

(DRAFT) Meeting of the Town of Pawlet Development Review Board
May 30th, 2018

Members in Attendance:

Keith Mason, Brian Rawls, Gary Baierlein, Jonathan Weiss, James Glick
Sarah Ludlam (alternate, acting clerk of the Board)

Others in Attendance:

Gary Ameden, John Lapre, Cameron Perham, Ashley Waite, Ann Hadeka, Beth Duquette, Ray Duquette Sr, Charles Weeden Sr, Tom Bush, Tara Bush, Frank Nelson

Site visit at 206 Maple Grove to measure the right of way and existing garage commenced at 7:00 PM. At 7:20PM, the Board and members of the public removed to the Pawlet Town Hall to continue the hearing.

Hearing called to order at 7:27PM to review an application submitted by Cameron Perham for a variance from setback requirements between his garage and a right of way belonging to Ashley Waite. Abutters/interested parties are Tom Bush, Tara Bush and Ashley Waite, Mr. Mason swore in all parties who may wish to speak at this hearing and summarized the hearing process.

Cameron Perham described the initial permit process which took place in 2014. He stated that in planning the garage, he sought approval from Mr. Waite to erect a storage barn with access via Mr. Waite's right of way. He completed his original permit incorrectly without measurements to the right of way, instead with measurements to Maple Grove. At the time, Mr. Perham stated he left blank areas on the permit application and requested that the Zoning Administrator come for a site visit because he was unsure whether he was completing the paperwork correctly. The Zoning Administrator approved the permit without visiting the site. Prior to commencing construction, Mr. Perham stated that he reviewed the building site in person with Mr. Waite.

Mr. Waite disputed the fact that the right of way was described as from Maple Grove and presented to the Board a map/sketch which accompanied the 2014 permit. He stated that he did not know in advance of the planned location. His right of way in question accesses one residential plot of land.

John Lapre, surveyor for Mr. Perham, discussed the setback rules in the Town's Unified Bylaws. This could be considered a private road or right of way, which has a 25' setback from the property line. Argues that based on these laws, the Bylaws do not account for setback from a private right of way. Based on their survey, the building is 34.4' from the property line to Mr. Perham's building.

Mr. Waite stated that there has always been a 50' right of way.

Mr. Mason clarified that the town considers a right of way and appropriate setbacks to exist whether deeded on private property or for town highways. The purpose of the setback from the right of way is generally to allow emergency vehicles to access properties. The DRB's role is to review the current application for a variance based on the Unified Bylaws and the evidence

presented. Because this issue involves a signed permit from the Zoning Administrator in 2014 and the Board does not have a precedent or direction within the Bylaws for addressing this type of matter, Mr. Mason suggests we need to seek legal guidance to review all aspects of this case.

Gary Ameden, attorney for the Mr. Perham, stated that he was also unable to determine how the Bylaws specifically address a variance requested after the fact.

Mr. Mason asked Mr. Waite what he would like to happen. Mr Waite says he has the property for sale and a potential buyer did not want to use a driveway through what appeared to be a contractor's yard. Mr Mason pointed out that while it is a right of way with setback requirements for permanent structures, the property is owned by Mr. Perham and he is allowed to use it as he sees fit without permission from Mr. Waite.

Charles Weeden asked if the original application included question marks. The Board determined this will not impact the Board as they are not charged with determining the veracity of an approved four year old permit.

Mr. Bush suggested that perhaps in future the Zoning Administrator should conduct site visits to check setbacks and permit information for all applications.

Ray Duquette asked for the date of construction, which was in 2014 immediately after permit was granted.

Jonathan Weiss made a motion to have the Chair of the Board, Mr. Mason, review this variance application with the town attorney including all details of this hearing and that the Board recess this hearing until Wednesday June 6th at 7:00PM. Gary Baierlein seconded. Motion carried.

Meeting recessed until Wednesday, June 6th at 7pm.

Respectfully Submitted,
Sarah Ludlam