

Town of Weathersfield Vermont

Zoning Board of Adjustment

Application for Conditional Use / Site Plan Review / Flood Hazard Review

Findings of Fact, Conclusion of Law and Decision

Permit Application No.: Unnumbered
Applicant Name: Chris Yurek, Mount Ascutney Regional Commission (MARC)
Landowner Name: Town of Springfield VT
Project Location: 00 Wellwood Orchard Road
Parcel ID#: 12-00-42

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a zoning permit for a Conditional Use, Site Plan Review and Flood Hazard Review submitted by Chris Yurek under the Town of Weathersfield Zoning Bylaws.
2. The application was received by Land Use Administrator Ryan Gumbart. The application is dated 01-20-2022.
3. Notice of the public hearing was posted at the following places:
 - a. Town of Weathersfield, VT Office at Martin Memorial Hall
 - b. Ascutney Post Office
 - c. Perkinsville Post Office
4. A copy of the notice of a public hearing was mailed to the Applicant.
5. A copy of the notice of public hearing was mailed to the owners of properties adjoining the property that is the subject of the application.
6. The Zoning Board did not conduct a Site Visit.
7. The application was considered by the Zoning Board of Adjustment at a public hearing at approximately 7:14 PM on Thursday March 10, 2022. The hearing was continued to

April 14th at 7pm, then continued again on that date to May 12, 2022 at 7pm, then continued again on that date to June 9th at 7pm, then continued again on that date to August 18, 2022 at 7pm. All continuations were at the request of the Applicant for more time to complete application.

8. The continuation of the hearing was considered by the Zoning Board of Adjustment at a public hearing at approximately 8:23 PM on Thursday August 18, 2022.
9. The Zoning Board of Adjustment (ZBA) reviewed the application under the Town of Weathersfield Zoning Bylaw, adopted by the voters on March 5, 1974 and including all subsequent amendments through July 1, 2022 (the Zoning Bylaw).
10. Present at the hearings were the following members of the Zoning Board of Adjustment:
 - a. David (Todd) Hindinger, Chair 03/10/2022 and 08/18/2022
 - b. Jaime Wyman 03/10/2022 and 08/18/2022
 - c. David Gulbrandsen 03/10/2022 and 08/18/2022
 - d. Joseph Bublat; 08/18/2022 (as a potential backup member if needed, though later not participating in the decision because the members listed above were able to attend all the hearings)
11. Zoning Board of Adjustment members Recusing themselves: Not present and not participating was John Broker-Campbell, Vice Chair. Recusing himself but present 03/10/2022 was Willis Wood.
12. Also present at the hearings were:
 - a. Roy Schiff, an engineer for SLR, representing Applicant (03/10/2022);
 - b. Chris Yurek, the Applicant (08/18/2022)
 - c. Jessica Louisosjeyer, an engineer for SLR, representing the applicant (08/18/2022)
 - d. Dwight Phelps, Nancy Phelps (03/10/2022 and 08/18/2022)
 - e. Ryan Gumbart, Land Use Administrator (03/10/2022 and 08/18/2022);
 - f. Diana Stillson, who takes the minutes of the meeting (03/10/2022 and 08/18/2022);
 - g. Willis Wood (03/10/2022).
 - h. Andrea Butterfield (03/10/2022)

i. Rick Chambers (03/10/2022)

13. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. The following were determined to meet the definition of interested persons:

- a. Roy Schiff, Representing Applicant;
- b. Andrea Butterfield, abutter.
- c. Willis Wood, abutter.
- d. Dwight Phelps and Nancy Phelps, abutters

14. At the outset of the hearing, the Zoning Board of Adjustment asked if there were any persons present who wished to give evidence or testimony during the hearing. The following were sworn in by the Chair:

- a. Roy Schiff
- b. Andrea Butterfield
- c. Willis Wood
- d. Dwight Phelps and Nancy Phelps
- e. Chris Yurek
- f. Jessica Louisosjeyer

15. Board members were asked to disclose any potential conflicts of interest. Neither the Applicant nor any member of the Zoning Board expressed concern about conflicts of interest.

16. Board members and the applicant were asked to disclose any potential ex parte communications. No one attending the hearing expressed concerns with ex-parte communications.

