Pawlet Development Review Board
Meeting
Monday, January 18, 2021 - 7:00 PM
Pawlet Town Office
Meeting Via ZOOM Only

Join Zoom Meeting
https://us02web.zoom.us/j/85312651331?pwd=bWV5ZElqNENnd1I0TE1hQ0VJV1ZDdz09

Meeting ID: 853 1265 1331
Passcode: 475598
One tap mobile
+13126266799,,85312651331#,,,,*475598# US (Chicago)
+16468769923,,85312651331#,,,,*475598# US (New York)

1. **Call meeting to order**
2. **Approve the Agenda**
3. **Application # 2020-34 (see below)**
4. **New Business**
5. **Deliberative Session following application**
6. **Adjourn meeting**

The DRB will convene a meeting to conduct regular business and Public Hearing to review the following application:

Application # 2020-34: To consider a permit amendment to 2014-19 for a shed/ garage located at 206 Maple Grove Rd., Pawlet Vermont. The permit application was remanded back to the Town by the Vermont Superior Court, Environmental Division on December 7, 2020.

S/Jonas Rosenthal
Interim Zoning Administrator

PAWLET
Application for Zoning Permit

The undersigned hereby request a zoning permit for the following use, to be issued on the basis of the representations contained herein. Permit voided in the event of misrepresentation or failure to undertake construction within one year of approval. This application is not valid until properly filled out and all required drawings are submitted with the required fee(s).

Location of Property 206 Maple Grove Road

Name of Applicant Cameron Perham, by his attorney, Jeffrey P. Guevin

Address Otter Creek Law, PLLC, 110 Merchants Row, Suite 2, Rutland, VT 05701

Phone 802-855-8316 E-mail jeff@ottercreeklaw.com

Nature of Work to be Done Amendment to Zoning Permit No. 2014-19 - See accompanying documents

Structure Size: Square Feet ~720 Length 30 Width 24 Height

Existing Use Garage / Shed

Proposed Use Garage / Shed - noncommercial

Zoning District Residential Lot Size: Acres 2.64 or Square Feet

Frontage on Public Road see att. Setback from: Right of Way see att. Rear see att.

Left Side see att. Right Side see att.

This permit shall not take effect until fifteen (15) days after approval.

Signature of Applicant Date 11/05/2020

Signature of Land Owner s/Cameron Perham Date 11/05/2020

Address 206 Maple Grove Road

Phone (802) 855-8316 E-mail jeff@ottercreeklaw.com

Fee Schedule

Area of Structure:
0 - 499 Square Feet..... $ 50.00
500 - 2000 Square Feet..... $ 200.00
Over 2000 Square Feet..... $ 200.00 +$25/sq.ft.

All Appeals.....$35.00

Any procedure, other than the above, before the Development Review Board required by the Zoning Regulations.....$15.00

Confirmation Letters for Lawyers and Banks.....$50.00

Late Permits / After the Fact are Double the Regular Fee.

WARNING: It is the obligation of the applicant to identify and obtain all necessary state permits that may be required for this project. Call (802) 786-5907 or email rick.oberkirch@state.vt.us to contact Rick Oberkirch, the Rutland County State Permit Specialist before beginning any construction.

For Administrative Use

Application Number 2020-34 Date Received 12/23/2020 Approved ☐ Denied ☐

Referred to

Reason for Denial

Signature of Administrative Officer Date

app. PSB 11.17.09 rev. 04.28.15

pawletzoning@vermontel.net

From: Jeffrey P. Guevin, Esq. <jeff@ottercreeklaw.com>
Sent: Monday, December 21, 2020 4:03 PM
To: Jonas Rosenthal
Cc: jonasrosenthal.vt@gmail.com; Merrill Bent; pawletzoning@vermontel.net; Mike Beecher; keith mason
Subject: RE: Permit Application

Dear Jonas,

Please accept this email as an addendum to the application.

The structure is variously referred to as a garage, shed, storage, or barn. It has not, to my knowledge or recollection, been referred to as a pole barn. Regardless, the terms should be seen as interchangeable. The DRB has performed a site visit and is apprised of the nature of the structure.

Orientation for measurements below are from standing on Maple Grove looking south towards the structure:

Dimensions of the structure: 30' x 24'
Use: Equipment Storage (noncommercial)
Setback of front right corner from Maple Grove Road: 145 ft
Setback of front left corner from the side Property Line: approx. 58 feet (45 ft. measured from plan)
Setback of front left corner from Waite's ROW/driveway ROW: 40+ feet (found by DRB)
Setback of rear left corner from rear property line: 112 ft
Least setback of rear right corner from any property line: 52 ft

The DRB found that the permit was granted under the 2011 Zoning Bylaws and that the structure conformed to those Bylaws. Accordingly, we believe that the amendment would remedy the permit violation.

