

Those present at the Barnet Fire Station, at 151 Bimson Drive, for the 7 p.m. meeting were Board Members, Benjamin Adams, William Biddle, Mark Bowen, Dakota Butterfield, Bruce Denio, Zachary Mangione, Dennis McLam, & Trent Roy; Secretary, Shirley Warden; Applicants Jonathan Knights & Eric Skovsted; Members of the Public, Daniel Ehlers Sr., Elizabeth Evans & Jacob Rivers.

Chairman, Adams called the public hearing to order at 7 p.m. and read the notice as posted, as it appeared in the May 22-23, 2021 issue of THE CALEDONIAN RECORD and as follows:

THE RECORD • WEEKENDER, MAY 22 & 23, 2021 A8

TOWN OF BARNET
NOTICE OF PUBLIC HEARING

The Barnet Planning/Zoning Board will hold a public hearing at the Barnet Fire Station, 151 Bimson Drive, at 7 p.m. on June 8, 2021 to consider the following application(s):

#11-21 from Eric & Mary Skovsted; lot #04-01-53 on Joe's Brook Road to establish an ice rink. This is a conditional use.

#14-21 from Jonathan Knights, lot #25-01-61-12 on Little France Road for a back lot subdivision approval.

MASKS, SOCIAL DISTANCING AND ANY OTHER COVID-19 REQUIREMENTS WILL BE OBSERVED.

All interested parties will be heard and **MUST** participate in this hearing to have "the right to take any subsequent appeal." (Chapter 117, title 24 § 4471(a)). Participation may be in person or written.

A regular meeting will follow the hearing. For further information contact Shirley Warden, Secretary: 802-633-4993.

Barnet Planning/Zoning Board.

Because the Skovsteds had not arrived it was decided to start with Application #14-21 from Jonathan Knights, to subdivide lot #25-01-61.12 of 37.49 acres, on Little France Road, to create a 4.4 acre lot that would not have any road frontage as required in Section 402 of the Barnet Zoning Bylaw.

During discussion Mr. Knights explained that Jacob Rivers wants to buy the proposed 4.4 acre lot which abuts lot #25-01-61.11, also owned by Mr. Knights and Mr. Rivers would like to buy at some future date, the needed right of way required in Section 402 a 50 foot right of way would come from this lot.

Mr. Rivers presented the map of the proposed lot prepared by Michael Hemond.

Warden pointed out that there is no measurement on the right side of the lot to the Town highway and no acreage for the road frontage lot.

Mr. Rivers explained he would like to buy lot #25-01-61.11 some time in the future. This lot has 10.10 acres with road frontage.

During discussion it was noted that the subdivision is in the Rural Residential District which requires a minimum lot size to be 1 acre and it was also pointed out that Mr. Knights owns lot #25-01-61.13 so this frontage could become part of that lot.

Bowen moved to approve the 4.4 acre back lot subdivision from lot #25-01-61.12, finding a fifty foot right of way will be deeded on lot #25-01-61.11 as required in Section 402 of the Barnet Zoning Bylaw. A permit will be issued when Warden is given the acreage for the road frontage lot,

Biddle seconded and all voted to approve the back lot subdivision. Application #04-01-53 from Mary & Eric Skovsted for an ice rink on Joes Brook Road. This is a conditional use.

Adams informed those present that he may have a conflict of interest as he has a sugaring operation with the Skovsteds. ~~No objections were voiced.~~ **It was agreed he would not influence the discussion or vote.**

Mr. Skovsted explained because of Covid-19 there were very few opportunities for hockey or ice skating in the area. With a flat area next to his green houses he set up a rink, it was used as semi public with donations to help with the cost to maintain it. He read two of the many thank you notes from members of a girls hockey club. In answer to a question he said there are lights and it was used as late as ten p.m.. It has been taken down for the summer and the area will not be use for garden space, is was in use from December to April.

Warden passed out copies of an e-mail from Sacha Pealer, received June 4, 2021 and included in these minutes. (* (1) pages 3&4). Ms. Pealer is Manager of the VT River program. She pointed out that the rink is in the special Flood Hazard area (Zone A) of Joes Brook. She also pointed out that any thing in place for more than 180 days is considered permanent and in the flood zone it would be considered fill which is not allowed.

Daniel Ehlers Sr. appeared as an abutter. Mr. Skovsted asked how he could be an abutter as there is another land owner between the two properties. Bowen pointed out there is no definition in the Bylaw for abutter but there is for an interested party, which Mr. Ehlers is as there is clear site from the ice rink to his property.

Mr. Ehlers said the rink is 700 feet from his front door, the noise from hockey pucks hitting the goal boards during practice is so loud he has to run his TV sound at 60 and he can still hear the constant banging for hours every night.

