

Approved with noted edits, 12/14/21.

Town of Barnet Planning Commission & Zoning Board Minutes

Meeting Date & Time: November 9, 2021. 7 PM

Location: Barnet Fire Station – 151 Bimson Drive, Barnet, VT. 05821

Board Members Present: Dennis McLam, Bruce Denio, Trent Roy, Elizabeth Evans, Mark Bowen, Eric Skovsted, Zachary Mangione, Dakota Butterfield. Board clerk, Dawn Holtz. (Not present, Ben Adams).

Also present: Shirley Warden – Barnet Zoning Administrative Officer.

Members of the public present: Paul Toney, Sr. and Ben Smith.

Minutes:

- **Agenda #1 - Those present:** Vice Chairman, Dennis McLam, called the meeting to order at 7pm with the above list present.
- **Agenda #2 - Public hearing for application #36-21:** Board asked if the proposed structure would be used for business and for clarification of if the hearing was needed because of the Class 4 road. ZAO, Shirley Warden said yes that is the reason for the hearing. Board followed findings sheet created by ZAO, Warden, and found that the application met all criteria with no adverse effects on existing or planned community, character of the area, effects on traffic & roads, and utilization of renewable energy resources. In addition, it was noted the site may not be serviced by town or emergency services. **Decision:** Denio motioned to allow the building on the less than class 3 road, Mangione seconded the motion, a unanimous vote followed. Motion carried. Toney and Smith thanked the board and left the meeting.

Regular Meeting:

- **Agenda #3 - Approve September minutes:** Board members stated they would all like to receive paper copies of minutes, not just digital. **Decision:** Skovsted motioned to approve the minutes, Mangione seconded, a unanimous vote followed. Motion carried, September minutes approved.
- **Agenda #4 - New Business:**
 - **ZAO Updates:** Warden indicated that a December meeting will be needed for the new application(s) she has received. The Lawton case is still on hold as she does not have an active application from them. She did attend the Selectboard meeting to make them aware of the ongoing Lawton situation and that they are still in violation.

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- o Board members were asked to verify their info on the contact sheet. No changes were requested.
 - o Board members were made aware of a new planning/zoning email address, barnetplanningzoningclerk@gmail.com - McLam asked if those emails go directly to Holtz, she answered yes and she will pass info on to the board as pertains to them.
 - o In response to the Lawton property issues, Butterfield acquired information from VLCT and presented it to the board about tools for ZAO enforcement. She presented a violation ticketing option that the ZAO ~~and the town~~ could use in cases such as this. The ticketing option would allow the ZAO to write tickets to anyone in violation, which could charge them fines up to \$800/day. Butterfield noted that the Notice of Violation is ~~the preferred method~~ an alternative method but that needs a lawyer and involves the ~~environment court~~, Environmental Division of the Superior Court, which is currently very backed up and could take years to get to this. The ticketing option ~~happens in judicial court~~ involves the Judicial Bureau and does not involve lawyers but cannot order to do anything other than charge (added: and collect) fines per violation. Butterfield further noted that there must be a zoning ordinance written into the zoning bylaws to be able to have this as an option. Butterfield passed out a hand-out to the board to further explain the flow of each option and possible ordinance language. It was also noted that this would have to go through the Selectboard before it could happen. ~~Board members~~ Bowen asked Warden as the ZAO if she was interested in having this tool to use, she indicated she did not want to. Roy voiced concerns about this as an option and that he felt it would not make it past the Selectboard. Discussion ensued about if and how to proceed. **Decision:** Butterfield and Bowen motioned to take a “straw-poll” vote of board to gauge interest in pursuing this option as there were differing opinions. A 5/3 vote followed. Interested in pursuing - Mangione, Skovsted, Evans, Denio, Butterfield. Not interested - Bowen, McLam, Roy.
- **Agenda #5 - Old Business:**
 - o Energy committee update: Bowen stated there were 7 responses and he has connected those people to one another. Butterfield, a Planning/Zoning board member, is one of the 7. Holtz indicated she had initially had an interest to check it out, but has to bow out for now due to schedule constraints. Bowen reminded all involved that the energy committee is made up of volunteer citizens and not a municipal committee.
 - o Municipal Planning Grant Follow-up - An emergency meeting of the Planning Commission was held on October 31, 2021 at 4pm via Zoom to satisfy a request

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for signatures on a document that offered the town support from the Planning Commission to apply for the grant for the McIndoes Academy Community Center project. All members present at the October 31st meeting (see those minutes) voted unanimously in support.

- Lawton Property - Per VLCT lawyer, the property does not have an active application with the board so there is nothing to discuss. The board has no authority to enforce anything at this time and should be careful in taking any actions. Discussion took place about next steps for ZAO to take as that is the only person who has any authority at this time. Warden indicated that she would like to wait until the next meeting to see if the Selectboard takes any action.
 - RFP for new town offices - Butterfield passed out a printed summary of the Request for Proposal info and further explanation on the new town offices project at the old town hall to all board members. Butterfield ~~feels is~~ concerned that the RFP does not contain language about ~~energy efficiency to coincide with the updates that were last made to the town plan to address this topic~~ the importance of energy considerations in municipal projects as clearly stated in the current Town Plan. She also ~~feels that the Planning Commission should be involved in this process~~ recommended that the Planning Commission offer to act as advisors to the Selectboard in the review of builders and bids responding to the RFP, particularly as it relates to energy issues. McLam indicated that he felt that it might be an “over-step” of the Planning Commission to demand involvement. Decision: Butterfield stated she will let all Planning Commission members know if/when the Selectboard holds a special meeting so that Planning Commission members can attend if they wish to. She also stated that she will bring up the topic at the first energy committee meeting.
- **Agenda #6 - Correspondence:** Warden and Holtz stated neither had any additional correspondence to share at this time.
 - **Adjournment:** McLam asked if there was any other business to attend to. All stated no, the motion was made to adjourn the meeting, approved by a unanimous vote. Meeting adjourned at 8:27pm.

A true copy.

Attest: Dawn Holtz (e-signature)

12/14/2021

Board Clerk