



# WAITSFIELD PLANNING COMMISSION AGENDA

November 19, 2024 at 7:00 p.m.

**Planning Commission**  
Beth Cook  
Robert Cook  
Emma Hanson  
AnnMarie Harmon, Vice-  
Chair  
Becca Newhall  
Alice Peal  
Jonathan Ursprung, Chair

**THE PLANNING COMMISSION WILL BE HOLDING A HYBRID MEETING. THE PUBLIC MAY ATTEND IN PERSON AT WAITSFIELD TOWN HALL OR REMOTE VIA ZOOM WITH TELEPHONE AND/OR VIDEO ACCESS. THOSE PARTICIPATING MAY SPEAK DURING THE DESIGNATED PERIODS.**

To join the meeting remotely, use this link:

<https://us02web.zoom.us/j/9190265312>

**Meeting ID:** 919 026 5312

**Or call:** 1 929 205 6099

**Planning & Zoning Administrator**

J. B. Weir

**Town Administrator**  
Vacant

**Town Clerk**  
Jennifer Peterson

**Town Treasurer**  
Steve Lewis

**Waitsfield Town Office**  
4144 Main Street  
Waitsfield, VT 05673  
(802) 496-2218  
[www.waitsfieldvt.us](http://www.waitsfieldvt.us)

1. **CALL TO ORDER / ROLL CALL**
2. **REVISIONS TO AGENDA, IF ANY (5 +/- min)**
3. **PUBLIC FORUM (10 +/- min)**
4. **VILLAGE MASTER PLANNING (45 +/- min) Jonathan/JB**
  - a. Community Event Debrief
5. **GROUNDWATER PROTECTION OVERLAY (25 +/- min) JB**
6. **ALICE UPDATE (15 +/- min)**
7. **WASTEWATER PLANNING PROJECT UPDATE (10 +/- min) JB/Bob**
8. **OTHER BUSINESS (10+/-min)**
9. **ADJOURNMENT**

**Waitsfield Planning and Zoning Administrators Report  
Planning Commission November 19, 2024 meeting**

**4. Village Master Planning (MPG)**

The first community event for the project will be held at the Village Meeting House (WUCC) on Monday November 18<sup>th</sup> from 5 – 6:30pm. Brian Shupe, Jonathan Ursprung and Josh Schwartz will be providing initial remarks before a presentation by Alex. The remaining portion of the event will be dedicated to attendees providing input via various stations and dot boards. The event will be livestreamed by MRVTV. UPDATE: The link to the livestream video can be found [here](#).

At this PC meeting, members will debrief on the community event and the input provided by the attendees. In addition, commissioners can discuss the next steps for the project as outlined at the 11/19 steering committee meeting.

The next meeting of the VMPSC is scheduled for November 19<sup>th</sup> at 10:30am. This meeting will also focus as a debrief of the community event. Planning Commissioners are encouraged to attend either in-person or via Zoom. A copy of the meeting warning with Zoom information is included in the packet. A recording of the meeting will be made available afterward for those unable to attend.

**7. Groundwater Protection Overlay District**

The Town attorney has returned his feedback on the most recent draft of the Groundwater Protection Overlay District. The feedback and redlined version is included in the packet for discussion. Sam Robinson of the MRVPD has made changes to the map as urged by the attorney. The revised map is included in the packet.

Once members agree on the proposed changes, the PZA will prepare a clean final draft for review and approval at the next PC meeting. In addition, the PZA will present an adoption timeline for the GPOD.

**7. Wastewater Planning Project Update**

The ETT team continues to work on the proposed pump station locations. As discussed at last meeting, the prior-proposed pump station on the Madsonian property is being re-evaluated. Instead, the ETT is pursuing two smaller pump station location to the north and south of Bridge Street. There will be a site visit this week for one of the small pump stations currently proposed

behind Darrad Services on the property of Kellee Mazer. The other small pump station being looked at is to the rear of the United Church parking lot.