Butterfield said that noise is one of the conditions that can be included in a permit.

Mr. Skovsted said that the rink was used five nights a week as late as 9:30 p.m..

McLam said that 9:30 p.m. is too late for noise off the lot.

Biddle said that there are many activities in many different neighborhoods, such as basketball or motor boats that might annoy to some but a night time curfew could be a condition.

Ehlers said in answer to a question that the lights did not bother him and maybe the rink could be positioned so that the goal was not aimed towards his house as it was last year.

Skovsted said that a girls hockey team used the rink for practice and at some points a lot of pucks were shot at the goal at once. He also said that parking is along the side of Joes Brook Road.

Catherine Roy

Rec 6-4-21

From: Pealer, Sacha <Sacha.Pealer@vermont.gov>
Sent: Friday, June 4, 2021 12:00 PM
To: asstclerk@barnetvt.org
Subject: Zoning Permit Application - 1525 Joes Brook Road
Attachments: FM5000240016C.pdf

Hello Barnet Clerk's office, The message below is for Shirley Warden, Zoning Administrator, regarding the Zoning Application for Eric and Mary Skovsted. Thank you for sending it along to her!

Dear Shirley Warden:

Thank you for sending the zoning application for the ice rink at 1525 Joes Brook Road. I reviewed the application and have only a few comments in relation to Barnet's flood hazard regulations (Section 413 of the Zoning Bylaws).

The application describes a 60' x 120' ice rink and shows a basic sketch of the location. Based on the effective FEMA Flood Insurance Rate Map (FIRM) for Barnet dated 5/17/1988, the proposed project is within the Special Flood Hazard Area (Zone A) of Joes Brook. An excerpt of the FEMA map is attached.

When reviewing a project like this, be sure to watch out for fill impacts. Fill that is not related to a building is prohibited under section 413.05 C.3 of Barnet's Zoning. In 413.10, fill is defined as "any placed material that changes the natural grade, increases the elevation, or diminishes the flood storage capacity at the site."

As long as the ice rink is very temporary/seasonal and does not involve placing soil/stone or other earth work, then it could be considered a minimal impact to the floodplain, similar to open space recreation. On the other hand, if left in place for long periods, the perimeter boards holding the ice could act as fill and displace or redirect floodwater, so I recommend the permit include conditions stating when the rink must be taken down each year, to minimize the potential for flood impacts. For example, the town could require that the rink is not in place for more than 90 days each year, or a similar time frame. In practice, anything in place for more than 180 days is no longer considered temporary in floodplain management, and in this case of an ice rink with a perimeter board, would need to be looked at as fill.

Also, it appears that Barnet Zoning requires a 100-foot setback from Joe's Brook in Section 422 (not the flood hazard regulations). To avoid the faster/deeper flow areas during flooding, the rink's perimeter boards should be set back from the brook channel as much as possible. The rink boards must not be located in the drainage swale previously used to compensate for fill under the farm's greenhouse.

Please let me know if you have any questions. You may consider this email as ANR flood hazard review to assist with the local permit process per 24 V.S.A. §4424.

