

**TOWN OF PAWLET, VERMONT  
DEVELOPMENT REVIEW BOARD**

In re: Application of Mark and Margaret McChesney for conditional use

Landowner: Mark and Margaret McChesney  
Property Address: 339 Danby-Pawlet Road  
Hearing Date: January 20, 2022

**FINDINGS OF FACT, CONCLUSIONS, AND ORDER**

PROCEDURAL AND FACTUAL HISTORY

Landowners Mark and Margaret McChesney submitted a conditional use permit application for a yoga studio (“permit”) on their property located at 339 Danby-Pawlet Road in Pawlet (“Property”) on December 30<sup>th</sup>, 2021. The Pawlet Development Review Board (“Board”) warned and held a hearing on this permit on January 20, 2022 (“Hearing”). Mr. and Mrs. McChesney participated as the Applicants, describing their proposed development to the board, and presenting drawings of the proposed structure. The Property is in the Agricultural and Rural Residential Zoning District, and is permitted as an Agriculture-related industry or processing plant. As such, it is subject to conditional approval pursuant to Article II, §7 of the Bylaws.

**CONCLUSIONS**

The Board considered the performance standards set forth in Article III, § 1 of the Town of Pawlet Unified Bylaws (“Bylaws”). The Board found no undue adverse impact on the character of the area affected, on traffic on roads or highways in the vicinity, bylaws or ordinances in effect, or the use of renewable energy resources. The Board did find an adverse effect on community facilities, specifically fire protection, noting that this mixed-use proposal placed a gathering space immediately above a commercial kitchen. The Board determined a condition that could be applied to this permit to remedy this adverse impact.

Article VIII, § 2(2) of the Bylaws requires that “[a]ll applications for a zoning permit be accompanied by two copies of a sketch plan drawn to scale showing the dimensions of the lot to be built on, location of the building, and accessory buildings to be erected, a surveyor’s plot plan of the property, if available, and such other information as may be necessary to determine and provide for the enforcement of these Bylaws.” The materials submitted in support of the permit, and the evidence heard at the Hearing, included a plan of the building and a verbal description of the parking facilities. The Board felt capable of rendering a decision based on the information provided, but nonetheless notes that this requirement is not satisfied.

**ORDER**

The DRB *approves* the requested permit for Conditional Use, and sets the following conditions:

1. Before utilizing the building as described in the permit application, the Landowners shall install some combination of fire protection, suppression, alarm systems and/or emergency egress provisions, to the satisfaction of the Vermont Department of Public Safety, Division of Fire Safety and the Pawlet Volunteer Fire Department.
2. The Landowners shall provide a site sketch plan within 30 days of this Decision, detailing all proposed improvements (buildings and all other Development, as defined in the Pawlet Unified Zoning Bylaws), including dimensions and setbacks from boundary lines, and a depiction of the proposed parking area.

February 8, 2022

Approved by the Development Review Board:

/s/ Jonathan Weiss, Acting Chair

/s/ Gary Baierlein

/s/ Brian Rawls

/s/ Sarah Ludlam

/s/ James Glick

NOTICE: This Decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Board. Such appeal must be taken within 30 days of the date of this Decision, pursuant to 24 V.S.A § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.