17. During the course of the hearing the following exhibits were submitted to the Zoning Board of Adjustment:

- a. Exhibit #1 – Notice of Public Hearing
- b. Exhibit #2 - Zoning Permit application, three pages.
- c. Exhibit #3 - Unsigned memo from SLR dated January 19, 2022, 2 pages.
- d. Exhibit #4 – Project preliminary design plans, 8 pages
- e. Exhibit #5 – Permit navigator results, 13 pages

- f. Exhibit #6 – VT Statute regarding dam removal, 1 page
- g. Exhibit #7 – VT ANR inspection report, 4 pages
- h. Exhibit #8 – Letter to Land Use Administrator circa 2009, 2 pages
- i. Exhibit #9 – Photos, 12 photos on 3 pages
- j. Exhibit #10 – Letter to Land Use Administrator from State of VT Floodplain Manager, 3 pages including a map.
- k. Exhibit #11 – Application for Conditional Use, 1 page.
- l. Exhibit #12 – Community Facility Project Review Sheet, 3 pages.
- m. Exhibit #13 – Letter from the Conservation Commission, 2 pages.
- n. Exhibit #14 – ANR order approving the application to alter the dam, 8 pages.
- o. Exhibit #15 – Stormwater Discharge Permit 3-9020, 6 pages
- p. Exhibit #17 – SLR memorandum dated June 24, 2022 revised August 11, 2022, 4 pages.
- q. Exhibit #18 – Town of Weathersfield Community Facility Project Review and Sign-Off document, three pages.

18. This application was reviewed under the following sections of the Weathersfield

Zoning Bylaws:

- a. Section 2.5.5 - Conservation (C-10) district
- b. Section 3.2.4 - Habitat Areas
- c. Section 3.2.6 – Rare and Endangered Species
- d. Section 3.2.8 – Streambank Conservation
- e. Section 3.2.9 - Wetlands
- f. Section 3.7 - Performance Standards
- g. Section 5.2 - Site Plan Review
- h. Section 5.3 – Condition Use Review
- i. Section 5.6 – Flood Plains and Floodways

FINDINGS OF FACT

The following findings of facts are deemed relevant to the Board's decision on this application.

These facts are compiled from the application project documents including the written

application, the items listed in the exhibits, testimony and evidence provided by the Applicant and other parties present at the hearing.

F1. Parcel# 12-00-42 is located at 00 Wellwood Orchard (no 911 address was provided). Its size is 87.5 acres.

F2. The property is owned by The Town of Springfield.

F3. The property is located in the C-10 Zoning District.

F4. Development within the special flood hazard area, within critical habitat and earth disturbances of this magnitude requires a Conditional Use Permit, Site Plan Review and Flood Hazard Review.

F5. The parcel is developed with an old dam and related historic remnants of a water supply system (pipes, tiles, gatehouse, concrete structures) that previously supplied water to the Town of Springfield. There are no residential buildings or buildings unrelated to the water system on the property.

F6. Access to the property is via an existing curb cut along Wellwood Orchard Road. No changes are proposed to the access location.

F7. The Applicant proposes to complete the following major items:

1. Removal of the obsolete and poor-condition Springfield Reservoir Dam.
2. Remove the existing earthen embankment dam using mechanical means. The concrete core wall will be removed down to bedrock. The existing concrete spillway, gatehouse, concrete well house, drain pipes and related infrastructure will be removed.
3. Excavate the accumulated sediment in the impoundment area to specific elevations and regions as shown on the project plans.
4. Revegetate 3.9 acres of riparian and access areas.

F8. The project will be arranged on the property as shown on the project plans, Exhibit #4.

F9. The Springfield Reservoir Dam is in poor condition. If the dam fails it has potential to cause loss of human life and long-term environmental impacts to Boynton Brook and downstream receiving waters. Several of the exhibits (3, 4, 7, 8, 14) and much of the testimony provided confirmed the ongoing risk to the community if this dam is left in place.

F10. Section 3.2.4 - Habitat Areas. This section was reviewed at the hearing. The project involves the restoration of an existing developed site to one that will be undeveloped.