On Friday November 15, Dubois & King submitted the Environmental Assessment for the Town's USDA RD funding application. The Town should hear back on possible funding before the end of the year. In the meantime, Joshua Schwartz submitted an application to get on the CVEDC's Regional Project Priority list, a requirement to be able to apply for Northern Border's money in the spring.

As of 11/18/24, the Town website page for the project has been updated and can be found [here](#).

## **8. Other Business**

Due to lack of notice of the meeting (my apologies), approval of the minutes of 10/15/24 will be pushed to the next meeting.

The PZA has included in the packet the 2024 work plan. Jonathan may have an update on the MRVPD since the last meeting.

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Upcoming trainings/webinars:

### **Understanding Vermont Conservation Design: The data behind BioFinder**

Vermont Conservation Design is the data and the vision that powers the BioFinder website. It is a prioritization tool that identifies the lands and waters most important for maintaining Vermont's ecologically functional landscape – one that conserves current biological diversity and allows species to move and shift in response to climate and land-use changes. Vermont Conservation Design allows users to see patterns in Vermont's forests and waterways, and identify the places that connect both into a functional network. The Design was just updated with new landscape scale components and Wildlife Road Crossings. It now features more accurate edges of the habitat blocks, that allow for a better understanding of the pattern and network of connected forests. Join us to learn more about this important conservation science.

Presenters:

Jens Hilke, Conservation Planner, VT Fish and Wildlife Department

David Moroney, Conservation Planning Specialist, VT Fish and Wildlife Department

Repeat sessions of this webinar will be offered on the following three dates:

Session 3: Thursday, December 12, 2024 1:00pm-2:00pm. [Register](#)

### **Sharing Like Cats and Dogs: Bobcats & Coyotes on the Vermont Landscape**

Bobcats and coyotes compete for resources across Vermont. Yet they go about it with very different styles and have settled into an equilibrium since coyotes first appeared in our state in the mid 20th century. Bobcats tend to be more elusive, while their canine counterparts are much more public. Together, these mid-sized mammals occupy a niche in Vermont's ecology that teaches us about the need for an inter-connected landscape. Join Furbearer Project Leader Bree Furfey for an exciting deep dive into the biology, ecology and landscape needs of these two iconic species. We'll also discuss land-use planning strategies that your town can use to ensure their continued presence throughout Vermont.

Presenters:

Brehan Furfey, Wildlife Biologist, VT Fish and Wildlife Department

Jens Hilke, Conservation Planner, VT Fish and Wildlife Department

Repeat sessions of this webinar will be offered on the following two dates:

Session 2: Tuesday, December 3, 2024 2:00pm-3:00pm. [Register](#)

### **Gray and Green Infrastructure: How Vermont's bridges and culverts add to our network of connected lands and waters.**

Roads can act as barriers to wildlife movement, and yet our bridges and stream culverts are potential passage for Vermont's fish and wildlife to move underneath without danger. In addition to giving fish and other aquatic species plenty of space to swim through, many of these structures are designed to accommodate large floods and move debris during extreme rainfall. This means that at normal flow levels, wildlife can walk through the structure alongside the stream.

However, some of our older structures are undersized and present a constriction for floodwaters as well as for fish and wildlife movement. A team of researchers has created the Terrestrial Passage Screen Tool that is now available on BioFinder to assess the "passability" of bridges and culverts on the state road system and help in prioritizing which structures might be best replaced to facilitate wildlife movement. Join Conservation Planner Jens Hilke from Vermont Fish & Wildlife to learn the science behind this new tool and learn how it may be used to help prioritize structures for replacement to facilitate wildlife movement.

