

**Town of Pawlet**  
**Planning Commission Meeting**  
**Monday, March 22, 2021 7:30pm**  
**Meeting via Zoom platform**

**Members present:**

Jessica Van Oort, Chairperson  
John Sabotka, Vice Chairperson  
Rik Sassa, Clerk/Secretary  
Frank Nelson  
Gary Baierlein  
Tom Collard  
Wayne Clark (alternate member)  
Jonas Rosenthal, Pawlet Zoning Administrator  
Paul T (public)  
Steve (public)  
Valerie (public)  
Ray Duquette Sr. (public)  
Beth Duquette (public)  
Julie Mach (public)  
Barbara Pulling, Rutland Regional Committee  
Harley Cudney (public)

**Members absent:**

Mark Frost

**Item 1. Call to Order:**

Jessica Van Oort called the meeting to order at 7:32pm via the Zoom platform.

**Item 2. Approval of Agenda Items- Review/Add/Delete:**

Jessica Van Oort suggested that the agenda be that the public hearing be conducted first, then the Planning Commission could have their meeting following. Frank Nelson noted that the committee could have the public hearing and then adjourn and convene the rest of the meeting. Jessica responded to a question of Frank's, that minor changes during the public hearing could be made prior to sending the publicly heard material to the Selectmen. Jonas Rosenthal confirmed that this would be acceptable. Jonas also felt that the zoning ordinance part should be dealt with first and any amendments to particular conditional uses could come at a later time. Jonas thought that if the committee engaged in a longer discussion involving amendments that the committee would not get through it all that night. Jessica was in agreement with that since changes can only be minor changes (ie. Grammatical, syntax or relocating information already contained within the document). Jessica asked if the commissioners all agreed with having the public hearing first. All agreed. Rik Sassa moved to approve the agenda. John Sabotka seconded the motion. All agreed.

### **Public Hearing:**

Jessica read from the warned document. For having the town become a ten acre town instead of a one acre town. There were also amendments regarding the definition of school, adding a conditional use to a couple of the zoning districts, and some changes to language on accessory dwelling units. Jessica asked the group and public present if there were any questions.

Wayne Clark asked about state licensing for schools.

Frank Nelson commented that "home school" was under an exempt section in the state literature. He thought we should add a similar exemption. Ed Bove said that any changes can be added to the draft and sent to the selectboard.

Jonas was confused about what is exempt and what isn't. Jessica pulled up the exact language from the last meeting to help clarify. Based upon the language used, schools would not be totally exempt since the town could regulate certain aspects of the building, yard, etc.. Ed clarified that the confusion was due to two separate statutes, one for daycare and one for schools. Jonas's understanding was that to have a day care you have to have an education component, so which would daycare fall under, school or daycare? Jessica suggested that this topic was more specific than what is currently being dealt with. Jonas would meet with Ed at a later date to discuss the matter further. Ed suggested that the town could have more control if it had a site plan review requirement added to the by-laws which would give the town another opportunity to further regulate a school or daycare facility. Wayne was concerned that the whole school issue came up in response to a problem. He hoped that the wording of this document could avoid similar concerns in future. Jessica read the definition of "school" that would be added as a conditional use to the Industrial, Residential, and Rural residential/Agricultural zoning districts for the DRB to use in its determination of whether a particular school would be eligible to receive a permit.

Ray Duquette noted that the Planning Commission and Selectboard already decided on this matter two years ago. Jessica explained that the purpose of the current warning was to make what had been decided legal since certain steps had been missing and was never accepted by

the state. Ray and other members of the public attending the meeting rejected Jessica's assertion that it was not done correctly. Ed explained that regardless of what various members present remembered about the past events, that the state was not satisfied with what was available to them in terms of documentation and that is why this current public hearing is being done. Jessica appreciated the frustration from those that had been involved with this issue the first time, but explained the necessity of doing it again and that the Planning Commission and Selectboard are being very careful to do it all correctly this time around.

Frank thought that since the word "schools" was defined in state law and that since state law supersedes town law it was already established. Jessica clarified that the state language is only for public schools; the current document applies that same language to cover commercial schools as well.

Beth Duquette praised Jessica on her handling of this issue.

Frank asked the public and commission for thoughts on what has been discussed so far. Wayne wanted to hear Gary's opinion since he is on the DRB. Gary speaking from his position on the DRB said that he is hesitant to give his opinion on how serviceable this will be since every time it seems that the issue is ironed out some other angle comes up that stretches the boundaries of the current language.

Jessica thought that the commission should add day-care to the list of things to discuss along with contractor's yard and others that needed further refinement of terms and conditions when considering how they should appear in the by-laws.

Jessica asked for any further public comments before moving on to the planning commission portion of the meeting. There were no further comments.

John moved to adjourn the public hearing, Gary seconded the motion. All approved

### **Item 3. Approval of minutes of previous meeting:**

John moved to approve the previous meeting's minutes, Frank seconded, all approved.

### **Item 4. Zoning Administrator's Report- Jonas Rosenthal:**

Jonas listed all the recent permits that have been approved. Jonas had a question about a change in use. He could not find in the by-laws where more than one principle use could occur on a single property. In the examples given by Jonas, Gary Baierlein thought that such situations would involve a commercial use and involve Act 250. Ed Bove thought that if the by-laws don't say that you can only have one principle use then you can bring such an issue before the DRB for approval.

### **Item 5. Rutland Regional Commission Report- Tom Collard:**

Tom Collard conveyed his notes from the last meetings at the Rutland regional level. Tom also learned some information on CUD which may be helpful in future discussions.

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

All discussion of on-going business was suspended in lieu of the public hearing.

**Item 7. Public Comments:**

Public comments were addressed in public hearing section.

**Item 8. Old Business:**

No old business was discussed.

**Item 9. New Business:**

Jessica recommended that since the language regarding schools exists earlier in the by-laws that it should be struck later since it would be redundant to have it twice. It would remain in the place where all the other exemptions are located. Frank moved to apply that change. Gary seconded the motion. All approved, the motion carried.

Frank moved that “multiple family” be changed to “multi-family” and have that consistent throughout the by-laws since that is the term the state uses. Rik seconded the motion, all approved.

Hearing no further motions, Gary moved to send the document to the Selectboard, Tom seconded, all agreed.

Gary pointed out that since Ed Bove is here that he will be our witness so we won't have to go through this again. Laughter ensued.

Tom wanted to clarify the time line for inclusion in the By-laws. Jessica said Selectboard gets it tomorrow, they have 14 days to warn it and there is a list of people that it gets sent to and a 21 day appeal period after the Selectboard decides on it. Mid-May could be the earliest that it is in place.

**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:**

Gary moved to adjourn, Frank seconded, all agreed, meeting adjourned at 9:04pm.

**Respectfully submitted, Rik Sassa, Secretary/Clerk**