

**Minutes for the Town of Pawlet Development Review Board Meeting and Hearing**  
January 20, 2022

**Members in Attendance:**

Keith Mason, Brian Rawls, Gary Baierlein, Jonathan Weiss  
Alternate: Sarah Ludlam, James Glick  
Acting Clerk: Lucy Norman

**Others in Attendance**

Jonas Rosenthal, Zoning Administrator  
Merrill Bent, council for the Town of Pawlet (via Zoom)  
Mike Wesko, Appellant  
Margaret and Mark McChesney, Applicants  
Charlie and Marge Mason, RobLee Farm  
John Thrasher, council for RobLee Farm  
James and Samantha Sheldon, Applicants  
Lauren Towsley and Nick Baker (via Zoom)  
Bob and Martha Schoenemann (via Zoom)  
Scott McChesney  
Bradley Myerson  
John Sabotha  
Tom Ayers  
Paula Ayers  
Others in attendance via Zoom teleconference who did not identify themselves

The Board began with an organization meeting at 7:01pm. Chair Keith Mason, via Zoom, brought the organizational meeting to order. Mr. Mason seated James Glick to serve as alternate. Mr. Mason noted he was recovering from surgery and asked the board to appoint an acting Chair to run the meeting in his stead. Gary Baierlein moved that Jonathan Weiss be appointed to chair the meeting. Brian Rawls seconded his motion. All being in favor the motion carried. Seeing no further business, the organizational meeting was concluded.

Mr. Weiss called the meeting to order at 7:04 PM. He read the agenda. The agenda covered two conditional use applications and a hearing for the appeal of a decision by the Zoning Administrator:

1. Retail Cannabis Store
2. Yoga Studio
3. Zoning decision brought by Mike Wesko, Appellant

Mr. Glick moved to accept the agenda. His motion was seconded by Mr. Baierlein. All members voted in favor and the motion so carried. Mr. Weiss read the conflict of interest rules and asked any board member with a conflict of interest to recuse themselves. Mr. Mason recused himself.

The Chair asked interested parties to introduce themselves. The following did so:

- James and Samantha Sheldon, applicants for Agenda Item 1.
- Scott and Marge McChesney, applicants for the Agenda Item 2
- Mike Wesko, appellant for Agenda Item 3.
- Charles Mason, interested party for Agenda Item 3.
- John Thrasher, council for interested party for Agenda Item 3.
- Lauren Towslee and Nick Baker, interested parties for Agenda Item 1.

Mr. Weiss administered the oath to all interested parties.

Mr. Weiss introduced the conditional use application for a retail cannabis store to be located at 946 Route 149 by owner and applicants Samantha and James Sheldon. He acknowledged the DRB's receipt of a letter from Lauren Towsley and Nick Baker expressing concerns about the application. Bradley Myerson spoke in support of the application. Mr. Sheldon spoke of his desire to establish a retail outlet for his products and indicated he needs local approval before he may seek state approval. Mr. Rosenthal noted that the conditional use application for a retail store is located in the Town of Pawlet's Village & Commercial district.

Ms. Towsley expressed concern that the building is 100 feet from their home and where their children get off the school bus. She also expressed concern about the odor emitting from the building. She questioned why the town needs a retail cannabis store when a similar one is about a mile away in New York State.

Scott McChesney inquired as to how cannabis is regulated. Ms. Sheldon expressed that the building would be used for retail sales, not for processing, and would not emit odors. Mr. Sheldon noted that Pawlet voters had voted to opt in to permit the sale of cannabis. Mr. Baierlein asked if the store would generate revenue for the Town, and discussion of the state tax structure for cannabis ensued.

The Board inquired as to the location of parking. Mr. Sheldon replied that parking would be behind the building. The Board inquired as to if there was a site plan. Mr. Sheldon expressed that he needed town permitting before he could proceed with applying for state permits, and wished to finalize the plans for the facility once permitting was in place. Mr. Weiss noted that DRB approval would be last opportunity the Town of Pawlet had to weigh in on whether the development was suitable under the Bylaws, and that this application is the time for the board to set conditions of use.

Seeing no further comment, the Board moved on to Agenda Item #2.

Owner and applicants Mark and Margaret McChesney requested a conditional use permit for a yoga studio to be located above their recently-permitted commercial kitchen facility at 339 Danby Pawlet Road. Ms. McChesney said renting other spaces in town had been unsatisfactory for this use. They provided a floor plan. They explained that the studio would have minimal traffic impact since yoga and meditation classes would have only about 6 to 8 students. The building would have a "U" - shaped driveway so cars can drive easily in and out. Parking would be on the east side of the building. Mr. McChesney explained that the studio would have its own entrance and various fire protective features, and would not be in use during the same hours as

the kitchen. Mr. Weiss asked if Mr. McChesney had been in contact with the Division of Fire Safety, and Mr. McChesney answered that he had inquired repeatedly but was still awaiting a reply.

Martha Schoenemann (via Zoom) expressed support for the development, and asked for the studio's dimensions. Mr. McChesney replied that the building is 30' by 30' and the studio 24' by 30'. Zoning Administrator Jonas Rosenthal said agricultural/residential zoning permits recreation and health-related activities and since yoga is health-related he indicated there was no zoning conflict.

Seeing no further comment, the Board moved to Agenda Item #3, the appeal by Mike Wesko of the Zoning Administrator's decision, which held that permit 2008-01 issued to RobLee Farm was valid. Mr. Weiss asked Mr. Wesko to present his appeal. Mr. Wesko expressed that he believed the permit was improperly issued and improperly recorded, and therefore invalid. Mr. Weiss asked Mr. Wesko if he had any evidence that the permit in question was appealed in a timely manner. Mr. Wesko answered that he did not. Mr. Rosenthal read the ZBA's meeting minutes pertaining to the permit, which stated that the permit was approved. Mr. Thrasher spoke on behalf of RobLee Farm, and stated that their position is that the permit is valid, and was not appealed in a timely fashion. He stated that the Vermont Supreme Court has found that even if a permit is issued in error, if there is no timely appeal it becomes valid.

Seeing no further comment, Mr. Rawls moved to recess the hearing and enter a deliberative session. The motion was seconded by Mr. Baierlein. All were in favor so the motion carried.

Respectfully Submitted,

Lucy Norman  
Clerk