FINAL MINUTES 06/11/2024

Town of Barnet Planning Commission & Zoning Board (Board) Meeting Minutes

Meeting Date & Time: June 11, 2025 at 7:00 p.m. ET

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

Board Members Present: Benjamin Adams, Bruce Denio, Dawn Holtz, Dennis McLam, Trent Roy, Susan Sinclair, and Jacob Stevenson. All attended in person.

Also Present: Shirley Warden – Barnet Zoning Administrative Officer (ZAO)

Members of the Public Present: Jonathan Brown, Dakota Butterfield, Mary Dawson, Mary Jane Egerton, Anders Hahr, Celia Jackmauh, Greg Jackmauh, Christine Keiper, Paula Kitchel, Jane Lawton, Mike Lawton, Quinton Liberty, Arthur Roy, Debra Roy, Brice Simon, and Amanda Taylor

Appeal Hearing Minutes:

- Roll Call: Chairman McLam called the meeting to order at 7:00 p.m. and initiated a roll call of Board members present.
- **Hearing: Three appeals submitted by Nicholas Lizotte of 279 Shoreline Drive related to (1) Denial of permit application #04-24 for 279 Shoreline Drive as the applicant claims the lots are served by off-lot water and the proposal meets the requirements for subdivision, and (2) Notice of Violations issued July 26, 2023 and November 30, 2023 as the applicant claims there is no evidence the landowner was contacted on either occasion. Subsequent to the Public Warning of this meeting, an additional Notice of Violation was issued May 15, 2024.**
- Mr. Lizotte first addressed the Notices of Violation issued by the ZAO. Sinclair asked for the details related to the origin of the Notice. During Lizotte's explanation, Warden produced a copy of a letter sent to Lizotte that explained she had been informed a structure over 50 square feet had been constructed on his property without a permit. During the course of the discussion, the Board, Warden and Lizotte discussed the discrepancy between the mailing address on file in the Barnet's tax records and Lizotte's residence where he receives mail on a regular basis. In addition, Lizotte and Warden discussed the history of the permit applications associated with the structure referenced in the Notice of Violation. After thorough discussion with Lizotte and Warden, the Board agreed to defer a decision related to Notice of Violation appeals to allow both parties, at their discretion, to produce additional

documentation as to the nature of the construction and information needed to review a permit application.

- Related to the denial of permit application 04-24, Mr. Lizotte explained the permit request for a subdivision of his property meets the Town of Barnet's Bylaws related to lot subdivision. Warden, the Board and Lizotte discussed:
    - Off-lot water requirement as required by Zoning bylaws for subdivisions: Lizotte claimed past precedent of subdivisions permitted without consideration of off-lot water. Lizotte presented evidence of warranty deeds asserting the documents are associated with the property and provide proof that water rights were transferred to the property. The claim was countered by Warden noting past permits requested by Mr. Lizotte did not include approvals for wastewater or off-lot water.
    - Road access requirement as required by Zoning bylaws for subdivisions: Lizotte provided evidence of boundary line agreements between the current abutting property owners, A. and D. Roy, and the property's previous owners and discussed his current use of the road on the property. The Board discussed the survey map, submitted with the permit application, and its presentation of road access across the property in general as well as the proposed subdivision.
    - Simon, attorney for A. and D. Roy, adjoining property owners, informed the Board that the Roys claim"interested persons" status under the Barnet Zoning Bylaws based on Lizotte's permit application. He noted the Roys claim party status based on whether the proposed subdivision is allowable due to issues related to the acreage, right-of-way, and water access for the new lot. He informed the Board of the current legal dispute pending before the Superior Court between his clients and Lizotte regarding the property boundaries and the proposed subdivision.
    - The Board discussed Lizotte's and Simon's testimony.
    - **Motion/Vote/Decision:** The Chair proposed a site visit to the property to evaluate Lizotte's claim to right-of-way access to the property. The Board agreed to meet at 279 Shoreline Drive, Barnet VT on July 1, 2024 to conduct a site visit. Findings will be discussed and a decision is intended to be finalized at the next regularly scheduled Board Meeting. Denio made a motion to approve the site visit, Adams seconded the motion. All other members present approved.

