

Planning Commission
Martin Memorial Hall
5459 Rte 5 Ascutney, VT
Planning Commission Meeting
Monday, May 9, 2022 6:00 PM

Planning Commission Members Present:

Paul Tillman
Howard Beach
Tyler Harwell, Online
Michael Todd, Online
Joseph Bublat, Online

Ryan Gumbart, Land Use Administrator

1.) Call to Order made by Paul Tillman, Chair at 6:30 pm.

2.) Agenda Review

None

3.) Comments from the Chair and Land Use Administrator

Paul Tillman congratulated Ryan Gumbart on the arrival of his daughter.

4.) Comments from Citizens regarding items on agenda.

None

5.) Approval of Meeting Minutes –April 25, 2022

Howard Beach made a motion to approve the minutes from 4-25-22.

Michael Todd– 2nd

Discussion – no further discussion

Vote – Roll Call Vote

Tyler Harwell – Aye

Michael Todd – Aye

Joseph Bublat – Aye

Howard Beach – Aye

Paul Tillman – Aye

6.) Town Plan – Energy section update

Jason Rasmussen was not in attendance to review the Energy Section Update.

Ryan and Paul will reach out to Jason for a future meeting to review.

7.) Town Plan – Scenic Resources section update

Tyler Harwell had mentioned a possible addition to the scenic views, when you come back around the bend coming back into Ascutey from Perkinsville by the home that had the windmill.

Paul asked Ryan where he thought he was at with the scenic views. Ryan said that Howard Beach had presented them to the Conservation Committee last fall. He did get the GPS coordinates for a couple after that, however, has not really done any since them. He said getting the coordinates are rather easy and offered to show other members of the Planning Commission how to do them.

Ryan did say that he was missing the panoramic picture to correspond with the GPS coordinates.

View #	Old Town Plan description	View Location		Contents of View		
		Coordinates	Description	*Left bearing	*Right bearing	View
View of Mount Ascutey from:						
1	Route 131 near the Joe Stoughton house					
2	Weathersfield Center Road, north of the Town line	43.350115, 72.467910	Corner of West Camp Hill Road & Weathersfield Center Road.	N 26° E	N 6° W	Northerly. Butterfield Hill on left and Mount Ascutey on right.
3	Gravelin Road					
4	Route 5 in the Bow					
5	Thrasher Road					
View of the Black River and Black River Valley from:						
6	Reservoir Road, including view of Hawks Mountain	43° 21.242', 72° 29.729'	Along Reservoir Road, about 900' north of intersection with Butterfield Hill Road.	S 60° W	N 8° W	Westerly. Hawks Mountain in distance. Black River Valley below.
7	Upper Falls Road Covered Bridge, upstream and downstream					
8	Tropical Storm Irene pulloff on Route 106, south of Downers					
9	Stoughton Pond Dam, including view of Stoughton Pond	43° 22.546', -72° 29.957'	West side of dam along Reservoir Road, south of Stoughton Pond.	N 54° E	N 2° W	Northerly. Little Ascutey Mountain on left, Mount Ascutey on right, Stoughton Pond below.
View of Little Ascutey Mountain from:						
10	Route 106					
11	Ascutey Basin Road					
12	The height of land on Route 131 looking west					
Other scenic views:						
13	View from the Weathersfield Center Road, looking west, near the Hunter residence					
14	View from Skyline Drive at the height of the land, looking east					
15	View of the Center Church and grove					
16	View of and from Cascade Falls, Weathersfield Trail, Mt. Ascutey State Park					

*Bearing with magnetic north

Paul Tillman reviewed the spreadsheet and asked if that mirrored the Town Plan. Ryan said the plan has “Views from Mount Ascutey” 5 views and believes that everything listed on the spreadsheet is also in the Town Plan as well.

Paul asked if the Planning Commission wanted to add any others to the list. Ryan would like to start with the ones in the Town Plan and finish those and then potentially add more after. Ryan did ask if there was a deadline for when they wanted this completed. Paul said they were trying to mirror this with the map that Jason Rasmussen is giving them. They would like to have this completed by the end of the summer.

8.) Zoning Bylaws – Administrative Questions

1. Does a change in use of space within building require a zoning permit?
 - a. Attic, basement, garage change to living space.
 - b. Require application but no permit?
 - c. Require letter of notification?
 - d. Should PC define “Change of Use”?

Short answer is “Yes” “d” – the PC should define what requires a permit. What level of modification or change of use will trigger needing a zoning permit? We will investigate the state definitions and language for this. What would be the legal ramifications for issuing a permit or not lets say for a bedroom in the basement and someone gets hurt. How will state building codes fit into this scenario?

2. What is required for projects exempt from permitting (minor structures, agricultural buildings)?
 - a. Require application but no permit?
 - b. Require letter of notification?
 - c. Minor structures language “Applicant must notify the Zoning Administrator in writing of the intent to build such structure(s) by providing such information as is required by the Zoning Administrator”
 - d. Agricultural buildings language “notify the municipality of the intent to build a farm structure ... must contain a sketch of the proposed structure and include the setback distances from adjoining property owners and the street right-of-way.”

