

**Town of Pawlet Planning Commission
Pawlet Town Hall
Pawlet, VT**

**Minutes of Meeting
For Monday, August 26, 2019**

Members Attending:

Harry Van Meter, Chairman
Eric Mach, Vice Chairman
Rik Sassa, Secretary/Clerk
Mark Frost
Wayne Clarke
Tom Collard
Gary Bairlein
Melissa LaCount

Members Absent:

Zoning administrator: Hal Wilkins

Others in Attendance:

Frank Nelson
Beth M. Duquette
Ray Duquette Sr.
Nancy Morlino
Lucy Norman
Ed Bove
Bob Schoenemann
Paul Tilander
Dolores Luebke
Jay Luebke
Anne Hadeka
Gary Hadeka
John Davis
Valerie Davis
M. Tilander
Eve Schaub
Elizabeth Gibson

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Item 1: Call to Order

Chairman, Harry Van Meter called the meeting to order at 7:32 p.m.

Item 2: Approval of Meeting Agenda

Mark Frost motioned that the Agenda be approved. Eric Mach seconded, the motion passed.

Item 3: Approval of Minutes of July 22, 2019 Meeting

Some minor corrections on July minutes, Rik Sassa, secretary will revise. Tom Collard motioned for the minutes to be approved. Mark Frost seconded. The motion passed.

Item 4: Topics of Discussion

Review of By-Laws:

Status of town registration as a “10-acre” town: Ed Bove clarified the issue of procedural process involved in the adoption of the 10 acre status. Eric Mach said that he had sent Bill Burke a letter of the warned meeting. Harry Van Meter asked Eric to see if he could find some records regarding this. Ed explained that the Act 250 mechanism is involved in the process and most towns choose to be a 10 acre town. Zoning, subdivision regulations and town plan are needed to apply for the classification. Ed said if the town can’t find proof of the documentation then a new hearing will be needed. Harry opened the discussion to the town’s people present at the meeting. Elizabeth thought that not having the proper size designation affects the assistance that the town would get in deciding issues. Gary Bairlein said the issues that the town would be facing would still be there whether we are a 10 acre or a one acre town. The DRB would be involved with any issues up to 10 acres and still be involved with larger parcels even though act 250 would become involved. Bob Schoenemann needed clarification on what the difference was between the zoning on a one acre town and a ten acre town. Gary explained that act 250 gets involved above 10 acres in a 10 acre designation and gets involved in anything over one acre in a one acre town. Elizabeth was concerned if we become a 10 acre town then anything under 10 acres falls on the DRB to deal with and the extra burden involved. Gary explained that when it becomes an act 250 issue the costs to the individual sky rockets. He brought up inconsistencies between businesses and farming, since farming is not considered an act 250 business. Gary felt that he would rather have the town mechanisms determine the legitimacy of a small business rather than the state and act 250. Gary told of his experiences with the act 250 bureau. Harry said that the one acre vs the ten acre is really not relevant with farms any way, since farms have to be over 20 acres. Dolores Luebke agreed with Gary in that she felt local control would be better. Beth had some statistics on how many towns in Vermont were ten acre and how many were one acre. Frank said that the former intention was to preserve the town and town flavor in the zoning decisions. Frank thought that there should be more use of “conditional use” as a way of defining acceptable use by the town. Ed said that last year people went into the state hearing hoping to make the process easier but were surprised to come out finding that the state, through act 250, had more control. Harry responded to Nancy that it seems like the public is questioning the decision of whether the town should be a one acre town or ten acre town. Ed said all the town’s local by-laws would remain the same. The only difference would be what acre size triggers the state’s involvement. Harry wanted to leave it that, if the Public wants to remain a one acre town they still have time to contact the selectmen. Harry asked Eric if he would contact John Thrasher. There was some confusion how far back this issue of town size designation came up. According to Ed the issue goes back several years even though there has been more recent revisions noted in the by-laws. No one seems to know where John Thrasher is on this since he is the town attorney and has been silent for quite some time even after being messaged repeatedly. Ed spoke about a grant to help the town do town planning. The town could apply for help on up-dating the by-laws. The deadline is September 30th. Harry was going to take charge of that since the next PPC meeting will already be too close to the deadline date.

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Revisions to town Zoning Permit application: Harry wanted to know if the commissioners had any new thoughts on updating the permit process. Harry noted that the drawings on the permits were not to scale. Tom Collard was noting the discrepancy between the by-laws and the application form. Harry really wanted to see a survey included in the application. Eric said that for a new house a survey is usually included, but he said that the majority of the applications are for small buildings. John Davis said the issue isn't what is or isn't included in the application, the issue is enforcement. Ray Duquette felt that the application should have a site visit before approval can be given. Dolores Luebke also felt that the lack of enforcement was the problem otherwise we are all just wasting our time. A question from the public came up about complaints during that 30 day period noted on a permit. Harry said it should go to the DRB if there is a complaint. Ed clarified the steps involved in the building permit process and also noted that some towns have a page of graft paper to use for the lay out of proposed project. Ray wanted to have something put in the by-laws that say if there is a pending violation then no new applications can be given. Dolores asked if there was a competent attorney working on the Briar Hill case. Harry and Gary explained that Merrill Bent was competent and working on it.

Item 5: Public Comments

Public comments were interwoven with the review of by-laws section above.

Item 6: Zoning Administrator's Report

Harry related to the board and public that Hal Wilkins has terminal cancer and only has a short time to live. Harry distributed a hand out on the criteria for a new zoning administrator. Harry put out feelers on how to get the word out that the town was looking for a zoning administrator. He said he has shown this to the selectboard. Harry said that Hal would still like to continue as long as possible, assisting in training a new individual. Harry went through the zoning administrator's report. Melissa LaCount was going to coordinate with the school so that we could have the mapping exercise there. The Banyai issue will have a notice of violation issued on 8/26. Notice of violation for Perham permit as well.

Item 7. New Business

No new business.

Item 8. Adjournment

Mark Frost moved to adjourn and Tom Collard seconded. Meeting adjourned at 9:00pm

Item 9: Next Meeting Date and Agenda

The next regular meeting of the Pawlet Planning Commission will be held on September 23, 2019 at 7:30 pm at the Pawlet Town Hall.

The agenda for the next meeting will generally follow the usual format with noted additional speakers:

- 1) Additions to/deletions/approval of the agenda;
- 2) Approval of minutes of previous meeting;
- 3) Public comments;
- 4) Zoning Administrator's report;
- 5) Topic for discussion by the Commissioners or presenter;
- 6) New business;
- 7) Adjournment.

Respectfully submitted: Rik Sassa, Secretary.