

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

**Public Hearing/Meeting Date & Time:** August 10, 2022. 7 PM

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

**Board Members Present:** Ben Adams, Dennis McLam, Bruce Denio, Trent Roy, Zachary Mangione, Eric Skovsted, Mark Bowen, and Dawn Holtz. **Not present:** Elizabeth Evans

**Also present:** Shirley Warden – Barnet Zoning Administrative Officer

**Members of the public present:** James MacDonald, Sal Perillo, Mary-Ellen Perillo, Ray Peterson, Shane Stevenson, and Ben Bean.

### **Minutes:**

- **Those present & roll call:** Chairman Adams initiated roll call and called the hearing/meeting to order at 7:02 pm with the above list of members of the board and listed members of the public present. It was noted that board member Elizabeth Evans was not present.
- **Hearing for appeal submitted by Mary-Ellen and Sal Perillo of 75 Stetson Lane, Barnet, VT. 05821 of permit #30-22 issued on 7/1/2022 for applicant(s) JH Johnson Pourover Trust of 240 Harvey Mountain Rd. Barnet, VT. 05821 for an accessory apartment over a residential garage.**
  - ❖ Chairman Adams asked Mr. Perillo if he would like to present his evidence for the appeal. Mr. Perillo explained the reasons for his appeal, referencing the letters\* he had previously submitted to accompany the appeal. He explained that due to his interpretation of the bylaws he felt that there was an error in issuing the permit and that it be re-examined by the board. Mr. Perillo also referenced the \**Answer to Appeal* document previously submitted by Zoning Admin Officer, Shirley Warden. Past issued permits\* were also noted/questioned by Mr. Perillo as part of his evidence.
  - ❖ Discussion ensued.
  - ❖ Mr. Stevenson and Mr. Bean both offered testimony that the permitted structure did in fact meet all requirements of the zoning bylaws as well as state permit requirements.
  - ❖ It was noted that the past permits that Mr. Perillo was referencing/questioning could not be considered as they have passed the 15-year requirement listed in Ch. 117, §4454(a) of the state's Municipal & Regional Planning & Development statutes.
  - ❖ Mr. Perillo was also directed to Ch. 117, T.24 §4412 (E) and (2) to further support Warden's answer to the appeal.
  - ❖ Mr. Perillo requested that the permit be denied and a variance/waiver be applied for.

**Motion:** Mangione motioned to deny the appeal based on the findings that the permit meets all requirements of §402 of the bylaws, all setbacks are met, and all shoreline requirements are met. McLam seconded the motion.

**Vote:** In favor - Mangione, McLam, Adams, Roy, Denio, Holtz. Not in favor - Skovsted, Bowen.

**Decision:** The appeal is **denied** based on the following findings:

1. Permit was approved under and meets all requirements of §402 of the Barnet Zoning Bylaws.
  2. Permit does not require a variance or waiver since it meets all §402 bylaw requirements.
  3. All required setbacks are met.
  4. There is 155' of shoreline frontage which meets shoreline requirements
- **Agenda #1- Edit/Approve July minutes:** Holtz asked if there were any edits, all stated no. **Motion:** McLam motioned to accept the minutes as written. Denio seconded the motion. **Vote/Decision:** All in favor. July minutes approved as written.
  - **Agenda #2 - New Business:** None at this time.
  - **Agenda #3 - Old/Other Business -**
    - ❖ Holtz distributed updated board member list.
    - ❖ Permit navigator tool is now on town website for citizen use.
    - ❖ Skovsted asked for next set of town plan goals to be added to next meeting agenda for review.
  - **Agenda #4 - Correspondence -** Warden shared the proposed amendments to zoning bylaws for St. Johnsbury and suggested to review them for ideas for Barnet's upcoming bylaw amendments..
  - **Agenda #5 - Adjourn:** Chairman Adams asked if there was any other business to attend to, all stated no. **Motion:** Adams motioned to adjourn meeting, Bowen seconded. **Vote/Decision:** Adjournment approved by a unanimous vote. Meeting adjourned at 8:30 pm.

*\*Previously submitted supporting documents for appeal are on file and may be requested as needed.*

*A true copy, 8/10/22 Attest: Dawn Holtz, Board Clerk*