Presenters:

Jens Hilke, Conservation Planner, VT Fish and Wildlife Department

Repeat sessions of this webinar will be offered on the following two dates:

Session 2: Monday, December 16, 2024 3:00pm-4:00pm. [Register](#)

**Reconnecting the Greens Mountains: A multi-pronged approach for enabling wildlife movement**

The spine of the Green Mountains is a chain of several huge forest blocks that is the backbone of the Vermont landscape. With relatively few road crossings, wildlife can move among these forests for great distances. This is important for keeping populations healthy and allowing them to adapt to climate change. Yet the Winooski river valley with Interstate 89, Route 2 and the railroad is a significant barrier separating the northern and central Green Mountains. Efforts are underway to ensure that habitat remains connected across these barriers. Join Conservation Planner Jens Hilke and VTrans Biologist Jesse Johnson to learn about the exciting wildlife connectivity projects emerging along the busiest stretch of road in Vermont. Oversized culverts, wildlife shelves, and a state-of-the-art highway underpass are all on the menu as conservation planners find creative solutions to reconnect the Green Mountains for wildlife between Mount Mansfield and Camel's Hump.

Presenters:

Jens Hilke, Conservation Planner, VT Fish and Wildlife Department

Jesse Johnson, Biologist, Vermont Agency of Transportation

Repeat sessions of this webinar will be offered on the following two dates:

Session 2: Tuesday, November 19, 2024 3:00pm-4:00pm. [Register](#)

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Respectfully submitted,

J.B. Weir



# Village Master Planning Steering Committee

**November 19, 2024 at 10:30 a.m.**

Join Zoom Meeting  
<https://us02web.zoom.us/j/9190265312?omn=83113707411>

Meeting ID: 919 026 5312

**Planning Commission**

Beth Cook  
Robert Cook  
Emma Hanson  
AnnMarie Harmon, Vice-Chair  
Becca Newhall  
Alice Peal  
Jonathan Ursprung, Chair

**Planning & Zoning Administrator**

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John Abbott, Interim

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\*\*A quorum of the Planning Commission may be present at the meeting. This item is intended to serve as a work session and no action will be taken by the Planning Commission at this meeting. Allowed pursuant to 1V.S.A.§310(3)(D)\*\*

Hi JB,

Thanks to you, the Water Commissioners and Planning Commissioners for their patience while I cleared other work to look at these. In general, the draft regulations are fine. I have the following comments:

SPA Overlay District Map - the map contains an error in that it shows a portion of Zone 3 of the GPOD outside of Waitsfield's municipal boundary lines. The Town cannot regulate uses in Northfield, and while that may be common knowledge, it would be best if the map were amended to remove the portions of Zone 3 that are located in Northfield from the map to ensure there's no confusion and to eliminate any contention that the Town engaged in over-reaching outside its jurisdictional boundaries.

Also, we note that Zone 3 on the map surrounds Zone 1, while Zone 2 is located further from the water supply well than portions of Zone 3. This is somewhat counter-intuitive since one might think that Zone 1 should be the area around the source, Zone 2 would be the next closest zone to Zone 1 and then Zone 3 would be the outer limits of the GPOD. The Planning Commission should be prepared to explain why this is shown the way it is because we anticipate some will have questions about this since it is slightly illogical.

The definitions look good, and we appreciate the Commissioners' acceptance of our proposed changes.

We had some minor revisions to suggest to the Regulations themselves. Aside from the revisions shown in the attached as "tracked changes," we did have a new consideration that we think the Commissioners have likely already discussed and addressed, but we wanted to be sure we raised it. We wanted to make sure that there was a discussion of how propane tanks would be viewed under the regulations to avoid any unintended consequences. We note that propane could be considered a "hazardous material" or "hazardous waste," but it's likely that these standards were not intended to prohibit "normal" residential propane tanks

for heating purposes. One option would be to include a statement somewhere that explicitly excludes propane and/or heating fuel/oil for residential heating purposes from the definition of "hazardous waste," or another option would be to add a provision in Table 2.12 that explicitly states that these regulations are not intended to regulate propane storage for residential heating purposes. If the Commissioners wanted an upper limit on the exclusion, they could say that propane tanks with fewer than 500 (or 1,000?) gallons are exempt.

