

Minutes for the Town of Pawlet Development Review Board Meeting and Hearing

February 24, 2022

Members in Attendance:

Gary Baierlein, Jonathan Weiss

Alternates (seated): Sarah Ludlam, James Glick

Acting Clerk: Lucy Norman

Others in Attendance

Jonas Rosenthal, Zoning Administrator

James and Samantha Sheldon, Applicants

Lauren Towsley and Nick Baker, Interested Parties

The meeting was called to order at 7:03 pm by Acting Chair Jonathan Weiss in the absence of DRB Chair Keith Mason. Mr. Weiss read the agenda. Mr. Baierlein moved that the Board accept the agenda. Ms. Ludlam seconded the motion. All being in favor the motion carried.

The Board resumed discussion of the proposed retail cannabis store at 946 Route 149. Mr. Weiss swore in the participants.

Mr. and Ms. Sheldon presented the site plans for the proposed retail store which the DRB had requested. Mr. Sheldon described the site plan provided indicating parking for six vehicles and drawings of the building's sides. He presented drawings of the signage, mounted on the east and west side of the building. He explained that exterior lighting would be on only at night but not all night. He said there will be a stop sign where vehicles exit the property onto Route 149. Mr. Baierlein asked the purpose of the second floor. Mr. Sheldon explained the second floor would be used for storage.

Ms. Ludlam inquired about the building's setback. Mr. Rosenthal noted that it is an existing structure. Matters of security were discussed.

Mr. Rosenthal confirmed that the property is zoned for village commercial activity. He explained that the State has new regulations for cannabis retail sales that will go into effect in October when the state will issue licenses for retail cannabis facilities.

Mr. Weiss inquired about hours of operation and days of the week. Mr. Sheldon proposed opening at 9:00 am and closing at 9 or 10:00 pm seven days a week. Discussion of existing village retail establishments ensued.

Mr. Weiss noted the parking requirements set forth in the Bylaws, and inquired if it would be possible to add spaces to accommodate employees. Mr. Sheldon expressed his desire to keep the number of customers small and said he could add additional parking if needed. He stated that he and Ms. Sheldon would be the only employees.

Lauren Towsley expressed her concerns that there would be customers loitering and smoking around the building. She asked if there were concerns about crossing state lines since the property is so close to New York State. She raised concerns about security from crime. Mr. Weiss noted that many of these concerns were beyond the purview of the DRB. There was continued discussion of visibility, screening, and hours of operation. Ms. Towslee and Mr. Baker expressed concerns with the hours of operation going into the night.

Seeing no further comments or questions, Ms. Ludlam moved that the DRB close the public hearing and move into deliberative session. Mr. Baierlein seconded the motion. All being in favor, the motion carried.

Respectfully Submitted,

/s

Lucy Norman, Acting Clerk

Town of Pawlet Development Review Board

TOWN OF PAWLET, VERMONT
DEVELOPMENT REVIEW BOARD

In re: Application of James Sheldon for conditional use (retail store)

Landowner: James and Samantha Sheldon

Property Address: 946 VT Route 149

Hearing Date: January 20, 2022, Continued February 24, 2022

FINDINGS OF FACT, CONCLUSIONS, AND ORDER

PROCEDURAL AND FACTUAL HISTORY

Landowners James and Samantha Sheldon submitted a conditional use permit application for a retail store (“permit”) on their property located at 946 VT Route 149 in West Pawlet

(“Property”) on December 15th, 2021. The Pawlet Development Review Board warned and held a hearing on this permit on January 20, 2022 (“Hearing”). Mr. and Mrs. Sheldon participated as the Applicants. The Property is partially in the Industrial District, and partially in the Village and Commercial district, with the development proposed in the Village and Commercial area of the property. As such, the proposed retail store use is subject to conditional approval pursuant to Article II, §6 of the Bylaws.

On February 8, 2022 the DRB granted the Landowner 30 days leave to supplement the Permit application by submitting a sketch plan detailing all proposed improvements. Sketch plans were received on February 16, 2022. A continuation of the hearing was warned and held on February 24, 2022 to review these plans, after which the DRB deliberated and arrived at a conclusion.

CONCLUSIONS

The Board considered the performance standards set forth in Article III, § 1 of the Town of Pawlet Unified Bylaws (“Bylaws”), and the concerns voiced by interested parties. The Board concluded that this proposed development was acceptable, and determined conditions that could be applied to this permit to remedy any undue adverse impacts of this development.

ORDER

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

1. The development shall strictly comply with any regulations put forth by the State of Vermont Cannabis Control Board, and all other statutes and regulations in effect.
2. The upstairs of the building shall not be used for any purpose other than storage or administrative operations directly related to the retail store the Landowner has sought Conditional Use approval for.
3. The signage on the building and associated illumination shall not exceed the 4x12’ signs on the east and west faces of the building with downward facing illumination, as depicted in the drawings submitted to the Board.

4. Parking shall comply with the standards set forth in Article V, §15, Part 5 of the Bylaws. As such, a minimum of 6 parking spaces shall be required, plus one parking space for every motor vehicle used in the business.
5. The hours of retail operation shall not begin before 9am, as requested by the Applicant, and shall end by 8pm, in keeping with the character of other existing retail establishments in the community.

March 10, 2022

Approved by the Development Review Board:

/s/ Jonathan Weiss, Acting Chair

/s/ Gary Baierlein

/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.