

Town of Pawlet
Planning Commission Meeting
Monday, January 22, 2024 7:30pm
Meeting at town hall and
via Zoom platform

Members present:

Jessica Van Oort, Chairperson
John Sabotka, Vice Chairperson
Rik Sassa, Clerk/Secretary
Frank Nelson
Mark Frost
Gary Baierlein
Harley Cudney
Nancy Morlino (Pawlet Zoning Administrator)
Bob Morlino, Pawlet resident
Jon Weiss, Pawlet resident
Jed Rubin, Rupert resident (via zoom)
Linda Lynton (via zoom)
Vallery Davis, Pawlet resident
Michelle Tillander, Pawlet resident
Anne Hadeka, Pawlet resident
Ashley Waite, Pawlet resident
Julie Mach, Pawlet resident

Members absent:

Wayne Clarke (Alternate member)

Ed and Debbie Evans, Pawlet residents

Item 1. Call to Order:

Jessica called the meeting to order at 7:30pm

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

Do normal reports then by-law repeal petition and public comments.

Item 3. Approval of minutes of previous meeting:

Gary Baierlein moved to approve last minutes, Rik Sassa seconded, all approved.

Item 4. Zoning Administrator's Report- Nancy Morlino:

Nancy Morlino said that her Short term rental guideline is currently being processed. She also noted that there was a variance issued for Eric Hyatt in West Pawlet.

Item 5. Rutland Regional Commission Report- John Sabotka and Harley Cudney:

John's reported that the RRPC has a new planner. The board also hired two new apprentice planners. The RRPC will be doing some open houses in area towns. Middletown springs is Mar 16, Castleton is Mar 2, Wallingford is Mar 30. There is a renewal of Smokey House Center and the center wants to build some parking spaces and revamp trails. Also talked about was a big development in Killington snow shed, a village resort center is planned.

Item 6. Otter Creek Communications Union District Report and Municipal Planning Grant Report- Jessica Van Oort:

Jessica reported that she attended the most recent OCCUD meeting and things are moving along (contracts have been officially signed). The commission was able to look at exact area plans (though the information cannot currently be shared with the public). Work has begun in the Benson area with all areas being served by 2025.

Jessica spoke about the Rail Trail Council. Rutland regional planning commission wants to have all the towns that the trail goes through appoint a member to be a main delegate and one alternate to represent the respective towns. Jessica felt that someone from West Pawlet should be the main delegate since it will be going through that side of town. Frank Nelson expressed an interest in being the main delegate.

Item 7. Public comments: Bylaw repeal petition.

Jessica explained that the town clerk received a petition to repeal the town's bylaws. The town clerk checked all the names signed on the petition and there were enough to make it valid. Jessica did some research and found that because of the nature of this petition it will not go on

the town voting ballot coming up in March due to state statutes. Jessica explained to the commission and public present the steps and process going forward, via state instruction:

The commission has to make a report on the petition. The commission will then have to warn it in advance for a public hearing. The planning commission is required to send a report regarding the petition (the petition cannot be altered since the town populace composed it) to the Selectboard. The Selectboard will hold a public hearing then make a decision on whether to put a ballot question regarding the repeal of the bylaws or keep the bylaws as they are.

Frank noted that there is no specific timeline regarding the petition. Jessica agreed that there is no specific time line other than it needs to be done in a timely manner. Frank made a motion that the repeal petition be dovetailed into the current rewriting of the bylaws. A discussion followed in which Jessica said that a draft of the report can be ready for next month. Frank withdrew his motion until next month when a draft report can be made based upon tonight's meeting (which had an unusually large turnout). Gary felt that it was also important that the commission wait to hear from the people present since this issue is a big one and would undermine all of what the commission has been working on. John Sabotka wanted to know when Pawlet zoning laws were first put in effect. Nancy Morlino said it was back in 1973. Frank felt that the timing of the new town plan (that has not yet been approved) makes it confusing what would be repealed. Jessica reminded the public present that the change in Pawlet from a 1 acre town to a 10 acre town gives the town a reprieve on dealing with act 250 in many cases, Pawlet would revert back to a one acre town if the bylaws were repealed. Also flood insurance would be affected if zoning bylaws were lost. Jon Weiss had serious doubts about the validity of the petition itself. He felt that the petition was falsely forwarded and did not indicate that by repealing the bylaws that there would be nothing in their place. He felt further that it might not even be in the legal authority of the town to remove them. Jessica confirmed that it was legal. She said voters are allowed to bring such an issue forward and if voted in would remove any existing bylaws. Frank had some question regarding the language in the petition, supposing that removing current bylaws might only revert back to the last approved version of the bylaws. Harley felt that the existing bylaws are the only legal version of bylaws and once repealed there would be no bylaws at all. Gary gave a short background of why act 250 was designed as an environmental protection measure and how it has become an act that can strangle business and economic growth. Jessica explained that the Selectboard meeting is coming up, but the planning commission is the first line of interaction before going to the Selectboard. Bob Morlino felt that without town bylaws the state will become involved via act 250, also problems like building next to boundaries or next to schools, etc could conceivably be allowed. Speaking as the town emergency manager for Pawlet Bob said the government will pay 75 percent for flood corridor damage, then because the town has flood plain bylaws the state will pay an additional 17 percent. That state amount would not be contributed if there were no bylaws. Harley wondered about property values in towns that did not have zoning. Nancy confirmed that values were lower. Rik pointed out that the Slate Ridge shooting school that caused such an uproar would be allowed were it not for the town's bylaws. Julie Mach had concerns regarding securing government loans if the town did not have bylaws. Jessica said she was in the process of compiling the ramifications of not having bylaws to present to the Selectboard.

Julie, as town treasurer, also noted that there will be no cost savings regarding property taxes if the town has no zoning. Town taxes are based upon services and then dividing up the cost based upon property values. Ed Evans said one of the reasons for their recent moves to the town was because of the codes and permits involved which he felt reflects on the quality of the town in which he intends on living in. He felt that towns he has been to in the past that have had no regulation and codes were unsightly and potential health risks. There were some comments regarding the reasons why people might have signed the petition being the focus on property taxes being lessened due to not getting zoning permits which would in turn alert the town property assessors and then the individuals taxes would go up. Nancy, the town's Zoning Administrator, said that it doesn't work that way. If a towns person builds a building with or without a permit it is noted the next time the town assessor comes around (once a year) and the property will be reassessed at a higher value. Ashley Waite also had concerns with the specific language and timing specified in the petition. He also wondered if the repeal would only remove the most recently amended bylaws. It was clear that all the public present were concerned about the loss of the town's bylaws and the ripple effect that would be created.

Item 8. On-going Business:

On-going business was suspended to deal with the recent petition.

Item 9. 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 – Nancy Morlino 7:35 5. Rutland Regional Planning Commission Report 7:40 6. Otter Creek Communications Union District Report and Municipal Planning Grant report 7:45 7. Public Comments 7:50 8. On-going Business: Bylaws Updates continued 8:00 9. Set Agenda for the next meeting 8:55 10. Adjournment 9:00

Item 11. Adjournment:

Gary motioned for adjournment and Frank seconded all approved. Meeting adjourned at 9:03pm

Respectfully submitted, Rik Sassa, Secretary/Clerk