >10,000 sq ft of gross floor area [1,2,3,4]
- Single family dwelling

4.3.2(f) Highway Commercial (cont.)

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

- Accessory Dwelling Unit (see Sect. 6.9.1)
- Dock
- Home industry
- Wireless Communication Facilities [2,3]

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

- Campground, resort, children's camp
- Cemetery
- Industrial
- Junkyard, landfill, recycling facility (privately owned)
- Medical facility (see definitions)
- Mineral extraction
- Mobile home park
- Multi-family dwelling or PRD
- Two family dwelling (new construction)
- Non-highway Commercial
- School (see definitions)
- Single family PRD

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: 1 acre
Single Family Dwelling: Must meet "Area, Land and Structural Requirements" of RRR 3-5 Zone.
Two Family Dwelling (altered from pre-existing single family dwelling): 1 acre (1 ½ acres if no public water)

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	25 feet
Side Setback	25 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
[4] Expires 8/5/2012 as an interim bylaw; effective 7/9/2012 as a permanent bylaw

Zoning Board of Adjustment

April 11, 2019

Meeting Minutes

1. Introductions

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

   There were no audience members present.

2. Call to order

   Seven Fedorow called the meeting to order at 7:10 PM.

3. Election of Officers

   James Cahill made a motion to nominate Willis Wood as chairperson. John Broker Campbell seconded it. Willis Wood abstained. All others voted to approve this motion.

   Willis Wood made a motion to nominate Todd Hindinger as vice chairperson. James Cahill seconded the motion. Todd Hindinger abstained. All others voted to approve this motion.

   Willis Wood make a motion for James Cahill to be the clerk. John Broker Campbell seconded it. James Cahill abstained. All others were voted to approve this motion.

   Willis Wood made a motion to approve Diana Stillson as recording secretary. James Cahill seconded it. All were unanimous to approve this motion.

4. Ethics, Conflict of Interest Policy, & Rules of Procedure review

   The Board received these documents from Sven Fedorow. The Board will meet on the second and fourth Thursday of each month. Flo-Ann Dango swore in Todd Hindinger, Alex Gleeson, and John Broker Campbell. Willis Wood gave Seven Fedorow a copy of Rules of Procedure that he had. There were no dates on it, so the Board is not sure if it was ever adopted by the Select Board. Sven Fedorow will look into this. The Board will discuss this at their next meeting.

5. Approval of Prior Meeting Minutes: October 11, 2018 & August 23, 2018

Willis Wood made a motion to approve the minutes of October 11, 2018 as corrected. Todd Hindinger seconded it. James Cahill and Willis Wood voted in favor of accepting the minutes. John Broker Campbell and Alex Gleeson abstained.

Todd Hindinger made a motion to approve the minutes of August 23, 2018 as amended. James Cahill seconded it. Todd Hindinger and James Cahill voted in favor of accepting the minutes. Willis Wood, Alex Gleeson, and John Broker Campbell abstained.

6. New Business

Willis Wood stated that the website PDF for Rules of Procedure does not come up. Sven Fedorow will look into and correct it. He mentioned how David Gulbrandsen had to resign from the Board due to being too busy. He also stated that David Gulbrandsen might be interested in being an alternate for the Board. Sven Fedorow will contact David Gulbrandsen.

The Board discussed audience members being interested parties and then affirming. They decided that they would like it to be two separate sentences vs. one sentence. In the future, Diana Stillson will make interested party statues and affirming two separate sentences.

The Board discussed how some applicants seem to be more prepared than others. Sven Fedorow stated that he meets with each applicant and discusses what he/she will need in regards to documents, site plans, which forms, who to contact, etc.

7. Adjournment

John Broker Campbell made a motion to adjourn at 8:38 PM. James Cahill seconded it. All were unanimous to adjourn the meeting.

Respectfully submitted,
Diana Stillson