

DRAFT

Those present in the conference room of the Town Clerk's office for the 7 p.m. meeting were Board Members, William Biddle, Benjamin Adams, Dennis McLam, Shane Stevenson, Gary Briggs, Bruce Denio & Mark Bowen; Secretary, Shirley Warden; and others as follow on the sign in sheet:

## BARNET ZONING/PLANNING BOARD MEETING

## ATTENDANCE

DATE **DEC. 5, 2017**

MUST GIVE FOR FUTURE APPEAL ..... PLEASE PRINT LEGIBLY

NAME (LEGAL)	MAILING ADDRESS (FULL)
JOE MANGISPANE	671 K. W. FARM RD. BARNET, VT
Chad Dunbar	P.O. Box 59 BARNET VT
Donna Ellison	207 Fairway Dr. Burl.
Bruce Ellison	207 Fairway Dr. R. Burl.

Chairman, McLam called the meeting to order at 7 p.m. with the question of possible violations at the Bruce Ellison site at 173 Pavillion Lane.

Abutters had called Warden to suggest there may be a problem, she did a site visit on November 24, 2017 then contacted the Town attorney for guidance on November 27, 2017 a letter was crafted and signed by Warden then e-mailed from Adler's office on Nov, 27, 2017 also mailed return receipt requested on Nov. 28, 2017 to Bruce Ellison, that letter and Mr. Ellison's response received by e-mail on December 4, 2017 are part of these minutes.

During discussion Mr. Mangispane stated that the building height is not what was discussed at the site visit held on april 9, 2017. Measurements done by Dunbar done before the site visit were from a rock near the road and several marks of paint on the road.

Stevenson made it clear they had not followed their declaration made by Mr. Ellison at the May 2, 2017 hearing that they would not interfere with the Robothan's right of way. Dunbar said he had spoken to Mr. Robothan and told him he would help with the dock removable but never heard from him.

Mr. Ellison comented he should have the right to use his property.

Stevenson said that a better mark to measure was to measure from the bottom of the second block down from the wall around the parking area.

Briggs thought they were talking 1 foot below the road.

It was also mentioned that the over all height on the Lake side could be over the 35 foot height restriction.

Bowen asked if all were in agreement of the point to measure from was the bottom of one course down from the retaining wall around the parking lot.

Biddle suggested a site visit with measuring equipment. Stevenson moved and Briggs seconded to do the site visit, all voted yes. A date was set for December 7, 2017 at 4 p.m..

The minutes were approved with the addition of a name were there was a question mark on the draft, the name was not readable on the sign in sheet. The year end report was also accepted.

Correspondence presented by Warden included Shoreline protection application from Karla Corneluis; notice of new rules concerning new rules for telecommunication facilities and notice of Bylaw amendments from Danville.

Biddle stated that he, Bowen and Warden had gone over concerns Warden had with the Nagle version of the Bylaw.

Bowen said he may have it ready for the February meeting.

Warden presented a possible addition to the Bylaw for the event gathering of R Vs. It was worked on and given to Bowen to include in the final version of the Bylaw draft.

The meeting adjourned at 8:35 p.m..

Shirley Warden, Secretary  
Barnet Planning/Zoning Board

#### December 7, 2017 BARNET PLANNING/ZONING BOARD MINUES FOR SITE VISIT

Those present at 173 Pavillion Lane, Bruce Ellison's location at 4 p.m. were Board Members, Shane Stevenson, William Biddle, Bruce Denio, Benjamin Adams, Gary Briggs, Secretary, Shirley Warden; Abutters, Joseph Mangiapane & Robert Zita. Also on site on the shoreline side were Chad Dunbar & Allan Marceau.

It was observed that the house is still sitting on the steel beams on the cribbing. It should also be noted that Robotham right of way is destroyed.

Adams useing his laser light lined up with the bottom of the second course of blocks on the retaining wall of the parking lot and on the building to the bottom of the wall studs found the distance to be 18½ inches above the blocks. It is also 11½ inches above the rim joyce.

As it was snowing and dark the visit ended.

Shirley Warden, Secretary  
Barnet planning/Zoning Board.

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## Town of Barnet

BARNET PLANNING BOARD / ZONING BOARD

Shirley Warden, Secretary  
521 Warden Road  
Barnet, VT 05821  
802-633-4993

November 27, 2017

Bruce C. Ellison  
207 Fairway Drive  
So. Burlington, VT 05403

*Transmission via USPS and via email to [ellisonappraisal@charter.net](mailto:ellisonappraisal@charter.net)*

Re: Zoning Permit 3-17, 173 Pavillion Lane

Dear Mr. Ellison,

I am writing in connection with your Zoning Permit 3-17.