1. The Weathersfield Conservation Commission provided Exhibit 13, in which they request specific action be taken regarding site habitat restoration. Specifically the Conservation Commission states, “we advise the Zoning Board of Adjustment to request plans for habitat restoration including a list of species to be planted and a methodology for where the various species will be planted in relation the waterbodies.”, and they ask “How will the site be maintained going forward to ensure that it is not left to degrade over the next hundred years as it naturalizes and is incorporated in the surrounding ecosystem?” The applicant did not provide a habitat restoration plan. The applicant declined to provide a more developed species planting and management plan for the years following the completion of the main project. The ZBA supports and adopts the recommendations of the Conservation Commission and finds a habitat restoration plan is necessary.
2. Abutter and Interested Person Willis Wood expressed concerns about there not being a vegetation succession plan and wondered how the site would be managed. This concern echoes the request of the Conservation Commission. Willis Wood also expressed concern about the control of invasive species. The applicant did during the hearing state that there is some Japanese honeysuckle in the wetlands that will be coming out (removed). They (presumably the Engineer monitoring the site during the construction period) will make sure the equipment is clean during the construction phase. Then the Army Corp of Engineers (via their permit) will monitor the site for invasive species removal. The applicant declined to provide a more developed species planting and management plan for the years following the completion of the main project. The Army Corp of Engineers permit has yet to be obtained, hence we do not have this to review. Therefore the ZBA supports and adopts the recommendations of the Conservation Commission and Interested Person Willis Wood and finds that a plan to control invasive species during the site restoration process is necessary.
3. The Conservation Commission found that the deer wintering area value was low in the project area as currently vegetated. The ZBA finds that whatever the quality of the deer wintering area currently present, the proposed project restoration of the habitat will not adversely affect the potential for future deer wintering area.

4. The removal of the manmade dam and manmade reservoir habitat and restoration of the surrounding landscape to riparian area is found to be an improvement of the Habitat Area.

F11. Section 3.2.6 – Rare and Endangered Species. This section was reviewed at the hearing. The Northern Long-eared bat species was identified by Vermont Fish and Wildlife as possibly present at the project area. This species could be affected by tree clearing. The Army Corp of Engineers permit for this project is required. It is pending. SLR represented that this permit would include a determination of whether or not bat habitat was present and would include any conditions necessary to protect this species. SLR represented that there were no other endangered species within the project site. Exhibit 17.

F12. Section 3.2.8 – Streambank Conservation. This section was reviewed at the hearing. This project involves the conversion of a manmade impoundment back to a natural riparian area. There will be a temporary construction period and prolonged period of revegetation. Eventually the streambank will be restored to a stable stream bank habitat. The ZBA finds that the project will eventually restore the condition intended by bylaw 3.2.8 and thereafter allow this area to be protected in accordance with this bylaw.

F13. Section 3.2.9 – Wetlands. This section was reviewed at the hearing. The State of Vermont has not formally approved the project as exempt, nor as yet determined that a Wetlands Permit is required. These determinations are pending. SLR represented that the project activities would most likely be exempt based on their informal emails and discussions with the State so far. The ZBA finds that a formal determination from the Wetlands division is still needed and if the activity is not exempt that the applicant must obtain this permit.

F14. Section 3.7 - Performance Standards. This section was reviewed at the hearing. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw.

1. 3.7.1 Adjoining Properties. Property Lines. The project plans shown some activities on abutting property. The applicant did not provide easements or agreements for these activities on land owned by others. The ZBA finds that any work on this project should be confined to land owned by the Applicant, unless and until a written agreement is to be recorded in the land records allowing for access to complete the work.

2. 3.7.1 Adjoining Properties. Water Supplies. An abutter to the project inquired with the Land Use Administrator prior to hearing about potential impacts to their water supply resulting from the removal of the water in the ponded area and once the site was restored. SLR indicated that the dam water level has already been reduced, so it was likely that if there were any affect it would have showed up by now. SLR indicated that they did not think there would be any effect on abutting water supplies.
3. 3.7.2. Nuisance Standards. There was no other evidence provided that the proposed activity would exceed the Nuisance Performance Standards for the district. The applicant testified that the construction activity would be temporary, one or two construction seasons, then the land would be restored and the site would be natural (undeveloped).

F15. Section 5.2 - Site Plan Review. This section was reviewed at the hearing.

