

**Draft Minutes
Town of Pawlet
Planning Commission Meeting
Monday, December 28, 2020, 7:30 pm
Meeting via Zoom platform**

Members present:

Jessica Van Oort, Chairperson
John Sabotka, Vice Chairperson
Rik Sassa, Clerk/Secretary
Frank Nelson
Gary Baierlein
Mark Frost
Tom Collard
Wayne Clark (alternate member)

Members absent:

Zoning Administrator, Jonas Rosenthal

Item 1. Call to Order: Chairperson, Jessica Van Oort called the meeting to order at 7:33pm

Item 2. Approval of Agenda Items- Review/Add/Delete: Wayne Clarke made a motion to accept the agenda. John Sabotka seconded the motion

Item 3. Approval of minutes of previous meeting: John made a motion to approve the minutes and Rik Sassa seconded. All approved.

Item 4. Zoning Administrator's Report- Jonas Rosenthal: Jonas Rosenthal was not present at the meeting, but sent some emails to the commissioners regarding housing issues and another on town plan and by-law adoption process.

Item 5. Rutland Regional Commission Report- Tom Collard:

Tom Collard informed the commissioners that he was not able to attend the meeting in person due to the snow storm and has yet to receive minutes from that meeting. Frank attended the VT rail meeting. Frank filled in the commissioners on the meeting. Part of the plan was to adopt an Amtrak type passenger service. Another part was to provide transport for agricultural products to distant markets. Jessica wondered if the track was still there to use. Frank said that there are upgrades in various areas to get the track to the proper weight classification and it is all very expensive.

Item 6. Discussion of Topics and On-going Business:

Jessica updated the commissioners regarding the 1 acre/ 10 acre issue. Jessica said that the town never completed the document on the 1 acre/ 10 acre town classification. The zoning by-laws that are currently on the website (2017 revised edition) are not valid according to the state, because they were never properly adopted. Frank Nelson thought that the 1 acre/ 10 acre town classification could be added to the current by-laws as a standalone amendment,

based upon some information from John Thrasher (previous town's attorney). Jessica thought that the commission could resolve this issue directly based upon various conversations with Mike Beecher, Chairperson of Selectboard and Ed Bove from Rutland Regional Planning commission.

In order to adopt the by-laws the public warning will need to be redone and then a public hearing needs to take place. Either this public review was not done in the past or the records detailing it are not present. If this warning is done then simultaneously the definition of "school" as well as any other current planning commission work could be added to the warning. The 1 acre/ 10 acre town issue could be decided at that time as well.

Gary Baierlein thought that it was important to clarify this town classification as a 10 acre town soon so that the town does not lose businesses and the higher tax dollars from those businesses. Jessica said that Ed Bove thought the town should definitely apply for the 10 acre designation since it meets all the other qualifications; the only thing lacking was the public hearing.

Gary and Frank thought that everything was done correctly and all hearings were warned and done, but Jessica pointed out that regardless of what was remembered, if there is no reference to the completion of the check list of the required items or copies of said items with Ed Bove, then it must be done again to make it legal. Wayne Clarke thought that the weak link might be the lack of certified copies sent to the various bodies, that way there would be a clear paper trail and evidence of what was done. Gary was concerned that individuals were hired out of Rutland Regional Planning commission to help the commission with the by-laws before and yet it turns out things were done incorrectly.

While on the topic of by-laws, Jessica reminded the commissioners of an amendment that was never warned for a public hearing regarding the definition of "school." In order for this amendment to become part of the by-laws the process of warning for a public hearing will need to begin soon. Frank thought that there should be a conditional element added to the definitions of school to allow the DRB to decide matters that might be outside of the more rigid definition formed by the planning commission. Jessica asked the board if there were other issues that should be included in the warning about the definitions of school amendment. No one had any fully formed items to include on this immediate warning.

Jessica thought that the commission should focus on getting the town classification sorted out as well as the school definition amendment done. After that, the commission could focus on getting additional amendments, or bundles of similar amendments, worked out and then added to the by-laws separately. The commissioners were in agreement with this approach.

Frank spoke about the town energy plan which he thought should be moved forward in each meeting coming up, since there is a state timeline on the town adopting a plan as well as the changing landscape of energy production. Having evidence of movement in a certain direction would help the town if an energy producer came to town and was unchallenged due to a lack of a plan. Again, the enhanced energy plan can only be adopted through a warning and a public hearing. Once adopted, the town would be able to argue its position in the case of a dispute or

proposed project. Jessica said that her conversations with the state established that most of the requirements for the plan have been met through the previous Chairperson's work on the plan. The warning and hearing are primarily what is still needed to be done. Jessica directed the commissioners to look at the 2019 enhanced energy plan again (even though it was accepted by the commission and Selectboard at the time, but was never warned for a public hearing) to see if there are any changes coming out of the last year, additions or clarifications. Then it can be warned for public hearing.

Item 7. Public Comments: No public was present.

Item 8. Old Business: Frank wanted to note that he thought Jessica was doing a great job as Chairperson. Rik agreed.

Item 9. New Business:

Jonas had sent a message regarding a piece of new business regarding lot division and the wider issue of density in each of the zoning districts. He thought that since several people have already applied to him for subdivision and there is no guidance on that presently, that the commission could give some clarification. Gary thought that protecting the area was important but it was also important to not over protect the area. As a member of the DRB he has been asked to give input on matters of subdivision regarding land trust preservation. Frank thought that there was already some language in the by-laws regarding subdivision. Jessica confirmed this. Jessica put further discussion of this issue on February's agenda.

Jessica also noted that there have been a substantial number of property transfers in the last year in both Pawlet and West Pawlet.

Frank suggested that the town invest in a few infrared cameras that could reside at the town hall in which townspeople could borrow to assess the degree of energy leakage in their houses in town.

Item 10. Set Agenda for next meeting:

Call to Order 7:30 2. Approval of Agenda Items - Review/Add/Delete 7:31 3. Approval of minutes of previous meeting 7:33 4. Zoning Administrator's Report – Jonas Rosenthal 7:45 6. Rutland Regional Planning Commission Report – Tom Collard 8:00 7. Discussion of Topics & On-going Business 8:05 8. Public Comments 8:25 9. Old Business 8:35 10. New business 8: 45 11. Set Agenda for the next meeting 8:55 12. Adjournment 9:00

Item 11. Adjournment: John moved to adjourn, Gary seconded the motion. All agreed. The meeting was adjourned at 8:59 pm

Respectfully submitted by Rik Sassa, Secretary.