If you or Commissioners have any questions about our proposed revisions, please let me know.



**Table 2.12**  
**Groundwater Protection Overlay (GPO) District**

A. **Purpose:** The Town of Waitsfield recognizes that many residents rely on groundwater for their safe drinking water supply, and that certain land uses have the potential to contaminate groundwater, particularly in shallow/surficial aquifers, or when contaminants can get into a bedrock aquifer. To ensure the protection of these drinking water supplies, this bylaw establishes a zoning overlay district to be known as the Groundwater Protection Overlay District (“GPOD”).

The purpose of the GPOD is to protect public health, safety and welfare by minimizing the potential for contamination of vulnerable aquifers and source protection areas as authorized under 24 V.S.A. §4414(2), as well as preserving and protecting existing and potential sources of drinking water supplies. It is the intent of the Town of Waitsfield to accomplish this through the adoption of this GPOD, which provides standards to regulate particular uses of land and land development with the foregoing purpose in mind, in addition to those [standards](#) currently imposed by existing [provisions in the Zoning Bylaws for the applicable](#) zoning districts or other state and federal regulations. It is intended that public education and cooperation will complement this effort.

The GPOD is superimposed on the Agricultural-Residential District, ~~and~~ [the Forest Reserve District](#), [and](#) ~~or~~ other zoning districts within the area of the mapped GPOD and shall apply to all land development within the GPOD.

Land development authorized or allowed in a portion of one of the underlying zoning districts that falls within the GPOD must additionally comply with the requirements of the GPOD. Uses or structures prohibited in the underlying zoning districts shall not be ~~permitted~~ [allowed](#) in the GPOD.

**B. ZONES WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT**

**1. Establishment of District Boundaries**

The Groundwater Protection Overlay District (“GPOD”) is defined as being the areas shown on the Waitsfield Water Supply SPA Map as within wellhead/aquifer protection areas. The Groundwater Protection Overlay District consists of the wellhead/aquifer protection locations from the Vermont Agency of Natural Resources Water Supply Division digital data. The Groundwater Protection Overlay District is an overlay district, which imposes additional requirements and restrictions to those in the underlying zoning district. In all cases, the more restrictive requirement(s) shall apply.

**2. Lots Divided by the Overlay District**

Where the boundary of the Groundwater Protection Overlay District divides a lot of record such that part of the lot falls within the Groundwater Protection Overlay District and part of the lot is outside of it, the provisions of this Article shall only apply to that portion of the lot within the boundary of the Groundwater Protection Overlay District.

**3. Zones 1 and 2: Drinking Water Critical Impact Zones**

Zone 1 is the protective isolation zone, a 200 feet radius circle centered on the public water source. Zone 2 is the primary recharge area contributing water to the source.

a. **Permitted Uses:** Zone 1 is restricted to the following permitted uses alone (there are no conditional uses). Permitted land uses in Zone 1 will be restricted to:

- i. source operation and maintenance
- ii. outdoor recreation facilities, except no structures, including accessory structures, constructed for or associated with such regulation may be located within Zone 1.
- iii. agricultural and forestry uses, provided that fertilizers, pesticides, manure and other leachable wastes are used according to the Accepted Agricultural Practices as prescribed by Vermont Agency of Agriculture, Food and Markets as applicable and are not applied within 200 feet of the water source. All said leachable wastes must be stored under shelter away from precipitation and should be designed and used with secondary containment measures, as applicable.

b. **Conditional Uses:** All proposed development in Zone 2 of the GPOD is subject to Conditional Use review by the Development Review Board. Development is restricted to the Permitted or Conditional uses as allowed in the underlying Zoning District except for prohibited uses in subsection (B)(3)(c), below. All uses must:

- i. Meet the Performance Standards as outlined for the GPOD in subsection (B)(5)
- ii. If new wastewater is required, satisfy the standards of subsection (B)(3)(d), below, with regard to Two-Year Time-of-Travel Distance

c. **Prohibited Uses:** Uses prohibited in the underlying zoning districts shall not be allowed in the GPOD. To the extent allowed in the underlying districts, the following uses are prohibited in the GPOD:

- i. On-site disposal, bulk storage, processing or recycling of toxic or hazardous materials or wastes
- ii. Underground storage tanks, except septic tanks as regulated and approved by the Vermont Department of Environmental Conservation, Wastewater Management Division that meet the standards of subsection (B)(3)(d) (Two-Year Time-of-Travel)
- iii. Industrial uses which discharge contact-type process waters on-site
- iv. Unenclosed storage of road salt
- v. Dumping of snow carried from off-site
- vi. Automotive-related uses: Automobile Repair, Automobile Repair Service, automobile service stations, repair garages, carwashes, junkyards, and truck stops
- vii. The siting or operation of a wastewater lagoon
- viii. Automobile Sales, and storage, lease or rental of used and new cars, all-terrain vehicles or other motorized vehicles, including but not limited to

lawnmowers, snowmobiles or sidewalk plow vehicles, motorcycles, and dirt bikes

- ix. Laundry and dry-cleaning establishments
- x. Salvage yards, landfills, recycling depots
- xi. Cemetery
- xii. Commercial Water Extraction for purposes other than supplying the public water system associated with the protection area, including geothermal systems.
- xiii. Extraction of Earth Resources
- xiv. Battery storage systems

- d. **Two-Year Time-of-Travel:** Approval of land development proposing use of in-ground wastewater disposal system within the two-year time-of-travel boundary is prohibited unless it can be certified by a licensed hydrologist with experience in wastewater system design that the discharge from the wastewater disposal site is not hydraulically connected to the drinking water aquifer below the GPOD, or that additional information is presented to document that a two-year time-of-travel is met or exceeded to the existing or potential water supply source within the GPOD.

**4. Zone 3: Drinking Water Potential Impact Zone**

Zone 3 is established as the remainder of the GPOD not included in Zones 1 and 2 as identified in the Waitsfield Water Supply SPA as mapped by the Vermont Agency of Natural Resources Department of Environmental Conservation, but deemed necessary to ensure adequate protection of public drinking water supplies.

- a. **Permitted Uses:** All uses allowed in the underlying zoning districts provided that they can meet the Performance Standards as outlined in subsection (B)(5), below, for the GPOD.
- b. **Conditional uses:** All conditional uses permitted in underlying districts provided they can meet performance standards outlined in subsection (B)(5), below, for the GPOD.

**5. Performance Standards**

The following permitting standards shall apply to all uses and land development in Zones 1, 2 and 3 of the GPOD:

- a. Any conditionally permitted facility involving the collection, handling, manufacture, use, storage, transfer or disposal of hazardous material or hazardous wastes must have a secondary containment system that is easily inspected and maintained, whose purpose is to intercept any leak or release from the primary containment vessel or structure. At a minimum, the secondary containment system must be designed and constructed so it is capable of handling at least 110% of the primary containment vessel or structure. Underground tanks or buried pipes carrying such materials must at a minimum have double walls, cathodic protection and inspectable sumps.