1. 5.2.1. Compatibility with the surrounding development. The project is temporary and once complete will result in a naturalized area. SLR represented during the 3/10/2022 hearing that the use of the property as Town Forest would not change and that the land is going to be a natural area. The project is found to be compatible with the surrounding development.
2. 5.2.2. Traffic access and circulation. The traffic which will be generated by this project during the temporary construction period will be substantial. Preliminary estimates based on current dump truck legal loads would be approximately 2,600 truck loads of material. The Weathersfield Highway Superintendent has requested that wheel ruts be repaired, that the trucks go downhill from the site access (towards Reservoir Road) and that the Contractor be respectful of the residents in the area. The applicant did not provide a construction traffic control plan, a destination for where all this material was going, nor a definitive route where the trucks would travel. The Traffic Management Notes on the plan are statements of what is required but do not demonstrate what will be done, i.e. they are not a plan. The potential for the high volume of heavily loaded trucks to damage the Town of Weathersfield road system is distinct. The ZBA finds that in the absence of a construction traffic control plan provided by the applicant it is necessary to have one to safeguard the travelling public. The ZBA finds that in the absence of a planned loaded truck travel route provided by the applicant, and given the potential for damage to town

roads and adverse effects on residents, it is necessary to define one to protect the interests of the Town of Weathersfield and provides for the safety of the Town of Weathersfield.

3. The plan set is not stamped and is marked Preliminary Design (90%). The ZBA finds that a final set, marked “Issued for Construction” or “Final Design” is required.
 4. 5.2.3 Protection of natural resources. The Zoning Board of Adjustment may require that structures, parking facilities and other development be located so as to avoid impacts to surface waters, wetlands, wildlife habitat, agricultural land, important scenic resources, and significant natural and cultural features. Regarding the cultural features, abutter and Interested Person Willis Wood wanted more information and expressed concern about archeologically sensitive site identified on the plan and of the stone culvert identified on the plans. The applicant has not yet completed a historic review of the stone culvert and of the archeologically sensitive site. The board finds that both of these sites, in the absence of clarifying information, require protection.
 5. 5.2.4 Storm water management and drainage. The project plans (Exhibit 4) and the construction stormwater permit (exhibit 15) provide a detailed plan and regulated process (by the State of Vermont) to protect the waters from stormwater discharges. The exhibits and testimony provide sufficient evidence that the construction stormwater will be managed on the site.
 6. 5.2.5 Landscaping and screening. The project plans (Exhibit 4) include a seeding mix to be applied to the restored site. The ZBA may require a plan be prepared and bonding or other surety may be required to ensure installation and maintenance. Referring to the Findings of F10, a more developed species planting and management plan for the years following the completion of the main project is required.
- F16. Section 5.3 – Condition Use Review. This section was reviewed at the hearing.
1. The capacity of existing or planned community facilities. The proposed use, a project that involves the conversion of a manmade impoundment back to a natural riparian area, once complete will not have an adverse impact on the capacity of the existing or planned community facilities.
 2. The character of the area; and/or traffic. The proposed use, during the construction period, will result in substantial construction traffic, as described in F15.2 above and does have the potential to adversely affect the safety of the travelling public and the condition

of the town road network. Accordingly, the Board will attach conditions addressing these potential impacts.

3. All other bylaws being met. The ZBA finds that it has reviewed the bylaws and does not find any other applicable that are not contained herein.
4. A performance bond may be required by the ZBA for conditional use permits.

Accordingly, the ZBA will attach conditions thought appropriate.

F17. Abutter and Interested person Dwight Phelps identified that there are remnants of the old water supply pipe on his property and his deed has a provision granting the Town of Springfield an easement for this pipe. He wanted to know during the hearing if this easement could be lifted. The ZBA finds that this is a reasonable request to make and that the easement should be lifted.

F18. Section 5.6 – Flood Plains and Floodways. This section was reviewed at the hearing. The property is located with a mapped Special Flood Hazard Area Zone A. Hydraulic modeling provided by SLR and the resulting conclusion provided by SLR is that the hydraulic modeling shows not adverse impact for the project. SLR states that the project will not only reduce downstream flood risk, but will also remove a major encroachment in the river corridor, and will improve aquatic and wildlife passage and connectivity. There was some discussion during the hearing about what engineering and record keeping follow up was needed to be done to assure that Weathersfield remained in good standing with the FEMA program. SLR concluded that it was their opinion that no further action was necessary. The exhibits (Exhibits 4, 9, 16, 17) and testimony provided by SLR are found to demonstrate conformance with the provisions of section 5.6.

