

**Minutes for Town of Pawlet Planning Commission  
Pawlet Town Office  
Pawlet, VT Monday, May  
28th, 2018 7:30 p.m.**

**Members Attending:**

**Rik Sassa  
Harry Van Meter  
Eric Mach  
Mark Frost  
Wayne Clarke  
Gary Bairlein**

**Members Absent:**

**Melissa LaCount**

**Others Attending:**

**Frank Nelson, W. Pawlet, AlisonAchor, W. Pawlet, Richard Marantz, W. Pawlet, John Davis, W. Pawlet, Lowell Fergusson, W. Pawlet, Raymond Duquette W. Pawlet, John Luebke, W. Pawlet, Dolores Luebke, W. Pawlet, Valerie Daus, W. Pawlet, Amy Murphy, W. Pawlet, Mandy Hulett, W. Pawlet, Martha Schoenemann, Pawlet, Darran Godette, W. Pawlet, Rebecca Hulett, W. Pawlet, Paul Tilander, W. Pawlet, Ed Valerie, W. Pawlet, Jackie Valerie, W. Pawlet, Lisa Roberts, Daniel Banyai, W. Pawlet, Elle Norman, W. Pawlet, Gary Hadeka, W. Pawlet, Anne Hadeka, W. Pawlet, Rita Robson, W. Pawlet, Jason Larocque, Bennington, Beth Moser-Duquette, W. Pawlet, Ken Norman, W. Pawlet, Gib Mach, Pawlet, David Tooley Rupert, Michelle Tilander, W. Pawlet, Janet Baierlein, W. Pawlet, Michael Beecher, W. Pawlet, John Thrasher, W. Pawlet.**

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Eric called the meeting to order at 7:30 p.m.

**Item 1: Meeting Agenda**

Eric Mach made a motion to suspend the Economic Development and Infrastructure portion of the meeting due to large citizen turn out and anticipated comments. Wayne Clarke seconded the motion. Motion passed unanimously. Harry moved to approve agenda, Mark seconded.

**Item 2: Minutes of April 23rd Meeting**

Harry moved to approve minutes, Wayne seconded.

### **Item 3: Public Comments**

Ray Duquette presented a letter to the board with a request for clarification regarding the definition of a school. He wanted the board to address the following issues: changes to the bylaws regarding land use as a tactical shooting range, initiate new regulations on same, definition of tactical shooting range, changes needed to permitted use of a school, conflict of interest, violation requirements. Eric Mach explained that there is a sequence necessary regarding any bylaw changes. Two hearings are necessary, one for the planning board and one for the selectboard. The planning board would also need time to discuss the issue. John Thrasher tried to explain the process necessary to get a change enacted. First bring a proposal to the planning board, they would debate and discuss the issue, if they decided that there was merit, they would warn a hearing then the public could speak on the issue. John himself made a presentation to make changes to the bylaws regarding the town's 10 acre zoning as opposed to a one acre zoning. Amy Murphy asked what jurisdiction act 250 has over subdivision regulations. Changing our zoning determination with the state will help us with issues that come up from time to time with state moneys and speed limits on route 30 through town, etc.. Harry Van Meter said that the responsibility of the planning commission is to protect the community. He said he wants to see economic development and also restrict development that is not desired. John Thrasher said there is somewhat of a definition of "school" in the state law. It pertains more to the idea that a recognized school is under state regulation. So if the school is regulated by the state it is a school in the state's eyes, but that does not mean other organizations can not call themselves a school. John said that the state permits schools in any zone, but that the town can make restrictions based on density, size, etc.. John Luebke said the bylaws lack a definition of what is a school. Eric Mach said the bylaws only say "school or training facility" at present. Rik Sassa asked John Thrasher if this condensation was correct: The distinction can be, a state regulated school as opposed to any other type of school. In this way all other schools can fall under conditional use requirements. Gary Baierlein agreed, feeling that any school not under the state Dept. of Education's regulations should be seen as a business and under conditional use restrictions. Gary went on to explain that an abutter gets a status that can limit certain criteria of the adjacent business, such as what time noise can be made, when delivery trucks can come to deliver, etc... Jason Larocque, said he works for Daniel Banyai (the individual who owns and runs the school or tactical shooting range, depending upon your view), he invited everyone to come and see what they are doing on the property. Rich Marantz asked if it was correct to say that the community can regulate anything other than a school if that definition is made. John Thrasher said that you can not prohibit schools that fall within the Dept of Education purview. Jason Larocque spoke to concerns about noise and nearby shooting at the training school. He said that the height of the berms was sufficiently high to make any shooting safe and that the emphasis is on education with some shooting, that it is not a tactical shooting range. Eric Mach said that a notice of violation will be sent to Daniel Banyai due to his failure to meet certain permit requirements. Dolores Luebke asked what the process should have been for Mr. Banyai. Eric Mach said Mr. Banyai had to comply with rite of way requirements, and if it was a conditional use permit then the abutting property owners would be consulted. Paul Tillander said that Google maps indicated that the range was being built back in 2016. The building could not be seen due to foliage, but the berm construction was well underway. He also said that so far, no fees have been collected and no taxes have been collected. Eric Mach said he was not aware of this in 2016. The first he knew of it was when Mr. Banyai filled out permits in January 2018. A hand out listing permit violations and their penalties was handed out. John Thrasher said that if the board wanted to move quickly on this "school" definition concern, he would back off on his proposal to

