





Town of Weathersfield, Vermont

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Notice of Public Hearing

In accordance with the provisions of Title 24, Sections 4441(d) and 4444, of the Vermont Statutes Annotated, the Planning Commission for the Town of Weathersfield, Vermont, will hold a public hearing on Monday, August 26, 2013, at 7:00P.M., in the Weathersfield Town Office, at 5259 Route 5 in Ascutney, Vermont, to hear public comments on proposed amendments to zoning bylaw section 6.6.2, Home Industries. The proposed amendments are generally described as follows:

Statement of Purpose

The proposed amendment to section 6.6.2 changes the setback requirements for accessory outbuildings from 100 feet and 300 feet to the setback requirements for the zoning district in which the property is located.

Geographic Areas Affected

The entire Town of Weathersfield is affected by this amendment.

Section Headings

Section 6.2.2 Home Industries

Copies of the full text of the proposed amendments are available for review at the Weathersfield Town Office and the Weathersfield Proctor Library in Ascutney, Vermont.

Persons wishing to be heard may do so in person, be represented by an agent, or may file written comments with the Commission prior to the hearing.

Dated at Town of Weathersfield, Windsor County, State of Vermont, this 22nd day of July, 2013.

Michael Todd, Chair
Weathersfield Planning Commission

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Department of Economic,
Housing and Community Development

Planning Commission Reporting Form For Municipal Bylaw Amendments

Section 6.6.2 Home Industries

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide:

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title.

The current version of section 6.6.2 Home Industries allows the use of accessory outbuildings for Home Industries. It calls for a 100-ft. setback (of the outbuilding) from all property lines and a 300-ft. setback (of the outbuilding) from “any residential dwelling unit located on any lot other than that of the residential owner of the Home Industry”.

These setbacks can be impossible to meet for many of the old farm buildings that currently sit idle and unused throughout the community. There have been applications for zoning permits from owners of such farm buildings who wish to use these nonconforming old buildings to establish their home industries. It can also be impossible to meet these setback requirements on properties within the Village, Hamlet and Rural Residential zoning districts where the lots are quite small. The Zoning Board, who is charged with reviewing these applications, has no mechanism with which to waive or modify these setback requirements.

This amendment proposes to remove both the 100-ft. property line setback requirement and the 300-ft. setback requirement (from abutting dwelling units) for all outbuildings (existing and new) that may be used as sites for home industries. It also allows establishment of home industries within outbuildings that are nonconforming with regard to the zoning district setback requirements.

(A)nd shall include findings regarding how the proposal:

1. Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:

The current Town Plan calls for home occupations (and small scale businesses) to predominate in the Town’s villages.¹ This amendment will facilitate establishment of home occupations/industries in the Villages by removing the obstacle created by setback requirements that cannot be met in these districts. The current Town Plan also calls for only farming activities and home industries in the Town’s rural areas² and describes the importance of historic farm buildings on the Town’s landscape³. By removing the obstacles created by the setback requirements, historic farm buildings can be put back into productive use, which should help to preserve them.

Changes in states legislation now call for economic development to be addressed as an independent topic in the Town Plan. Weathersfield has drafted an Economic Development chapter that awaits adoption by the Select Board. The “Policies on Economic Growth” contained in the new chapter states, “The Town will strive to foster economic growth in the community through the support and encouragement of home-based businesses and those that are appropriate in scale to the rural character of the Town.” This proposed amendment is a means of implementing this policy by removing obstacles to the meaningful use of valued, historic structures as a means of desirable economic development for the Town.

This proposed amendment should not have any effect on the availability of safe and affordable housing.

2. Is compatible with the proposed future land uses and densities of the municipal plan:

The proposed amendment is in conformance with future land uses of the Town Plan. (See 1 and 2 below.) The proposed amendment should not have any effect on densities of development.

3. Carries out, as applicable, any specific proposals for any planned community facilities.”

There are no planned community facilities at this time.

¹ II. Future Land Use (A) Villages: “Villages should be considered predominantly residential communities that allow home occupations and business activities.”

² II. Future Land Use (C) Rural Areas: “Rural areas are defined as those parts of Weathersfield developed with lower densities in order to encourage preservation of farmland, forests, scenic land, open space, and natural habitat. Less fragmentation of open space means greater environmental integrity. The maximum density of development in rural areas should be determined by the general desire to retain a rural rather than suburban or urban atmosphere. Commercial and industrial activity other than farming and home occupations/industries should not be permitted except in those areas designated in the Commercial and Industrial section later in this chapter.”

³ Natural, Scenic & Historic Resources – XIII. Historic Resources: “A community is held together and strengthened by a sense of history and cultural pride. Cherished historic sites enhance the built environment, which, along with scenic beauty and rural character, creates an attractive, interesting, and desirable place to call home. Historic homes, mills, bridges, cemeteries, quarry sites, stone walls, farm complexes, barns, foundations, ferry sites, lime kilns, and old roads are typical of the visible historic record to be found in Weathersfield.”

6.6.2 Home Industry:

Other provisions of these Bylaws notwithstanding, any Home Industry (see definitions) considered as customary in residential areas shall be permitted as a conditional use subject to the following limitations:

- a) The primary purpose of the premises shall be that of private residence.

The Home Industry shall be carried on within the residence or within an accessory outbuilding of the residential structure.

If the Home Industry is located within the residential structure, it shall occupy less than 50% of the total square footage of the structure.

The land area occupied by an accessory outbuilding used for a Home Industry shall not exceed 400 square feet per acre of lot size, not to exceed 4,000 square feet of land area.

- b) Setback of an outbuilding used for a Home Industry shall comply with the setback requirements of the zoning district in which the building is located. ~~be a minimum of 100 feet from all property lines and a minimum of 300 feet from any residential dwelling unit located on any lot other than that of the residential owner with the Home Industry.~~

Home industries may also be established within ~~legally~~ existing nonconforming buildings structures.

The Home Industry shall be carried on by members of the residing household, plus no more than two additional employees

- c) No exterior display of merchandise shall be permitted.
- d) No exterior storage of equipment, wastes, work materials, nor any other variations from the residential character of the premises shall be permitted.
- e) Electrical interferences and/or line voltage variations shall not be produced at objectionable levels.
- f) Noise, vibration, smoke, dust, odor, heat, glare, or other off-site disturbance shall not exceed levels characteristic of the residential area in which the Home Industry is located.
- g) Off-street parking shall be provided to accommodate the traffic generated related to the Home Industry, with one parking space provided for each additional employee.

The minimum number of parking spaces required for traffic generated shall be determined by the Zoning Board of Adjustment.

In addition, two parking spaces shall be provided for the residential owner.

(See parking requirements: Sect. 6.14.3)

Adequate screening of parking areas shall be provided.

- h) The traffic generated by a Home Industry shall be in character with the District in which it is located. (See Sect. 4.3)
- i) The above limitations, with the exception of parking requirements, shall not apply to agricultural activities.
- j) Auto body shops and auto sales lots shall not be allowed as Home Industry.

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