Answer – Minor structures looks fine; do we need more? Agricultural should have a better definition of what justifies agricultural. Look into the state definition and language for this.

3. Do I need proof of State permits?

Yes

Michael Todd wanted to know whose job it is to keep track of this? They should be recorded in the clerk’s office. Is a notification sent to the state of development in the Town?

4. How is the estimated value of construction calculated?
 - a. Cost of labor and materials?

Answer – “Both”. We may want to break out “Labor and “Materials” to separate line items. What is someone is building this themselves then there would be no labor cost. Do we want a cost for this to then just be fixed value based on square footage?

5. If there is a discrepancy in listed acreage what takes precedence?
 - a. Deed, tax record, survey

Answer – This would be a civil issue and the responsibility would fall on the landowner to get it surveyed to prove the validity of any discrepancies.

6. How is selling cars on roadside regulated?
 - a. 1 car, 5 cars, 50 cars
 - b. Connected to maintenance garage business?

Answer – Registered or unregistered. Do we have a Town ordinance? They Planning Commission will look to see if there is a used car ordinance. We should look at the Frequency, could be a business, and number of cars. Can be a condition of a business permit. What is the State language for auto repair garages?

7. Old permit review checklist contained check boxes for
 - a. Copies of State permits
 - b. Are all parties on deed represented on application?
 - i. Check deed for development restrictions?

This question was brought up when Ryan was reviewing a previous application and it says “Parcel # if known or acreage if known.” And deForest’s check list said if the applicant did not fill it out, refer to Lister’s card. This is why he is wondering if the Lister’s card is more prevalent than other sources.

Per Howard Beach, the Lister’s Card is not a legal document and it is up to the home owner to assume the liability and present the facts. If he signs the application, that is the legal document.

8. 4.8 Mobile homes - Bylaws say mobile homes only subject to same regulations as conventional dwellings.

- a. Application check box states mobile homes must be placed on a concrete pad. – check the State law and make sure application/bylaws match.
- b. Should that be in the bylaws? – check the State law and make sure application/bylaws match.

9. Seasonal Roadside Stand is a permitted accessory use in all districts

a. How is a seasonal stand not by the roadside permitted? - if it is not a roadside stand then check the bylaws and see if they need a permit.

10. We do not have an application for a Boundary Line Adjustment.

a. Should that be added to the Zoning Permit Application form? Ryan found an old email from Sven saying write in a box for boundary line adjustment and make an entry for the fee. Howard Beach spoke with Terry who handles the Waste Water Program at the State level and their concern about boundary line adjustments is they want to make sure it doesn’t make either of the properties non-conforming in terms of set backs for septic systems or wells, for example, on either property.

Michael Todd suggested this be listed as a question on the form that Ryan is talking about creating. Ryan will create an updated permit application for review.

9.) Highway Access Policy

Ray Stapleton was not present at the meeting, however this was in regards to who was responsible for the culvert, the Town or the property owner. Per Ryan, the way Ray thought this should be worded and asked if it should be written down somewhere. And it was decided that yes it should be. In review of past records, Ryan found a Highway Access Ordinance from June 2019. The ordinance was approved by the Selectboard.

- 10.) Zoning Permit Application – Amendment/Extension
 - Non-permitted structures
 - Box for boundary line adjustments

- Extensions if you needed one
- Municipal water
-

Need to redraft and come back to the Planning Commission for review.

11.) Discussion of Items for Future Agendas

- Definition of Seasonal Roadside Stands
- Paul/Ryan to reach out Jason Rasmussen

12.) Any other business that can be legally discussed

Ryan Gumbart had a resident reach out to him regarding the parcel of land that abuts his land. He is concerned about a building on this land that may not meet the setback requirements. Is it appropriate to alert the sales people that there is an issue that he might need to investigate? The land owner asked Ryan to reach out.

Paul Tillman said if the land owner wants to reach out to the sales agent, that is his business, but regardless of being sold or not, Ryan can go out and see if it is too close to the property line. Howard Beach said we need to find out how long the structure has been there as it might have been there prior to zoning.

If it was put there after zoning, then the official timeline would be for that property owner to file an official complaint, Ryan would go and verify that it does not meet the setback requirements and then it would go to the ZBA.

13.) Adjourn

Tyler Harwell made a motion to adjourn at 8:16 pm

Michael Todd – 2nd

No discussion

Vote – unanimous

Next Planning Commission Meeting is scheduled for Monday, May, 23, 2022 at 6:30 pm at Martin Memorial Hall.

Respectfully,
Chauncie Tillman
Recording Secretary

Planning Commission

Howard Beach, Vice - Chair

Joseph Bublat, Clerk

Tyler Harwell, Chairperson

Paul Tillman, Chair

Michael Todd, Chairperson