

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

In re: Complaint of Mike Wesko

Landowner: RobLee Farm, Inc.
Property Address: 608 Kelley Hill Road
Hearing Date: January 20, 2022

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

PROCEDURAL AND FACTUAL HISTORY

Landowner RobLee Farm, Inc. (“RobLee Farm”) submitted a conditional use application for expansion to their existing gravel extraction operation on its property located at 608 Kelley Hill Road in Pawlet (“Property”) on January 24, 2008 (“Application 2008-01”). The Pawlet Zoning Board of Adjustment (ZBA) warned a hearing on Application 2008-01, which was held on March 24, 2008.

At the March 24, 2008 hearing, the ZBA unanimously approved of the “Granting of a Conditional Use to expand an existing gravel pit operation to include crusher and ledge removal,” Minutes of March 24, 2008 Hearing. A copy of a written as-approved Permit 2008-01 has not been located in town records.

Michael Wesko filed a complaint dated November 10th, 2021 with the Town Zoning Administrator regarding Permit 2008-01. The complaint noted the absence of proper records of the permit and questioned the validity of the permit. No further explanation or evidentiary information was provided. By letter dated December 8, 2021, the Zoning Administrator issued a finding that the permit was valid under 24 V.S.A. § 4465, which requires a permit be appealed in 15 days, and noted that the permit is final and binding if not appealed in a timely manner, even if issued in error (24 V.S.A. § 4465). Mr. Wesko appealed this decision to the Development Review Board on December 21, 2021.

The Development Review Board warned and held a hearing on Mr. Wesko’s appeal on January 20, 2022 (“Hearing”). Mr. Wesko participated as the Appellant. Attorney John Thrasher participated on behalf of RobLee Farm. The Zoning Administrator presented the minutes of the March 24, 2008 ZBA hearing.

CONCLUSIONS

The Board finds that a conditional use permit was granted by the ZBA on March 24, 2008, and the decision was not appealed by an interested person who participated in that hearing. The determination became final and binding upon the expiration of the appeal deadline, even if issued in error. 24 V.S.A. § 4465. Further, there is no evidence that Mr. Wesko participated in the March 24, 2008 hearing. 24 V.S.A. § 4471; V.R.C.P. 74.

ORDER

Based on the foregoing, Mr. Wesko's appeal from the Zoning Administrator's determination is *denied*.

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.