

Zoning Board of Adjustment

January 10, 2023

Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Willis Wood, and James Cahill. Joseph Bublat and deForest Bearse participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

There were no audience members.

2. Call to order

Todd Hindinger called the meeting to order at 6:30 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – September 27, 2022

James Cahill made a motion to approve the minutes of September 27, 2022 as corrected. Todd Hindinger seconded it. deForest Bearse and Willis Wood abstained. The motion passed.

6. Members emails

Ryan Gumbart stated that if a Board member would like a Town email address, there is a cost per email. Please let him know if you would like one. Since Joseph Bublat is a Planning Commission member, he currently has a Town email address. The other members present stated that they did not need a Town's email address.

7. Town Plan - PC's update of the Energy Section

Ryan Gumbart stated that the Energy Section of the Town Plan had very few changes. The red color means strikethrough, orange is new wording, and the highlighted ones are ones he has questions about. There were some new items added around technology, electric vehicle charging, solar guidelines, etc. This section is going before the Select Board for review on February 13, 2023. Joseph Bublat stated that there are safety measures for protecting what we have in regards to skylines, and no industrial solar arrays. It lists prohibited areas for large scale arrays (15 - 150 kw hours). It supports residential arrays up to 15 kw.

Ryan Gumbart stated that it prohibits large scale, greater than 150 kw, in Class I & II wetlands, elevations greater than 1500 feet, and slopes greater than 25%. In the current Bylaws, a person can not build above 1500 feet now. He stated that the PUC will consider the Town's Bylaws for an application for solar arrays, but will not look at the Town Plan. The added material for the energy section came from the town of Colchester. The Town does not have much say over the smaller solar arrays.

deForest Bearse mentioned that there are no prominent areas of steady wind in Weathersfield. She wanted to know what is the difference between 90 kw and 100 kw. She wants to make sure that there is sufficient protection. Also, there was a study done and Weathersfield does not have any viable areas of wind. Ryan Gumbart stated that the Regional Planning Commission provided information around the State areas for solar and wind and it is true that Weathersfield was not good for wind.

Todd Hinderger stated that there are a lot of standards around solar, but he would like to see some standards around wind, noise, scenic, etc. Some of the standards for solar could be used with the others. Also, there are no Town goals in regards to the Energy Section. For instance, it discusses geothermal wells, but does not say anything about protecting groundwater after it is decommissioned.

Ryan Gumbart stated that if the Zoning Board members have comments on this section, they could email them to either Todd Hinderger, or himself. He will give the Commission their notes/comments.

8. Zoning Bylaws - PC's update of districts and use tables

Ryan stated that the Planning Commission discussed districts and use tables. The Commission wants to make the terms match and delete some usages that do not exist. This is the first attempt and there is nothing dramatic for changes. They are clarifying PUD's and multi-uses. They are trying to clarify how PUD's relate to subdivisions.

Willis Wood stated that at 14 Ascutney Place, it has a PUD. There can be multiple uses on a piece of property. The new Bylaw says subdivision. Ryan Gumbart stated that PUD's are a type of subdivision. A PUD creates more lots and there could be multiple uses on a single lot.

Todd Hinderger stated that there could be two or more uses on a few acres without a subdivision. The property owner might want to subdivide, but does not have to. Ryan Gumbart stated that it could be subdivided, but keep it as one tax bill. The PUD could be just one person owner.

deForest Bearse stated that each use needs to have a certain amount of allocated land. Ryan Gumbart stated that there could be a single building with multiple uses. It would not need a PUD because it is a single building. Todd Hinderger stated that his office is located in a building that is permitted as office space. There can be only one principal use on a property, or you would need to subdivide. Ryan Gumbart stated that you do not have to have multiple parcels to do multiple principal uses. You can have multiple principal uses on a single parcel.

Todd Hinderger stated that a PUD is a perfect term because it has multiple uses on a single parcel. Ryan Gumbart read the definition of a PUD. The State merged the terms PRD and PUD to just PUD. He will look into how the State separates PUD's and subdivisions. Joseph Bublat stated that Ludlow has tons of PUD's and mountain recreational zoning. Ryan Gumbart stated that PUD's could go through subdivisions. Todd Hinderger stated that a PUD goes to the Planning Commission for a hearing. deForest Bearse stated that the Zoning Board does not decide the use and how it fits, that is the Zoning Administrator's responsibility. She wanted to know if inns and motels can be in the district village. Ryan Gumbart stated that the Planning Commission is rewriting and amending the Bylaws with definitions and uses. They are trying to get things that match up. Todd Hinderger wanted to know if the administrator could say that it does not meet the requirements. deForest Bearse stated that the administrator would see if there is an exact match or if it comfortably fits.

Todd Hinderger stated that the Planning Commission should address the language around inns, small/large hotels, and bed & breakfast. He suggested that inns could be up to 6 rooms, bed & breakfast up to 3 rooms, and hotels could be 7 or more rooms. He suggested that Ryan Gumbart fix the highlights and send it to the Select Board. Ryan Gumbart stated that the Planning Commission is trying to make minor wording changes so that it does not have to go to the Select Board. Willis Wood and deForest Bearse both mentioned how it refers to Section 6 in the Bylaws, but neither one of them could find Section 6. Ryan Gumbart stated that it is in the Bylaws, but not used for tables.

9. Discussion of Items for Future Agendas

- PUD's
- recruitment of Board members
- meeting dates
- hotel definition in Bylaws

The Board's next meeting is January 24, 2023 at 6:30 PM.

10. Adjournment

Willis Wood made a motion to adjourn at 8:05 PM. James Cahill seconded it. All were in favor.

Respectfully submitted,

Diana Stillson