If you have any other questions, please do not hesitate to ask.

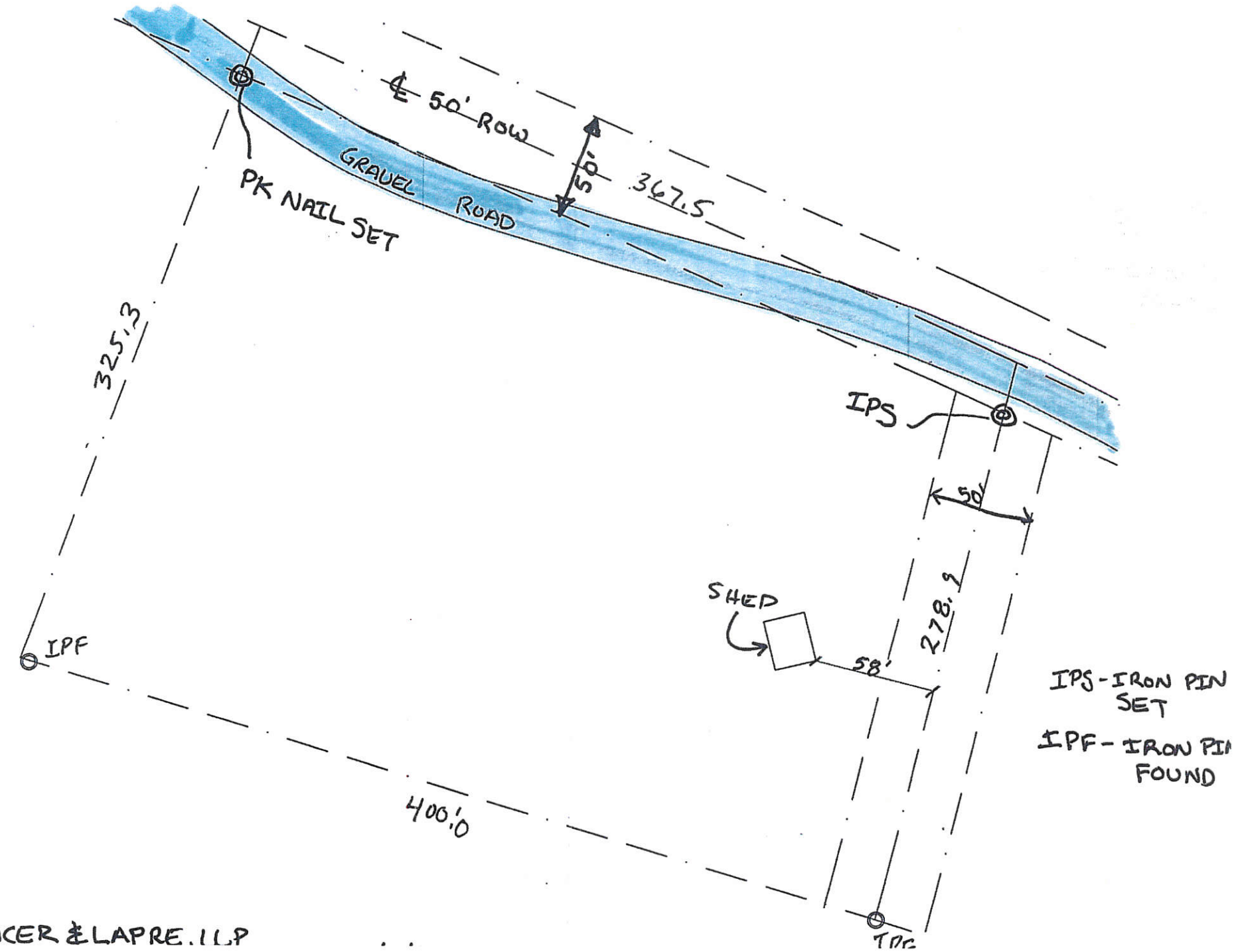
Very truly yours,

Jeff Guevin