F19. The applicant provided a copy of the Vermont Order Approving Application to Alter a Dam. This order includes detailed facts, finding and conclusions. The ZBA finds that the Order contains conclusions which, when combined with the evidence provided during this hearing, includes sufficient technical and oversight conditions to assure this complicated project can be completed.

CONCLUSIONS OF LAW

It is not the aim or duty of the Zoning Board of Adjustment to favor one individual over another, nor to approve or disapprove any specific activity. Rather, it is to interpret the above findings of facts which “*shall explicitly and concisely restate the underlying facts that support the decision, based exclusively on evidence of the record. Conclusions should be based on the findings of fact.*” (Bylaws 9.6.3). Based on the Findings of Fact, the Zoning Board of Adjustment makes the following Conclusions Of Law regarding the proposed project, as conditioned.

- CL1. Section 2.5.5 - Conservation (C-10) district was reviewed in detail. For this project within the C-10 district Flood Hazard Review, Conditional Use Review and Site Plan Review are required and were completed. The Zoning Board concludes that, as conditioned, the proposed project use is consistent with the C-10 district and that the applicable reviews have been completed.
- CL2. Section 3.2.6 – Rare and Endangered Species was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.6 are upheld.
- CL3. Section 3.2.4 - Habitat Areas was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.4 are upheld.
- CL4. Section 3.2.8 – Streambank Conservation was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.6 are upheld.
- CL5. Section 3.2.9 – Wetlands was reviewed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project, as conditioned, can be completed such that provisions of section 3.2.9 are upheld.
- CL6. Section 3.7 - Performance Standards was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 3.7 are upheld.

- CL7. Section 5.2 - Site Plan Review. The Site Plan review process was completed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. As conditioned, the Zoning Board concludes that the Site Plan and related exhibits, when updated and resubmitted, can satisfy the bylaws.
- CL8. Section 5.3 – Condition Use Review. The Conditional Use Review process was completed in detail. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. As conditioned, the Zoning Board concludes that the Conditional Use, can satisfy the bylaws.
- CL9. Section 5.6 – Flood Plains and Floodways was reviewed. The Interested Persons, the Public and the Zoning Board were given the opportunity to express any concerns specific to this bylaw. The Zoning Board concludes that the project can be completed such that the Performance Standards of section 5.6 are upheld.
- CL10. Section 7.8 - Site Plan Review. The Site Plan review process was completed in detail. As conditioned, the Zoning Board concludes that the Site Plan, when revised and resubmitted, can satisfy the bylaws.
- CL11. The Zoning Board concludes that there are specific proposed activities that require bonding.
- CL12. The Zoning Board concludes that the Vermont Order Approving Application to Alter a Dam contains conditions which provide additional assurance that this complicated project can be completed.

DECISION AND CONDITIONS

On September 20th, 2022 at a deliberative session, and based on the foregoing Findings of Facts and Conclusions of Law all three of the deliberating members of the Zoning Board of Adjustment voted unanimously to Approve the application for a Conditional Use, Site Plan Review and Flood Hazard Review from Chris Yurek of the Mount Ascutney Regional Commission made on behalf of the Owner, the Town of Springfield to demolish/remove an earthen embankment dam and associated infrastructure on Parcel 12-00-42 in the C-10 district with the following conditions:

- C1. The applicant shall submit a revised plan set to the Land Use Administrator marked “Issued for Construction” or “Final Design”. The Land Use Administrator (Administrative Officer) shall review the plan set to verify that it has been revised as such.
- C2. The applicant shall submit to the Land Use Administrator a copy of the correspondence from the Wetlands Division of ANR indicating the project is exempt from a Wetlands permit from their office, or a copy of the permit if one is required.
- C3. Written permission shall be obtained for all portions of the project for any work on abutting property that is accessed to complete the project. The applicant shall submit to the Land Use Administrator a copy of such agreements and the applicant shall record the document in the land records.
- C4. No disturbance within the Archeologically Sensitive Area and the stone culvert area shown on the plans is permitted. The applicant shall submit to the Land Use Administrator a copy Historical assessment site evaluation for the Archeologically Sensitive Area and the stone culvert shown on the plan if one is completed.
- C5. The applicant shall submit to the Land Use Administrator a habitat restoration plan including a list of species to be planted, a methodology for where the various species will be planted in relation the waterbodies and a timeframe for when they will be planted. The plan is to be initiated as soon as the removal phase is complete. The plan is to include provisions describing how the site will be managed and maintained to ensure that it is not left to degrade as it naturalizes and is incorporated in the surrounding ecosystem. The plan is to include a plan to control invasive species during the site restoration process. The plan is to identify who will be completing the work.
1. The Land Use Administrator or Conservation Commission may visit the site to inspect and report on any deviations from the plan or failures of the plan to further a controlled naturalization process. The inspections are to occur any time within 10 years of the completion of the removal.
 2. A performance bond is required for the habitat restoration and invasive species scope of work. The amount is \$100,000, the term is for 10 years after removal, the conditions of forfeiture shall be any failure of the project site to conform to the conditions herein. The project site is to also include any abutting lands that are disturbed as part of the project.