- b. Open liquid waste ponds containing hazardous material or hazardous wastes will not be allowed without a secondary containment system and shall not be located within Zone 1.
- c. Storage of petroleum products in quantities exceeding 300 gallons at one locality in one tank or series of tanks must be in elevated or above-ground tanks; such tanks must have a secondary containment system as noted in subsection (B)(5)(a), above. Storage of petroleum products in any quantity is prohibited within Zone 1.
- d. All permitted facilities must adhere to appropriate federal and state standards for storage, handling and disposal of any hazardous material or hazardous waste.
  - i. All conditionally permitted facilities must be designed to include, and operate pursuant to, an acceptable contingency plan for preventing hazardous materials and/or hazardous wastes from contaminating the shallow/surficial aquifer should floods, fire, or other natural catastrophes, equipment failure, or releases occur:
    - (a) All conditionally permitted underground facilities shall include, but not be limited to a monitoring system and secondary standpipe above the 100-year flood control level, for monitoring and recovery. For above-ground conditionally permitted facilities, an impervious dike, above the 100-year flood level and capable of containing 110 percent of the largest volume of storage, will be provided with an overflow recovery catchment area (sump).
    - (b) All conditionally permitted facilities shall include firefighting plans and procedures, a fire retarding system, and provide for dealing safely with any other health and technical hazards that may be encountered by disaster control personnel in combating fire. Hazards to be considered are pipes, hazardous materials, hazardous wastes, or open flames in the immediate vicinity.
    - (c) For equipment failures, plans for conditionally permitted facilities that use, maintain, store, process or produce hazardous materials and/or hazardous wastes shall include, but not be limited to, below-ground level, removal and replacement of leaking parts, a leak detection system with monitoring, and an overflow protection system; and above-ground level, liquid and leaching monitoring of primary containment systems, the replacement or repair and cleanup and/or repair of the impervious surface.
    - (d) For any other release occurring, the owner and/or operator shall report all incidents involving liquid or chemical material to the Waste Management Division of the Vermont Agency of Natural

Resources in accordance with applicable laws and shall simultaneously notify the Town of Waitsfield Zoning Administrator, Town Administrator, or Selectboard Chair immediately, and no later than two hours, after notice is given to the Vermont Agency of Natural Resources.

- ii. Since it is known that improperly abandoned water wells can become a direct conduit for contamination of groundwater by surface water, all abandoned wells within the GPOD shall be properly plugged according to State regulations.

DRAFT



# Waitsfield Water Supply SPA

**Legend**

- Road
- Town Boundary
- 100 FT Contour
- 20 FT Contour
- Zone 1
- Zone 2
- Zone 3