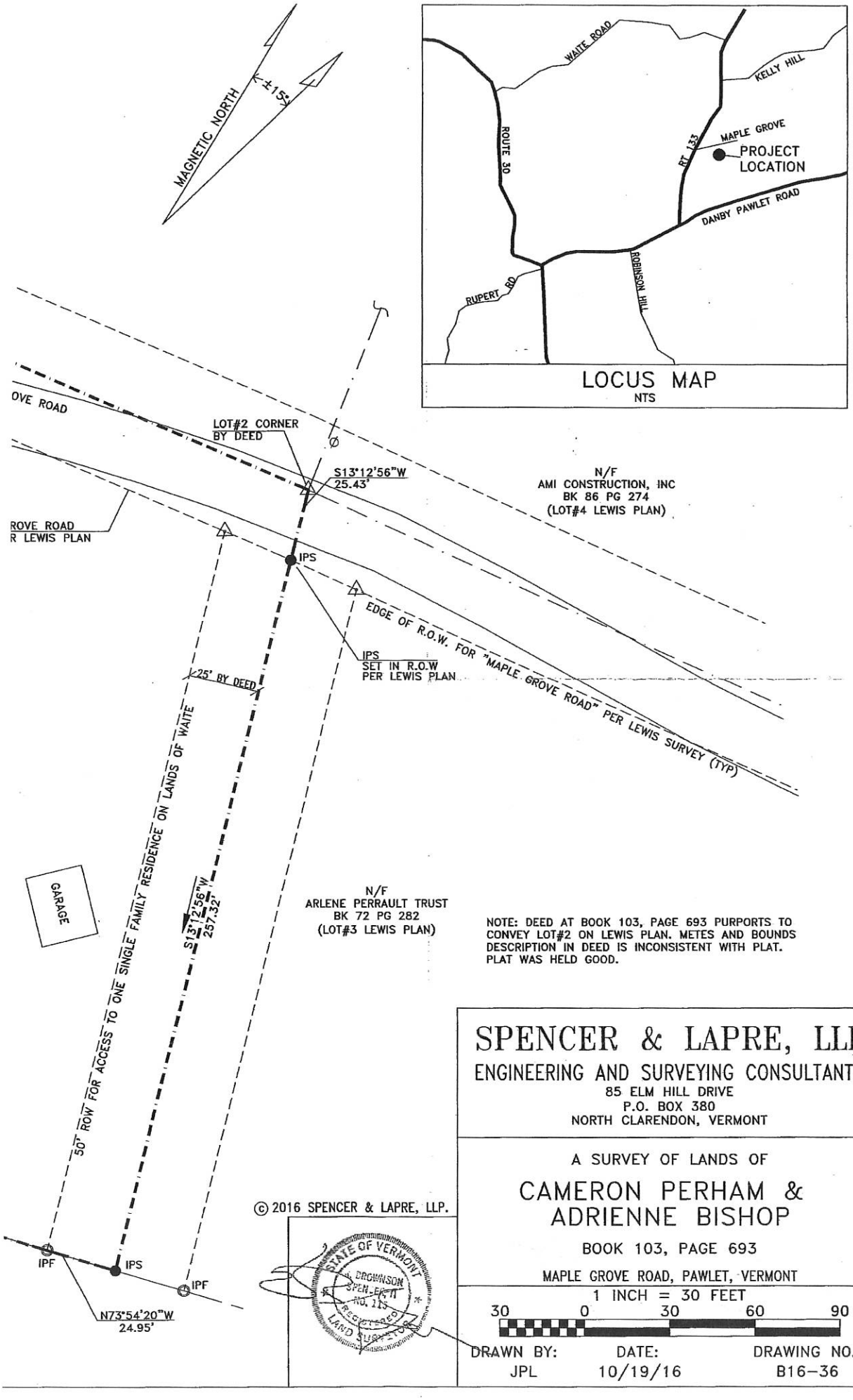
Otter Creek Law, PLLC
110 Merchants Row, Suite 2
Rutland, Vermont 05701
T. (802) 855-8316
F. (800) 592-3856
www.ottercreeklaw.com

