

Town of Pawlet
Planning Commission Meeting
Monday, April 26, 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

Mark Frost

Tom Collard

Jonas Rosenthal, Pawlet Zoning Administrator

Harry Van Meter

Collin Stabel, Public

Members absent:

Wayne Clarke (alternate member)

Item 1. Call to Order:

Jessica Van Oort called the meeting to order at 7:32pm

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

Rik Sassa moved to approve the agenda, John Sabotka seconded the motion. All approved.

Item 3. Approval of minutes of previous meeting:

Gary Baierlein moved to accept the minutes. John seconded the motion. All approved.

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

Jonas said that the permit of Mr. Banyai was denied but he has until sometime in May to appeal. A contempt of court was filed for some of Mr. Banyai's activities. Jonas mentioned a few more permits issued. Jonas will be meeting with Harry Van Meter to go back to the permit records starting 2014 and create an organized filing system (spread sheet).

Item 5. Rutland Regional Commission Report- Tom Collard:

Tom Collard reported that the Rutland Regional meeting had Senator Brian Callimar as guest speaker. The CUD district (Otter Creek) had a meeting on April 21st. They discussed getting an executive committee started to move forward on grants. Jessica asked if the CUD had a sense of when funding for broadband might be coming. Tom said that bill H315 did pass and perhaps next month he would know more. The scoping study for rt 30 thru Pawlet was under way and something would be presented to the Selectboard at their next meeting.

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

Jessica reviewed where the commission was at regarding the edits to the Unified By-laws. The edits were sent to the Selectboard and the Selectboard approved them. Jessica and Jonas are ironing out some details and are in contact with Ed Bove to make sure all the steps are in the correct order. Frank Nelson thanked Jessica regarding her efforts and time spent on this issue. Frank suggested that the steps that Jessica is taking could be documented so that they could be used as a road map for future efforts. Jessica noted that Jonas had sent out an email with a multiple page document identifying the steps for changing By-laws and town plan amendments.

Returning to the questions that the planning commission had been working on last spring: Jessica wanted to go over things that have been issues over the years and start there, then expand the discussion from that point. Frank thought that as the commission goes along and votes on issues, versions could go online as an on-going project, there by being able to determine where the commission left off. Jessica said that she has been marking each edit with a date so that she can go back and see which version is the latest one. The commissioners agreed that that was a good method of organization. Frank thought that when the year's subscription to the Zoom account for the Planning Commission was exhausted that perhaps only one account could be used for all the different town's meetings to make it less confusing for townspeople to join in. Frank also had a comment on the proper keeping of digital records to avoid the current problem of having to redo the most recent by-law edits.

Jessica had a list of topics around the By-Laws that had been brought up but not fully resolved:

Contractor's yard: Gary thought that in Ag Residential it should be a conditional use, but the conditions should be changed. Jessica read from a previous meeting (located in the drop box under current projects) regarding what Gary had proposed at a prior meeting.

Accessory dwelling unit: Jessica was advised that the conditions were too restrictive.

Non-Commercial recreation: Jonas was confused by the term non-commercial recreation. He wondered whether it was something that should be a permitted use. Jessica thought that it

should be made more clear in the bylaws that a permitted use means that an individual actually needs a permit, and not that the use is automatically allowed. She felt that the language was not user friendly. Jonas thought that putting a definition and some clear examples in the by-laws would be a good idea. Jessica noted that events are not mentioned at all in our by-laws and that perhaps there should be some information and guidelines regarding them as well, which would also help clarify the difference between commercial and non-commercial recreation. Jessica felt that commercial recreation could be clearly contrasted from non-commercial recreation instead of having multiple listings referring to types of commercial recreation in the by-laws which makes the primary distinction murky. Frank thought that a design review board might be helpful in aiding the Development Review Board (DRB) in making decisions.

Light and heavy industrial zone: was another topic on the list. Gary felt that if someone was in violation of one permit that they should not be allowed to get a different permit (this was said in reference to the Slate Ridge controversy). Jonas said that there was something in the law about each permit having to be handled separately, so a violation on one permit would not disqualify other permit requests. Jonas also had a standing question on multiple uses on the same parcel. Ed Bove said [from a former meeting] if your zoning by-laws don't specifically say that you can't do something, then you can. Jonas's question was, do you have to subdivide for a separate use. Gary noted that one of the conditions in the contractor's yard would make it necessary to live on both properties if there were two uses that necessitated a subdivision, hence, he reckoned, the undo restrictions on contractor's yard.

Jonas wanted Accessory Use added to the list for further review and definition. Frank wanted PUD (planned unit development) added to the list as well. Pre-existing small lots is another issue that needs investigation (lots that are too small for development under current zoning).

Jessica wanted to take one or two of the above topics to put on next meeting's agenda. Commercial/non-commercial recreation and contractor's yard were the ones chosen to be on the agenda for next month. Tom asked if the current situation on Briar Hill rd (Slate Ridge) might fall under any of the topics so that we might prevent future issues. Jessica thought that the topic of event permits might have something to do with it. Frank suggested that event permits could be linked with commercial/non-commercial recreation.

Item 7. Public Comments:

No public was present at that time.

Item 8. Old Business:

No old business was discussed.

Item 9. New Business:

Annette Smith has a lot to do with energy plans around the area and Frank thought that she would be a good guest to have speak to the commission. Jessica will invite her to speak at the

next meeting. The enhanced energy plan will be discussed first at the next meeting since there was not enough time to discuss it this meeting.

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 the motion. All approved, meeting adjourned at 9:02pm.

Respectfully submitted by Rik Sassa, secretary/clerk