Sincerely,



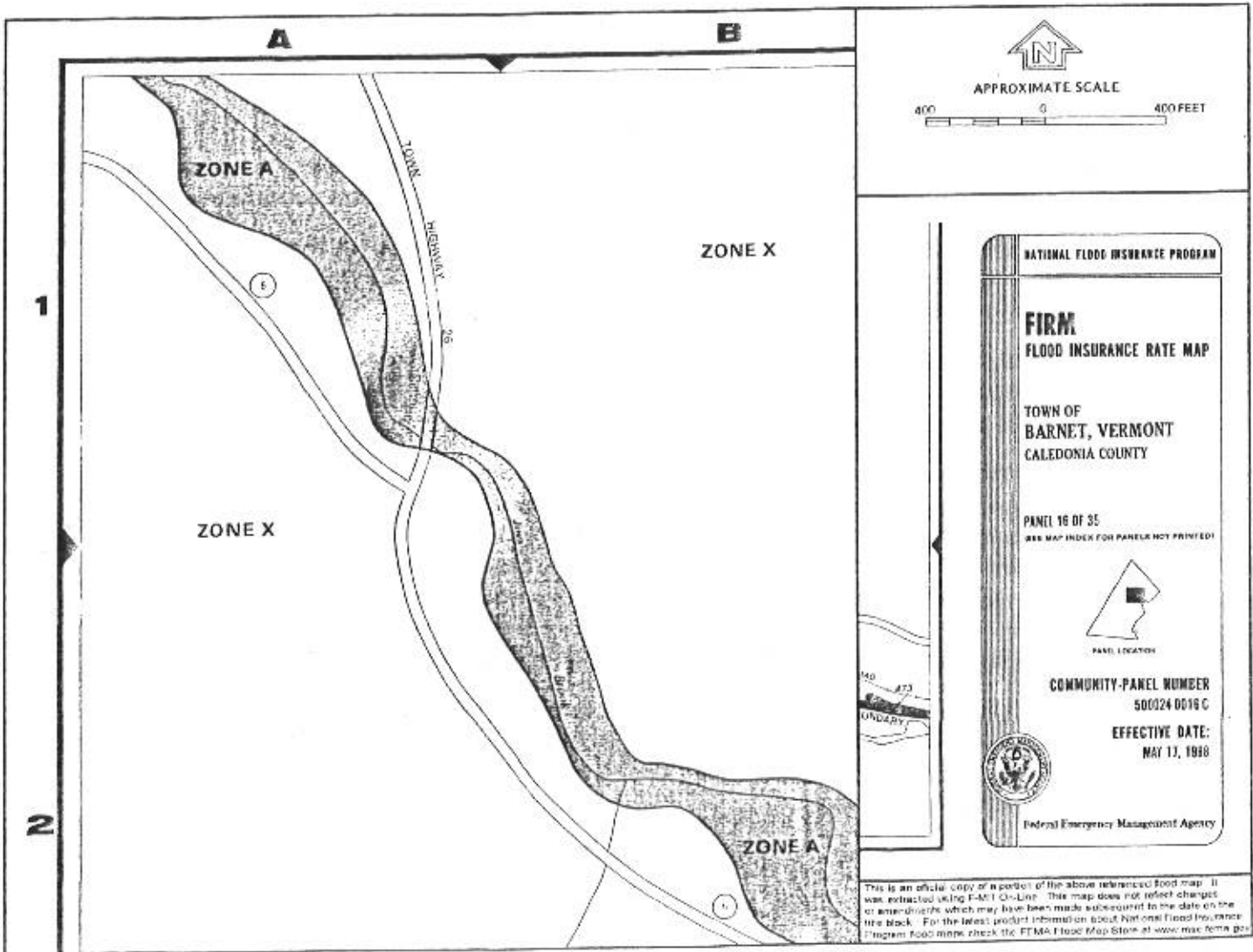
Sacha Pealer, CFM | Northeastern River Scientist & Floodplain Manager (she, her)
 Vermont Agency of Natural Resources | Department of Environmental
 Conservation

Watershed Management Division, Rivers Program

1 National Life Drive, Davis 3 | Montpelier, VT 05620-3522

802-490-6162 office & cell

Sacha.Pealer@vermont.gov



Butterfield moved to approve the ice rink for a less than 180 day season, parking along Joes Brook Road will not interfere with traffic, no hockey or music noise after 9 p.m. and the rink will be at least 100 feet from Joes Brook. Biddle seconded. McLam voted No, Adams abstained the remaining Board Members voted to approve.

Bowen asked what was happening with application #09-21, which was withdrawn by the applicant. He wanted to know if there was action on the violations of permit #26-17

Warden reported that Paula Kitchel was working on finding some one to take down the over build and they are working on their plans for the additions. She plans to send back the application for more information and will send a notice of violation for permit # 26-17.

July 1, 2021 there will be two opening on the Poard as both William Biddle and Karen Stark have both chose not to be reappointed. Four Barnet residents showed interest in becoming Board Members two came to the meeting.

Elizabeth Evans from Morrison Hill had submitted a letter of interest and said she would like to become involved in town government.

Eric Skovsted from Joes Brook Road also submitted a short paragraph stating his interest in taking part in the Town.

Butterfield made the motion to to forward these letters of interest to the Selectboard for their consideration. Bowen seconded and all voted to approve.

The other two people who had shown interest one said they had changed their mind and the other did not follow up.

Butterfield served rhubarb crisp with vanilla ice cream in honor of "Bill" and Karen retiring.

The May 11, 2021 minutes were approved as presented.

Warden gave the correspondence as a notice from the Town of St. Johnsbury for zoning Bylaw amendments; from Pete Kopsco, VT State permit Specialist a summary of the permits required to start up Pauls Quick stop, in McIndoe Falls; and from the National Business Institute notice of Zoning seminars with 4.0 credits for \$299.

Butterfield reminded us that John Zicconi from the Vt transportation Board with information on permitting helipads and Alison Low from NVDA with information on readopting the Town Plan will come to the July meeting.

Bowen said the energy committee needs to be reappointed.

Biddle was thanked for his years on the Board and he thanked the Butterfield for the treats.

The meeting adjourned at 9 p.m..

Shirley Warden
Shirley Warden, Secretary
Barnet Planning/Zoning Board

*The minutes were
approved 7-13-21
with correction on Biddle
Print on page 2; 2nd
Paragraph. SW.*