As you will recall, at the Barnet Planning/Zoning Board meeting on April 4, 2017, your contractor appeared on your behalf and represented to the Board that you were seeking permission to build an eight foot walk out basement with a stone patio on the lake side. This is the Permit which the Board approved. We are aware that you are currently involved in construction of the foundation and patio which were the basis for your approved Permit. On initial inspection, it appears that you may be planning construction which would potentially be in violation of the Permit, specifically that your eight foot wall seems to be significantly higher than that. This is because, rather than the approved 8 foot total height, on top of the poured wall, it seems that you have some stud work constructed which will effectively raise the height of the building substantially.

Additionally, you are aware that Barnet has a maximum building height of 35 feet pursuant to our Ordinances. As a reminder, if you construct in excess of that height, you may be found in violation and be required to lower the level of the house. I write to you now to make sure that your construction is in accordance with the representations you and your agents have made to the Zoning Board and in compliance with the Permit and all other regulations of the Town of Barnet.

The Barnet Planning/Zoning Board does intend to discuss your construction at its meeting scheduled for 7:00 p.m. on December 5, 2017. You or your agent are certainly welcome to attend if we have misunderstood your construction plans.

Sincerely,



Shirley Warden,  
Zoning Administrator

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SHIPPED NOV 28 2017





DRAFT

Bruce C. Ellison  
207 Fairway Drive  
So. Burlington, VT 05403  
802-999-0956

December 2, 2017

Town of Barnet  
Barnet Planning Board/Zoning Board  
521 Warden Rd.  
Barnet, VT 05821

Attn: Shirley Warden, Secretary

Dear Zoning Board Members:

Relative to our camp restoration and the zoning permit approving same, I don't know where to begin. First of all, I wish the idea of any permit violations here would have been communicated to me directly and early on, as first communication was from the town's attorney on Nov. 27th.

I've since found out that the zoning administrator went to the property and spent close to an hour looking around and taking measurements. I wish she would have contacted Chad Dunbar, the general contractor, or me beforehand so we could have met together at the site. I'm not sure "what" or "who" was the catalyst for her unexpected visit here.

As you may recall, a site visit was scheduled by the zoning board for 4 PM on Sunday, April 9<sup>th</sup>. The turnout by board members was good, except that the zoning administrator, and I think, the planning commission chairman, were absent. At least one member felt it might be best to wait for Shirley to show up as it was unlike her not to attend, so perhaps she was just running late he felt.

We proceeded to inspect the property from all four angles and many discussions were had and thoughts offered. The rotten sills and the sagging sunroom were evident. In fact, at least two members had some insight and asked me if I'd considered razing the entire camp and starting over. I think they had prior expertise because once this camp was raised the condition of the understructure was certainly much worse than expected. Elevations had been taken at this site previously but in preparation for this site visit, Chad Dunbar and I think Nathan LaFalamme, took many elevations here on the morning of the site visit. Elevation markers were evident throughout the site and Chad stated perhaps a half dozen times that the height of the camp would be in the ball park range of 10 ft. or so and was heard by all members present. If Shirley had been there hearing the discussion that took place over the course of an hour or so, perhaps we wouldn't be where we are now. We did


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exactly as we said that Sunday, April 9<sup>th</sup>, during the zoning board site visit. We had shot grade, when my camp set 11 ft below my parking area; we raised it just under 10 ft, which gives my camp 1 ft or so below my parking area. I had the contractors working on site come up with a plan to lower the basement with an 8 ft. wall and a small knee wall as my building needed a lot of work that wasn't seen beforehand. I'll end up with just around an 8 ft. 6 inch ceiling height in the basement after structural issues are fixed.

The building had looked high but then again, the site guy hired hadn't brought in fill for the back area until just this week. Again, a simple phone call could have answered these questions. With cold weather here, I am anxious to keep going and get the plumbing and heating systems started but in view of your inquiry, I have told the contractors, Allen Marceault and Chad Dunbar to hold off some.

I'm willing to consult with planning and zoning board throughout the construction process and we can be respectful. I'm taking on a great deal of financial burden due to this place and we've enjoyed the camp for many years and our family has grown. I know the listers have already been at the site, I'm sure my taxes will go up and the town will benefit financially with all the upgrades.

Best regards,



Bruce C. Ellison

cc: townclerk@barnetvt.org