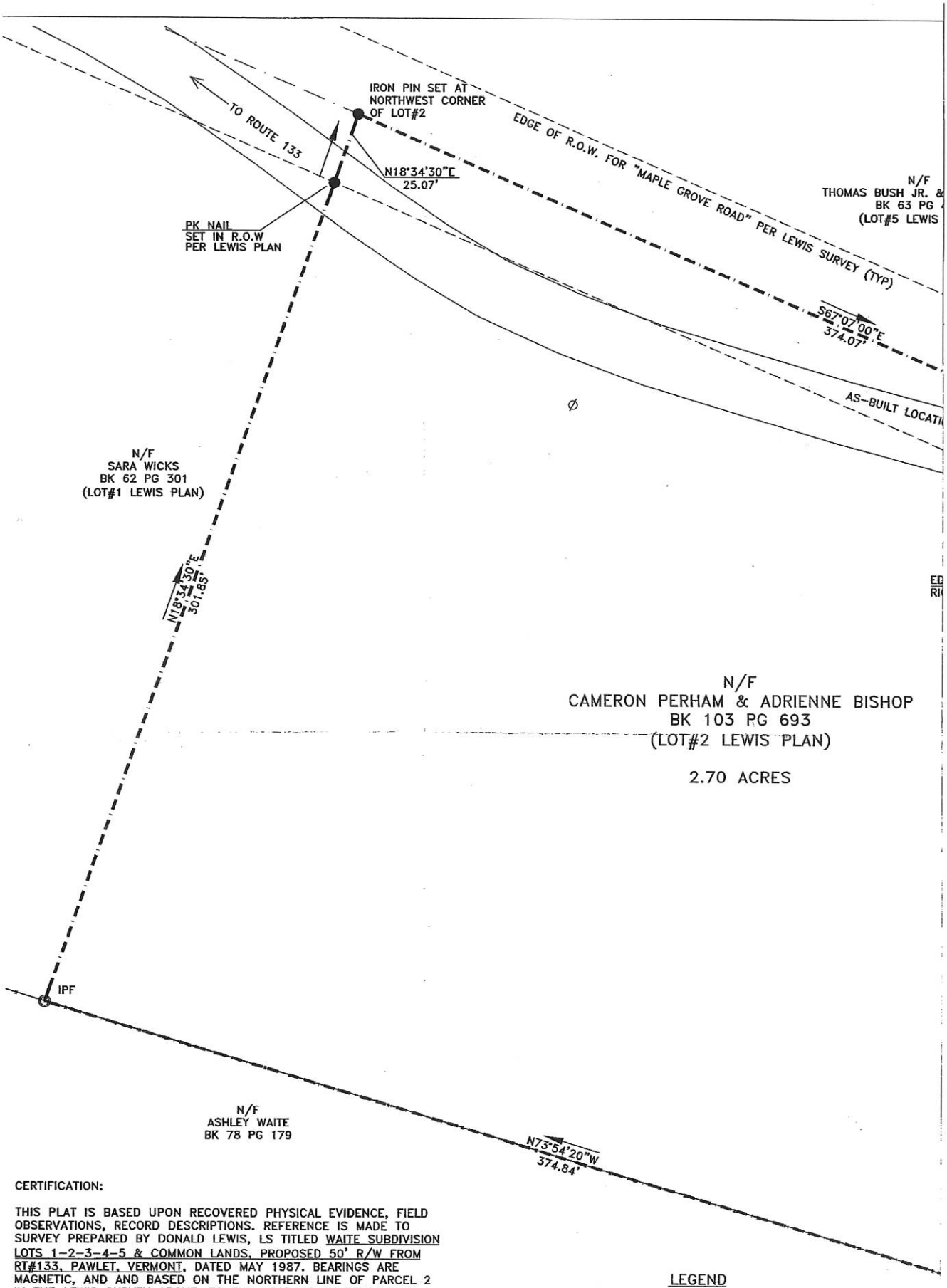
------- Original Message -------
On Thursday, December 10, 2020 8:58 PM, Jonas Rosenthal <jonas.rosenthal.vt@gmail.com> wrote:

Jeffrey,



SPENCER & LAPRE, LLP


MAGNETIC NORTH
±15°
WAITE ROAD
KELLY HILL
ROUTE 30
RT 133
MAPLE GROVE
PROJECT LOCATION
DANBY PAWLET ROAD
ROBINSON HILL
RUPERT RD
LOCUS MAP
NTS
OVE ROAD
LOT#2 CORNER BY DEED
S13°12'56"W 25.43'
N/F
AMI CONSTRUCTION, INC
BK 86 PG 274
(LOT#4 LEWIS PLAN)
ROVE ROAD
R LEWIS PLAN
IPS
EDGE OF R.O.W. FOR "MAPLE GROVE ROAD" PER LEWIS SURVEY (TYP)
IPS
SET IN R.O.W
PER LEWIS PLAN
25' BY DEED
50' ROW FOR ACCESS TO ONE SINGLE FAMILY RESIDENCE ON LANDS OF WAITE
S13°12'56"W 257.32'
GARAGE
N/F
ARLENE PERRAULT TRUST
BK 72 PG 282
(LOT#3 LEWIS PLAN)
NOTE: DEED AT BOOK 103, PAGE 693 PURPORTS TO CONVEY LOT#2 ON LEWIS PLAN. METES AND BOUNDS DESCRIPTION IN DEED IS INCONSISTENT WITH PLAT. PLAT WAS HELD GOOD.
IPF
IPS
IPF
N73°54'20"W 24.95'
© 2016 SPENCER & LAPRE, LLP.
STATE OF VERMONT
J. DRUMMSON SPEN. EK. II
NO. 115
REGISTERED
LAND SURVEYOR
SPENCER & LAPRE, LLP
ENGINEERING AND SURVEYING CONSULTANTS
85 ELM HILL DRIVE
P.O. BOX 380
NORTH CLARENDON, VERMONT
A SURVEY OF LANDS OF
CAMERON PERHAM & ADRIENNE BISHOP
BOOK 103, PAGE 693
MAPLE GROVE ROAD, PAWLET, VERMONT
1 INCH = 30 FEET
30 0 30 60 90
DRAWN BY: JPL
DATE: 10/19/16
DRAWING NO. B16-36



CERTIFICATION:

THIS PLAT IS BASED UPON RECOVERED PHYSICAL EVIDENCE, FIELD OBSERVATIONS, RECORD DESCRIPTIONS. REFERENCE IS MADE TO SURVEY PREPARED BY DONALD LEWIS, LS TITLED WAITE SUBDIVISION LOTS 1-2-3-4-5 & COMMON LANDS, PROPOSED 50' R/W FROM RT#133, PAWLET, VERMONT, DATED MAY 1987. BEARINGS ARE MAGNETIC, AND AND BASED ON THE NORTHERN LINE OF PARCEL 2 IN THE LEWIS SURVEY ABOVE. TO THE BEST OF MY BELIEF THIS PLAT WHEN TRANSFERRED TO MYLAR, WILL COMPORT WITH THE CURRENT PLAT FILING LAW.

SPENCER & LAPRE, LLP

R.B. SPENCER II, LS
PARTNER

LEGEND

—— · ——	PROPERTY LINE PER LEWIS PLAN
— — — —	RIGHT OF WAY PER LEWIS PLAN
—×—×—	BARBED WIRE FENCE
O IPF	IRON PIN FOUND
● IPS	#4 REBAR SET WITH SPENCER LS#115 CAP
△	UNMONUMENTED POINT
Ø	UTILITY POLE

U

PAWLET

Application for Zoning Permit

The undersigned hereby request a zoning permit for the following use, to be issued on the basis of the representations contained herein. Permit voided in the event of misrepresentation or failure to undertake construction within one year of approval. This application is not valid until properly filled out and all required drawings are submitted with the required fee(s).

Location of Property 206 Maple Grove rd Pawlet

Name of Applicant Cameron Perham cell ph.# 366-0046

Address 206 maple grove rd

Phone 802 325 2044 E-mail cameronperham@yahoo.com

Nature of Work to be Done Build Barn use Sono tubes

Structure Size: Square Feet 720 sft Length 30' Width 24' Height

Existing Use Wooded Area

Proposed Use Barn / Storage

Zoning District Res. Lot Size: Acres 2.64 or Square Feet

Frontage on Public Road 0 Setback from: Right of Way Rear

Left Side Right Side 106 Ft

This permit shall not take effect until fifteen (15) days after approval.

Signature of Applicant Date 11/15/14

Signature of Land Owner Date 11/15/14

Address

Phone E-mail

Fee Schedule

Area of Structure:

0 - 499 Square Feet.....$15.00

500 - 2000 Square Feet.....$40.00

Over 2000 Square Feet.....$75.00

Signs and All Other Permits.....$ 5.00

All Appeals.....$35.00

Any procedure, other than the above, before the Development Review Board required by the Zoning Regulations.....$15.00

Confirmation Letters for Lawyers and Banks.....$35.00

Late Permits / After the Fact are Double the Regular Fee.

11/17 pd. 40.00 CK# 1268 dl.

WARNING: It is the obligation of the applicant to identify and obtain all necessary state permits that may be required for this project. Call (802) 786-5907 or email rick.oberkirch@state.vt.us to contact Rick Oberkirch, the Rutland County State Permit Specialist before beginning any construction.