change language for town designation from a 10 acre to 1 acre designation. He felt like the meeting should proceed with crafting language regarding the “school” concern. Harry Van Meter said that he would not feel comfortable crafting language now without having time to think about it. Gary Baierlein thought we should craft it while John Thrasher was present so that he could offer his legal background. Harry Van Meter said we could invite John back once we had time to think about it. Daniel Banyai wanted to have a conversation with the town (and group present). He wanted to know what the complaints were but did not want his second amendment rights to be infringed upon. Michelle Tillander and others were concerned about Mr. Banyai’s comment about being able to shoot his guns anytime he wanted, day or night. Darran Godette said that Mr. Banyai made the first mistake of not getting the proper permits. Beth Moser-Duquette said the property values were at stake because of the noise. Dolores Luebke asked if Mr. Banyai would be willing to change to an indoor range. Daniel Banyai said he needs to do his particular school outside. Mandy Hulett proposed buying Mr. Banyai out. Many of the residents in attendance were concerned about the danger of a shooting range so nearby what was previously a quiet area. Daniel Banyai said that all could come visit the location and see first hand what was going on and that he wanted to work with his neighbors regarding this issue. Frank Nelson reminded all present that Eric Mach would be retiring from his post on the board and wanted to acknowledge his many years of service.

**Item 4: Zoning Administrator's report**

Eric Mach said that there are two proposed installations of solar panels (non homeowner) in West Pawlet. He said they do not need permits because they fall under the state’s energy purview.

**Item 5: Economic Development and Infrastructure Improvements**

Gary Baierlein felt like we were putting the cart before the horse in terms of a grant (talked about at the April planning commission meeting) regarding sidewalks. Harry Van Meter agreed and handed out an Economic Development framework sheet that members could be designated to focus on particular topics. Gary Baierlein hoped that the selectmen could come to a meeting and put in their thoughts on what the town needs in terms of economic development.

**Item 6. Next Meeting**

Next meeting is Monday, June 25th, 2018. Agenda for meeting as follows: Meeting agenda, Minutes from last meeting, Public comments, Zoning administrator's report, Economic Development and Infrastructure Improvements. Members will consider proposals and comments made during public comment period during the interim before the next meeting in June, so they can be discussed at length.

Gary Baierlein moved to adjourn the meeting at 9:00pm, Mark Frost seconded the motion. The motion was unanimously approved. Meeting adjourned.

Respectfully submitted by Rik Sassa