Public Hearing Minutes:

- **Hearing: Three conditional use applications received on May 21, 2024 from Michael and Jane Lawton of 622 Keyser Hill Road to be considered under Barnet Bylaws §§ 307.01 (A), (B), (C), and (E) Conditional Use and §305.02 LD #9 Non-polluting commercial enterprise: Application #13-24 for relocating a cabin/catwalk, #14-24 to change a former distillery building to a one bedroom unit and #15-24 to add two tent platforms.**
    - The Chair announced the Board will begin the hearing to review application # 13-24.
        - M. Lawton explained that he has applied to relocate an existing cabin closer to an existing structure on the property (formerly a distillery) and build a cat-walk to connect the two buildings. The cabin would serve as a sleeping space for family members and is not intended to have water, electric or septic as these are available in the distillery.
        - G. Jackmauh, abutting property owner, claimed this permit should be considered a change of use permit as construction permits prior to Lawton's ownership noted they were storage sheds and not permitted as bedrooms and in a recent property tax assessment noted the cabin was a material handling shed.
        - M. Lawton agreed with the proposed construction that a change of use is required.
        - G. Jackmauh asked the Board how the current zoning bylaws address short-term rentals. The Chair noted that the bylaws do not address the issue and reiterated the application falls under the bylaws relating to a non-polluting commercial enterprise.
        - G. Jackmauh produced documentation purporting the State of Vermont fire and building codes require buildings intended for public access to follow safety codes and use groups that dictate how the buildings are permitted. He further claimed the governing authority of the municipality has obligations to see the structures are up to code.
        - Kitchel informed the Board it is important to require that property owners awarded permits be obligated to follow applicable safety laws.
        - Holtz referred to fire safety provisions currently required for buildings intended for public access.
        - The Board discussed Lawton, Jackmauh and Holtz's testimony.

- **Motion/Vote/Decision on Application #13-24:** Based on the information provided by the application, testimony from the abutters, and the Board's discussion, Roy made a motion to approve the permit application. Adams seconded. The Board unanimously voted in favor of the motion.

- The Chair announced the Board will review Application #14-24.
  - M. Lawton informed the Board he has submitted an application to renovate the loft of the former distillery building and turn it into one bedroom. The intention of the construction is to allow campers to rent the one-bedroom during the winter, however, it would not be rented during the summer camping season.
  - Board discussion ensued.
  - **Motion/Vote/Decision on Application #14-24:** Based on the information provided by the application, M. Lawton's explanation and the Board's discussion, Denio made a motion to approve the permit application provided the structure is only available for rental during the winter in cold weather. Holtz seconded. The Board unanimously voted in favor of the motion.
- The Chair announced the review of the final application #15-24.
  - M. Lawton confirmed the application was to construct two additional tent platforms. He informed the Board this construction is permitted under Act 250 as well as the neighbor agreement he has entered with an abutting property owner.
  - The Board and Lawton discussed the neighbor agreement, limits related to the number of people using the structures as well as parking requirements.
  - Board discussion ensured.
  - **Motion/Vote/Decision on Application #15-24:** Based on the information provided by the application and discussions during the hearing, Adams made a motion to approve the permit application. Denio seconded. The Board unanimously voted in favor of the motion.
- Egerton explained her concerns that the Lawton campground may endanger the land and wildlife habitats on or near the Water Andric and asked the permits require the property owners to take ongoing action to protect it.
  - Egerton read a letter dated June 5, 2024 addressed to the Board and Warden further enforcing concerns about protecting the Water Andric and her interpretation and perceived limitations of the neighbor agreement referenced in the hearing of Application #15-24.
  - Discussion ensued between the Board, Warden and the meeting's participants.

- The Chair reminded the meeting participants that the Board has completed its review of M. Lawton's permit applications and voted to approve each permit.
- Warden confirmed that permits granted to a property are attached to the property regardless of ownership. She also referenced the current Shoreline Regulations of the Barnet Zoning bylaws that prohibit non-polluting manufacturing or commercial enterprises within 200 feet of the designated body of water, including the Water Andric.

Regular Meeting Minutes:

- Agenda #1 - New/Proposed Agenda Items: None.
- Agenda #2 - Edit/Approve the May minutes: Warden requested an edit to the draft minutes. Adams motioned to approve minutes as amended. Denio seconded, all present were in favor.
- Agenda #3 - New Business/Zoning Administrative Officer Update:
  - Warden informed the Board that both Danville had submitted a draft Town Plan.
- Agenda #4 - Continuing/Other Business:
  - Warden informed the Board that Jonathan Brown re-submitted a permit application earlier in the day and she has not yet had a chance to review it.
  - Warden informed the Board that she attended a recent Selectboard meeting to update them on the potential role of the acting Zoning Administrative Officer, if one is appointed. The next step is for the Secretary to work with the Selectboard to request a bylaw update clearly defining the role and the authority granted to it.
- Agenda #5 - Correspondence:
  - None.
- Agenda #6 - Adjourn: McLam asked if there was any further business before the Board; all present agreed there was none. McLam motioned to adjourn the meeting; all present were in favor. Meeting adjourned at 9:00 p.m.

Draft submitted June 21, 2024, by:

Susan Sinclair
Planning Commission and Zoning Board Secretary