For Administrative Use

Application Number 2014-19 Date Received 11/18/14 Approved ☐ Denied ☐

Referred to

Reason for Denial

Signature of Administrative Officer Date Nov 18, 2014

app. PSB 11.17.09 rev. 05.01.12

OTTER CREEK LAW

December 9, 2020

Town of Pawlet
Deb Hawkins, Town Clerk
Attn: Zoning Administrator
P.O. Box 128
Pawlet, VT 05761

RE: Zoning Permit 2014-19
Application for Amendment

To Whom It May Concern:

This letter is in support of Cameron Perham's application for an amendment to zoning permit 2014-19 for the construction of a garage/shed/barn ("Structure"). The prior zoning administrator issued a notice of setback violation of that permit, and the DRB issued findings of fact stating that the structure complied with the regulations but violated the permit because the drawing that accompanied the original application did not accurately portray the structure as built. As you know, an appeal of that decision was taken to the Vermont Superior Court – Environmental Division.

In an attempt to resolve the matter, Mr. Perham previously applied for a conditional amendment based on an anticipated purchase of adjacent land, which was granted, but that purchase fell through. Recognizing the time and expense associated with continued litigation of the appeal, the Town and Mr. Perham, by and through their respective attorneys, agreed to ask the Court to remand the case to the Town for consideration of a permit amendment that would reflect conditions on the ground, thus removing the permit violation. Accordingly, we submit the accompanying application for amendment, which includes the survey and drawing depicting the Structure as built.

Should you have any questions, please do not hesitate to contact my office.

Very Truly Yours,

s/Jeffrey P. Guevin

Encl.
JPG/jg

110 Merchants Row, Suite 2, Rutland, Vermont 05701 • 802.855.8316 • jeff@ottercreeklaw.com

VERMONT SUPERIOR COURT
Environmental Division
32 Cherry St, 2nd Floor, Suite 303,
Burlington, VT 05401
802-951-1740
www.vermontjudiciary.org

Docket No. 8-1-20 Vtec

Perham NOV

ENTRY REGARDING MOTION

Title: Stipulated Motion for Remand (Motion: 3)

Filer: Jeffrey P. Guevin, Attorney for Appellant/Applicant Cameron Perham

Filed Date: December 04, 2020

Attorney Guevin represents that the Town of Pawlet stipulates to the motion.

The motion is GRANTED.

The pending application is hereby **REMANDED** to the Town of Pawlet for further consideration.

So Ordered.

Electronically signed on December 7, 2020 at Newfane, Vermont, pursuant to V.R.E.F. 7(d).

Thomas S. Durkin, Superior Judge
Environmental Division

STATE OF VERMONT

Superior Court

Environmental Division
Docket No. 8-1-20 Vtec

Perham NOV

STIPULATED MOTION FOR REMAND

Now comes the Appellant, Cameron Perham, and the Town of Pawlet, both by and through counsel, and move the Court to remand this case to the Pawlet Development Review Board ("DRB"), stating the following in support:

1. The Appellant appealed from the DRB's Decision dated December 20, 2019 ("Decision").
2. The crux of the DRB's findings was that "the Barn as-built conforms to the Bylaws, [but] . . . does not conform to the representations made in the Application, and therefore the terms of the Permit."
3. In the instant appeal, the Appellant challenged that conclusion, among others.
4. On further review and consideration, the Appellant believes, and the Town concurs in principle, that an amendment to the original Application, such that a Permit based thereon would conform to the Bylaws, would render this appeal moot.

The Town has no jurisdiction to issue a permit amendment while this appeal is pending. *See In re Freimour & Menrad Conditional use Permit*, No. 59-4-11 Vtec, slip. Op. at 7-7 (Vt. Super. Ct. Envtl. Div. June 6, 2011). On the other hand, were the Court to remand

this case, the Town could consider a revised application that addresses the conclusion reached by the DRB with respect to the conformity of the barn with the terms of the permit. *See In re Armitrage*, 2006 VT 113, ¶4. The Appellant is ready, willing, and able to submit such a revised application, and the Town is willing to consider it and either accept or reject the permit amendment.

Accordingly, the appellant and the Town respectfully request that this Honorable Court remand this case to the Town of Pawlet for consideration of a permit-amendment application to be submitted to the Town forthwith.

Dated at Rutland, Vermont, this 4th day of December, 2020.

Cameron Perham, Appellant,
by his attorney:

/s/ Jeffrey P. Guevin

Jeffrey P. Guevin
Otter Clerk Law, PLLC
110 Merchants Row, Suite 2
Rutland, Vermont 05701
(802) 855-8316
jeff@ottercreeklaw.com
ERN: 5686 | License # 4954