Waitsfield

Northfield

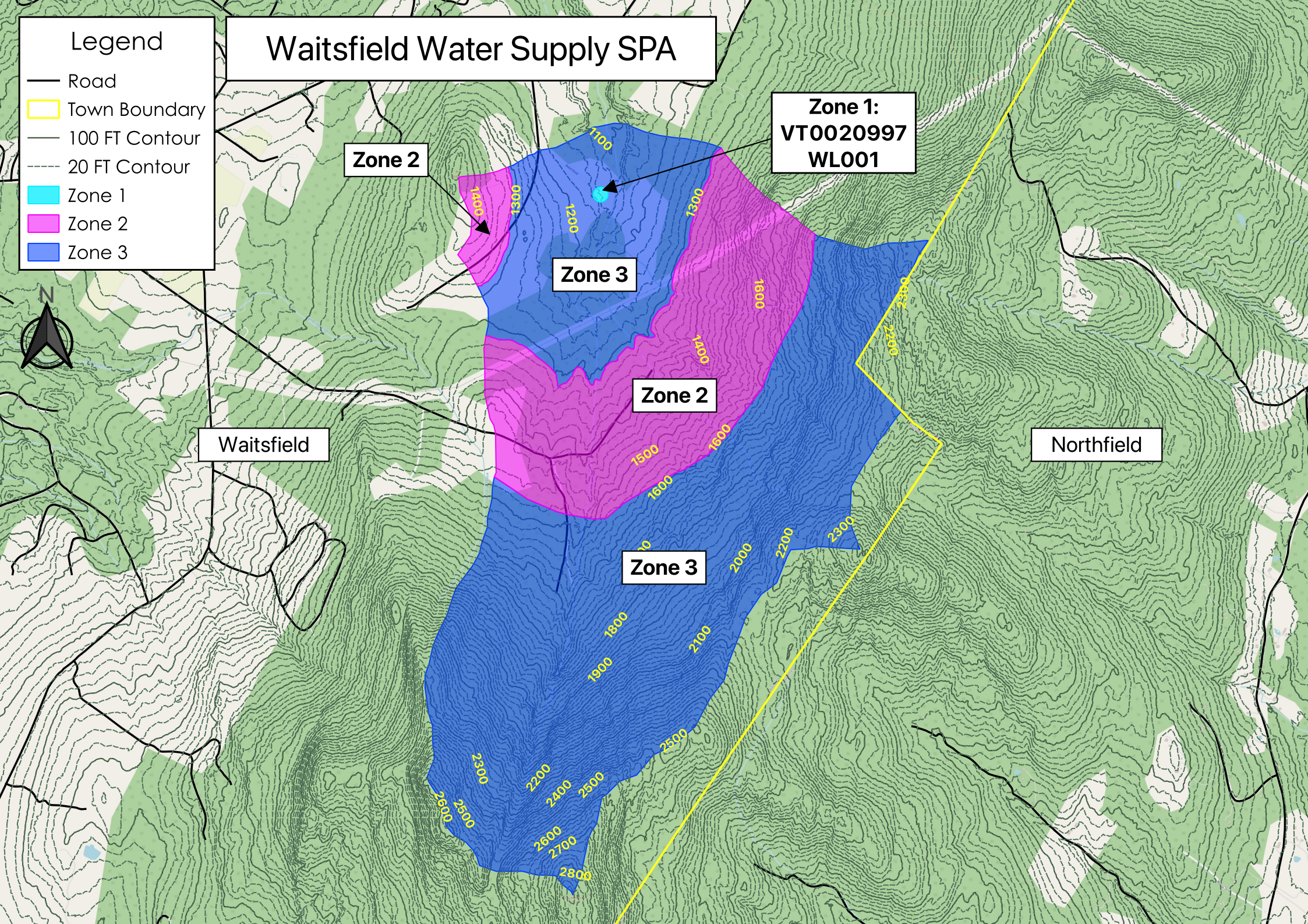
**Zone 1:  
VT0020997  
WL001**

**Zone 2**

**Zone 3**

**Zone 2**

**Zone 3**





2024 Waitsfield Planning Commission Work Plan			
	Tasks	Project	Timeline
		<b>VILLAGE MASTER PLANNING</b>	
1	<b>Irasville Master Planning</b>	This project will incorporate the updated wetland maps and include a review of the history of planning in Irasville. Segue from the By-Laws Modernization Grant work and Wastewater project.	Begins May 8
		<b>Zoning and By-Laws</b>	
1	<b>GPOD</b>	Groundwater Protection Overlay District to be adopted to protect certain land radii around the Town aquifer off Reed Road. This is being done at the behest of the Water Commission. The PZA has drafted the ordinance for the overlay and it is currently under review by the Town attorneys.	Summer 2024 - in process
2	<b>Cannabis Land Use</b>	Land use regulation related to Act 164 (Cannabis Tax & Regulation). Cannabis cultivation, testing, warehousing, and distribution which are NOT opt-in and are also not regulated by the state as agriculture. Become familiar with the Cannabis Control Board regulations and how they affect towns.	<i>PZA recommends holding off</i>
3	<b>Limited Business District</b>	Reviewing standards and purpose. Numerous people have approached the PZA with regard to developing housing in this area. As it stands, residential development is deterred in this area. However, given the proximity to the Town's future disposal field, future phasing of the wastewater system could allow for	
4	<b>Additional Zoning Bylaws Amendments</b>	These should be guided by the most recent legislative updates as well as topics that have come up over the past few months that staff has been tracking (temporary ADUs, updates to the sign standards, definition of story, etc.). Short term rentals should be a part of this discussion. Tasks in Chapter 4 of Town Plan - Housing	
		<b>Town Plan</b>	
1	<b>Establish Framework for next Plan update</b>	What must be updated for next iteration? What should be updated? Do we hire a planning consultant?	
2	<b>Childcare</b>	Satisfy statutory requirements with regard to support of childcare	
3	<b>Energy Plan</b>	Satisfy requirements of updated Energy Plan standards	