

## **Town of Barnet Planning Commission & Zoning Board Minutes**

**Meeting/Public Hearing Date & Time:** Feb. 8, 2022. 7 PM

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

**Board Members Present:** Board Chair: Ben Adams, Vice Chair: Dennis McLam, Bruce Denio, Trent Roy, Elizabeth Evans, Mark Bowen, Eric Skovsted, Zachary Mangione, and Dakota Butterfield.

**Also present:** Shirley Warden – Barnet Zoning Administrative Officer, Board secretary, Dawn Holtz.

**Members of the public present:** See attached list.

### **Hearing Minutes:**

**Public Hearing: Application #01-22 received on January 4, 2022 from applicant(s) Michael & Jane Lawton of 622 Keyser Hill Road, St. Johnsbury, VT 05819 to be considered for Conditional Use §305.02 pg. 14 #9, non-polluting commercial enterprise & Shoreland Regulations §422.04 pg. 3**

- **Agenda #1 - Those present & reading of public hearing announcements, info, and conduct:** Chairman Adams called the above public hearing to order at 7pm with the above list of members of the board and the above listed members of the public present and attending remotely via Zoom. Adams stated a regular board meeting would follow the hearing. Adams then conducted roll call, followed by a reading of public hearing announcements, information/procedures, and conduct. All present were made aware the meeting is recorded for reference. Adams then asked that all conflicts of interest and/or recusals of board members be made known at this time:
  - ❖ Board member, Dakota Butterfield, disclosed her ex-parte communications with property abutters and applicants. She explained the nature of these conversations and stated that she could act/participate without a conflict of interest. No objections were made.
  - ❖ Applicant, Mr. Lawton, disclosed he had many conversations with neighbors, sent letters out to abutting property owners offering them visits to the property to see their operations firsthand. Adams thanked Mr. Lawton for disclosing and then explained conflicts of interest and/or disclosures are meant for board members and/or those with decision making authority on an application.

- **Statements/evidence from applicant:**

- ❖ Chairman Adams invited applicants, Michael & Jane Lawton, to present their application and any supporting information pertaining to the application and conditional use request.
- ❖ Mr. Lawton gave explanations of why they chose this particular property, what their intentions are for offering a “camping experience”, and how they have been currently operating. He further discussed each building on the list that accompanied his application and intended uses for each. Mr. Lawton also stated that he had discussed the process with ZAO, Shirley Warden, as well as the State of Vermont pertaining to Act 250 issues and then further explained the overall intent of the proposed/requested non-polluting commercial enterprise.
- ❖ Board member, Mark Bowen, reviewed email correspondences between Mr. Lawton and Regional Dept. of Environmental Conservation Floodplain Manager: Sacha Pealer, Fisheries Biologist: Judd Kratzer, and District #7 Environmental Commission Act 250 coordinator: Kirsten Sultan, regarding the Lawton’s Act 250 application status of it. Bowen asked where they are in the process and if anything has been done regarding the requests made by the above mentioned people for a pending Act 250 approval.
- ❖ Mr. Lawton explained the state indicated to him that they are behind and experiencing a lack of staff and that is causing delays and they indicated the engineer is currently scheduling out approximately 3 months. He further explained that the Water Andric is part of the pending Act 250 application and the application is in process at this time.
- ❖ ZAO, Warden, explained the process of permitting and that because there is a change of use an amendment may be needed.
- ❖ Board member, Elizabeth Evans, asked if the Water Andric is part of the board’s issues and if a trail consultant was used for trails by the water. Mr. Lawton indicated he used guidance from resources provided by Sacha Pealer and explained what he has done to direct water away from Water Andric and mitigate issues.
- ❖ Further discussion ensued regarding the Water Andric. Board member, Zach Mangione, reminded all board members that it is irrelevant to discuss as the cabin near the Water Andric cannot be permitted as it is within 200ft of the water and therefore does not meet bylaw criteria.
- ❖ Board member, Dakota Butterfield, asked Mr. Lawton about fire safety systems that are/are not currently in use. Mr. Lawton explained that charged fire extinguishers are present at each site. At this time, Barnet Fire Warden, Christopher Bunnell, asked to speak. Mr. Bunnell explained that there is no regulation of campfires and after a site visit to the Lawton’s property he sees that Mr. Lawton has gone above what is required by having fire rings and fire extinguishers at each site. Bunnell provided Mr. Lawton and the board secretary with printed fire safety information to post at sites and

suggested Mr. Lawton sign up for email alerts for fire danger notices so he can pass that info on to guests or request no fires on those days. Bunnell further explained the only thing that can be regulated is what is being burned. Board member, Bruce Denio, suggested keeping a large tote of water by the sites for added assurance.

- ❖ Butterfield asked Mr. Lawton about the possibility of becoming a wedding venue. Mr. Lawton explained they may be open to it but have not done so yet.

- **Statements/evidence from abutters:**

Chairman Adams then invited statements from abutters to begin.

