

**Minutes for Town of Pawlet Planning Commission
Pawlet Town Office
Pawlet, VT**

**Monday, May 27, 2013
7:30 p.m.**

Members in Attendance:

**John Thrasher
Fred Stone
Harry van Meter
Wayne Clarke**

Members Not in Attendance:

**Gary Baierlein
Tom Nelson
Karl Eberth**

Others in Attendance:

**Eric Mach (Zoning Administrator)
Lenny Gibson
Jaime Lee (Rutland Regional PC)
Kathy Doyle (Clerk)**

Item 1: Approval of Minutes, April 22, 2013.

Accepted and approved with two changes: 1) Change "reach by reach assessments consider deposition" to "reach assessments consider deposits"; and 2) Item 7 -- Old Business: Change "planned for a scenic byway" to "Route 30 is part of Stone Valley Scenic Byway."

Item 2 Zoning Administrator Report

Eric Mach reported that a building permit had been approved for a new home on Indian Hill Road. He provided information on the following violations of zoning bylaws: 1) an apartment has been put in where an Insurance office had been with no application for the necessary building or state waste water permit; 2) an apartment has been put in across from the Catholic Church with a septic system without receiving the necessary permits; and 3) there are several signs on Route 133 and Route 30 advertising firewood for sale which is a violation since both on or off premise signs need a permit.

Eric also mentioned that he received a notice for a cell tower. This item was discussed under New Business.

Item 3: Comments from Audience

No comments

Item 4: Jamie Lee, RRPC-- Finalize Draft of Bylaws

Jaime Lee handed out written information and a map from Ned Swanberg showing the town Flood Hazard Area and River Corridor. She noted that the river corridors were created by Sharron Pytlik using data collected by the Poultney Mettowee Natural Resource Conservation District. The map includes a 100 foot set back for tributaries. Jaime emphasized that 75% of

the structures in the flood hazard area lack flood insurance. Jaime recommended that the landowners be alerted to inform them that they lack flood insurance.

Jaime handed out a revision of the Unified Bylaws with changes indicated in color. She stated that model language on Flood Hazard Area Regulations and River Corridor Protection Area Overlay had been added.

Jaime highlighted changes in the draft emphasizing that flood protection and river corridor protection areas are included as overlay districts. She noted that the Zoning Administrator can work with property owners to contest the river corridor overlay map if the landowner obtains appropriate data from an expert.

Jaime pointed out changes to conditional uses in the Village and Commercial District. John Thrasher asked to add 'Agriculture and Forestry' as permitted use in Industrial District. Jaime agreed to do so in the Final Draft.

New language designating a 75 foot setback from rivers and streams was incorporated (page 28). These setbacks limit development along the smaller rivers and apply to areas that have not been assessed and therefore are not included within the flood hazard protection area or river corridor area. She emphasized that the purpose of the setback was to keep water from being polluted or structures being washed out. A discussion on the distance of the setback ensued. Harry van Meter stated that if distance is measured from the center line then the set back is low. Jaime indicated that the language regarding measuring from the center line comes from the state.

John Thrasher stated a preference for a 50 foot rather than 75 foot setback. Jaime noted that a 100 foot set back was designated on the map which she handed out. John suggested that a 50 foot setback was sufficient. Eric Mach noted that larger rivers and streams are covered by river corridor and the setback refers to smaller streams. Harry van Meter pointed out that because a waiver provision exists, it was best to keep the setback at 75 feet. Fred Stone moved to change the setback to 50 feet. John seconded the motion. Two voted in favor of the motion, two against. The decision was to leave the setback at 75 feet.

Other updates to the draft were discussed. Jaime also handed out a "reporting form for municipal bylaw amendments" that outlines reporting requirements including the need for a public hearing.

Item 5: Schedule Public Hearing.

The need for a public hearing on proposed bylaw amendments was discussed. Wayne Clarke voiced concern that the public be given ample time to learn about bylaw changes.

John Thrasher asked Jaime for clean copies of the most up-to-date draft and he indicated he would send a copy to Elizabeth Gibson. He indicated that the select board should also receive the current draft.

A special public hearing to address zoning bylaw amendments, originally set for June 24, has been rescheduled for July 1 @ 7:00 pm.

Item 6: Old Business

John reported that the letter drafted by Harry van Meter re: NE Community Solar Project was sent and that he incorporated changes suggested by Karl Eberth.

Jaime responded to the suggestion made by Wayne Clarke at the April meeting that regulations might be created to regulate solar farms. Jaime stated that it would be appropriate to include language regarding solar projects in the next revision of the municipal plan.

Item 7: New Business

An application for a wireless communication permit was discussed. The Pawlet Planning Commission has been asked to respond to the Public Service Board regarding whether or not a proposed tower on Briar Hill Road unduly interferes with the "orderly development of the region". Fred Stone recused himself due to associations with the Hewlett family

Lenny Gibson noted that the town zoning language include extensive language regarding cell towers, especially in regard to their height compared to the surrounding vegetation. He maintained that the view shed was an aspect of orderly development. Eric Mach argued that the proposed tower would not disrupt orderly development and that broadband service is important for the development of the town. Lenny Gibson suggested that a tower was not the only way cellular service can be distributed. John Thrasher noted that because Fred recused himself, there was not a quorum to take a vote on the issue. He said that the town has 45 days from May 13 to respond and that the issue could be addressed at the next meeting on June 24th.

John Thrasher also mentioned a scorecard created by Vermont Natural Resource Council (VNRC) by which the planning commission could determine how the town was doing in terms of community resiliency. John suggested that although the checklist might be useful, since the planning commission has so much on its plate, he did not recommend that it be considered at this time.

Wayne Clarke raised a question about whether or not Northeast Community Solar had listed all adjoining landowners in the permit application and what the definition of an adjoining landowner was. John Thrasher suggested that he might ask the Public Service Board for clarification.

Item 8: Set Agenda for Next Meeting

The following will be discussed at the next meeting on June 24: approval of minutes; zoning administrator's report; comments from the audience; enhanced consultation with Jaime Lee; old business; new business; and set agenda for next meeting.

The meeting was adjourned at 9:30 p.m.

Respectfully submitted by: Kathy Doyle, Clerk.