The surety contract shall be satisfactory to the Administrative Officer as to form, sufficiency and manner of execution, and shall be filed with the Town Clerk.

C6. The Applicant is to arrange with the Owner, the Town of Springfield, to clear any deeded easements regarding water rights or waterline rights on the Phelps property. The applicant shall submit to the Land Use Administrator a copy of such deed information and the applicant shall record the document in the land records.

C7. Traffic:

1. The exiting loaded truck traffic (sediment and dam material filled trucks leaving the site) is restricted to travel down (west) on Wellwood Orchard to Reservoir Road, thereafter turning left and exiting Weathersfield into Springfield. An alternate path of travel for specific loaded truck counts may be approved in writing by the Town of Weathersfield Road Superintendent. This approval must be provided in writing to the Land Use Administrator prior to any travel deviating from that described in the first sentence of this condition.
2. A construction traffic control plan is to be submitted to the Land Use Administrator prior to any exiting loaded truck travel. The plan is to demonstrate conformance with the Traffic Management Notes shown on the project plans. The traffic control plan is to be provided to the Road Superintendent, who may make comments and amend the plan.
3. Exiting loaded truck traffic load size is restricted to that which is customary and legal for ordinary dump trucks on ordinary roads in VT. Specialized wide or heavy hauling equipment that uses oversized loads is not allowed.
4. The Contractor is to repair any damage to the road network within the Town of Weathersfield resulting from the use of the network by the Contractor. The Contractor is required to provide any maintenance equipment and provide upkeep of the roads made necessary by their work. Any repairs are to be completed to the satisfaction of the Highway Superintendent.

C8. The applicant shall submit to the Land Use Administrator a copy of the permit, yet to be obtained, from the Army Corp of Engineers. The document is to include their findings and protective requirements for the Northern Long-eared bat.

C9. Removal of the dam, related infrastructure, sediment and earthen embankment as shown on the plans shall be completed by October 1, 2025.

- C10. Those items shown on the application documents, facts, plans and items listed in these Conditions which require upkeep and maintenance are ongoing requirements.
- C11. Any deviation from the application documents, facts and plans without prior written approval of the Zoning Board of Adjustment shall constitute a violation of the Weathersfield Zoning Bylaws and the Administrative Officer shall be required to take appropriate enforcement action.
- C12. The Applicant is to comply with the Vermont Order Approving Application to Alter a Dam. Each notification, report, inspection, meeting and other action which is identified as being provided to or involving the Dam Safety Section (The Department) is also to be provided to or involve (such as meetings) the Land Use Administrator.
- C13. Prior to commencing construction the Land Use Administrator (Administrative Officer) shall review each of the conditions listed above for compliance. If the Land Use Administrator is unsure whether or not the conditions are sufficiently addressed or there is any ambiguity in any resubmittal, or the plans contain substantial changes to those reviewed during the hearing, the Zoning Board will be convened to complete this review at their next regular meeting.

Dated at Weathersfield, Vermont, this 28th day of September, 2022.



BY:

David (Todd) Hindinger, Chair

Members participating in the hearing, and deliberations:

David (Todd) Hindinger, Chair

Jaime Wyman

David Gulbrandsen

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Zoning Board of Adjustment. 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.

Copies of this decision will be distributed to:

Applicant (via certified mail)

Landowner

Every person or body appearing and having been heard at the hearing

Administrative Officer

Town Clerk