- ❖ Abutter, Minty Conant, asked about considering prohibiting out-of-state wood being brought in and voiced concerns about the Lawton property being a possible wedding venue, suggesting a traffic study be done if that becomes the case.
- ❖ Abutter, Greg Jackmauh, reviewed bylaws and noted that a “campground” is not a permitted or conditional use. He wondered if the board could grant a variance on their own bylaws and noted there seems to be confusion of the language; campground vs. non-polluting commercial enterprise.
- ❖ Abutter, David Brody, read a prepared statement previously submitted to the board and on file with the secretary, and also raised concerns about building without a permit. ZAO, Warden, explained that when that scenario happens zoning fees are doubled and a fine of up to \$200/day per violation may be administered.
- ❖ Abutter, Nathaniel Tripp, spoke to possible issues of Water Andric area due to overuse by recreational activity and stated there is a recognized rare turtle species at the water. Board member, Dakota Butterfield, handed out a rare species habitat map of the property which coincided with Mr. Tripp’s statement.
- ❖ Abutter, Mary Jane Egerton, spoke about her visit to the Lawton property and stated that Mr. Lawton was very welcoming and cordial throughout the visit. She also read a statement previously submitted to the board echoing concerns of the Water Andric habitat, risk of fires from camp fires, and overall wildlife disturbance.
- ❖ Abutter, Greg Jackmauh, read his statement which was also previously submitted to the board. He stated he feels the application is incomplete. Board member, Mark Bowen, asked Mr. Jackmauh who the “MSK attorneys” are that were cited in his statement. Mr. Jackmauh replied it was something found in a google search.
- ❖ Abutter, Mike Kinsella, stated that he has seen a lot more traffic, less wildlife, and that he has trails that adjoin the Lawton property trails. He raised concerns of having more people around and that he was present to say how he feels about the situation. Abutter Catie Kinsella, added they are not trying to be unwelcoming they just want the Lawtons to abide by zoning rules and claiming ignorance is not acceptable.

- ❖ Board secretary, Dawn Holtz, read aloud a previously submitted statement from Sybil & Brad Geddes regarding the proposed Water Andric cabin and potential noise disturbances.
  - ❖ Abutter, Laura Stoiber, stated that she would like to echo the sentiments of concerns of water pollution of Water Andric, shared trails allowing guests access to property other than the Lawton's, and unleashed dogs.
  - ❖ Abutter Armando Bona, stated that he was present. No comments regarding the proposed application.
  - ❖ Abutter, Celia Jackmauh, also raised concerns of fire risks and asked if the Lawton's would consider covering the fire pits and not allowing use during drought conditions.
  - ❖ Mr. Lawton thanked everyone for voicing their concerns and addressed each abutter directly to thank them and respond to their stated concerns. He also offered apologies to some for specific instances. He stated that he has put "private" signs on some abutting trails and would be happy to do so on more but he is unsure of exactly where the property lines are. He stated that they already do ask guests to leash dogs.
  - ❖ Chairman Adams asked if there were any further abutter statements; there were not.
- **Final evidence/discussion:**
  - Board member, Dakota Butterfield, then read correspondence from Sacha Pealer regarding Water Andric area to be submitted as evidence. Further discussion ensued about the proposed cabin at the Water Andric
  - Mrs. Lawton offered apologies to neighbors and overall disappointment in the situation. She asked for further clarification of zoning districts. Board member, Dakota Butterfield, explained the different zoning districts and how the Lawton property has mixed districts and how that affects the application/decision. Board member, Elizabeth Evans, also clarified personal use vs. commercial use as it pertains to the application.
- **Decision:**
    - ❖ Bowen made a motion to adjourn the hearing and go into deliberative session. McLam seconded the motion, all were in favor. Motion carried, hearing adjourned at 9:20pm.

**Regular Meeting Minutes:**

- **Agenda #2- Approve January minutes:** No suggested edits. **Decision:** Bowen motioned to approve Dec. minutes, Evans seconded, a unanimous vote followed. Motion approved, Jan. minutes approved.
- **Agenda #3 - New Business:**
  - **Town Plan Committee Updates, ROP Subcommittee Updates:** Adams suggested moving both sub-committee updates to next meeting. **Decision:** McLam motioned to

move all sub-committee updates to next meeting, Roy seconded, all in favor. Motion carried.

- o **ZAO Updates:** Warden stated she has had 2 inquiries about cannabis and board may want to consider adding verbage to town plan. She shared a state website that can be used for reference, [ccb.vermont.gov](http://ccb.vermont.gov).
- **Agenda #4 - Old/other Business:** Butterfield noted town report submission needs minor corrections and would like to add a sentence about foregoing municipal planning grant to help McIndoes Academy project. She will try to get the report amended but it may be too late. No objections from board.
- **Agenda #5 - Correspondence:** Mailed packet from Barnet Smart Sky regarding a cell tower on Tower Rd. The selectboard also received a copy. Packet is available via secretary if any board members wish to review.
- **Agenda #6 - Adjourn:** Chairman Adams asked if there was any other business to attend to, all stated no. Evans motioned to adjourn meeting, approved by a unanimous vote. Meeting adjourned at 11:01 pm.

*A true copy, drafted 2/8/2022, approved on 3/8/2022.*

*Attest: Dawn Holtz (e-signature)*

*Board Clerk*

*Note: Board member, Dakota Butterfield, proposed minor changes to the minutes, all other board members voted to leave minutes as they were written since the proposed changes were minor.*