

## APPROVED MINUTES 17-DEC-2024

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

Meeting Date & Time: December 17, 2024, 7:00 p.m.

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

Board Members Present: Benjamin Adams, Dan Deatruck, Zach Mangione, Dennis McLam, Trent Roy, Eric Skovsted, Jake Stevenson. All attended in person. Susan Sinclair attended via teleconference.

Also Present: Shirley Warden, Zoning Administrative Officer.

Members of the Public Present: James McDonald attended in person. Grace Gershuny and Joe Suyemoto attended via teleconference.

#### General Hearing Minutes:

Chairman McLam called the meeting to order at 7:05 p.m and informed all attendees that the meeting was being recorded as required for Vermont's meeting laws.

#### General Hearing Minutes:

**Application 49-24 submitted by Christen Emerson for the Town of Barnet requesting to repair flood damage at the beach at 95 Harvey Mountain Road, Barnet, VT (Tax Map Lot #20-21-44.) The application is to be reviewed under Zoning Bylaw §§ 307 and 307.01 (general standards for conditional use) and §413 (flood hazard regulations.)**

McLam opened the hearing for discussion. Skovsted, speaking on behalf of Emerson, explained that the Harvey's Lake Beach Committee is preparing to begin repairs of beach damage caused by the July 2024 floods. He informed the Board that the Committee's work is focused on returning the beach to its original condition and no new structures will be built. McDonald and Suyemoto asked about the nature of the repairs and when the work would begin. Skovsted clarified the repairs focused solely on returning the beach to its condition prior to the floods and the work is scheduled to start as soon as possible, provided that work does not interfere with the annual nesting of eagles near the area. The Board, Warden and members of the public discussed the impact to Sunny Beach Lane. Members of the public also noted that eagles have not been seen at the nest in recent years.

#### **Motion/Vote/Decision:**

- Skovsted made a motion to approve application #49-24, without conditions, based on the facts of the application will not adversely affect:

## APPROVED MINUTES 17-DEC-2024

- o The capacity of existing and planned community facilities,
  - o The character of the affected area, as defined by the purpose or purposes of the zoning district within which the project is located and specifically stated policies and standards of the municipal plan,
  - o Traffic on roads and highways in the vicinity,
  - o The Bylaws in effect, and
  - o The protection of the utilization of renewable energy resources.
- Roy seconded the motion.
  
  - Skovsted abstained from the vote. Adams was not present for the vote. All other members voted in favor.

**Application #43-24 submitted by Grace Gershuny requesting a conditional use to build an accessory dwelling unit/garage at 1417 Joes Brook Road, Barnet, VT (Tax Map Lot #04-01-52.1.) The application is to be reviewed under Zoning Bylaw §§ 307 and 307.01 (general standards for conditional use) and § 305.01 (application of regulations for agricultural districts.)**

Adams joined the meeting during the discussion. McLam opened the discussion, and Gershuny explained that she seeks to secure Board approval to build an Accessory Dwelling Unit (ADU) larger than the Zoning Bylaw's current square footage limitation of 30% of the principal dwelling on the lot. She explained that the square footage of an ADU permitted under the Zoning Bylaws is not large enough for two people and also cited potential accessibility needs for mobility devices (walkers, wheelchairs, etc.) She confirmed that she will be able to secure the applicable State of Vermont permits for wastewater and septic systems.

Gershuny noted that the State recently enacted a statute that gives towns more discretion to allow for ADUs as part of the State's effort to promote the building of affordable housing. Further, she explained that she intends to apply for a grant from the State of Vermont under a program to subsidize the cost of building ADUs.

The Board, Warden and Gershuny discussed the existing Zoning Bylaws as to how they permit multiple dwellings on the same lot including: subdivision of the property, other waivers or conditional uses that might apply, setbacks and similar requirements for building an additional structure and septic/sewage requirements for building. The Board had considerable discussion about the possible impact of allowing ADUs greater than 30% of the principal dwelling throughout Barnet where ADUs are used as either rental income or only to provide additional housing for family members of the property owner. The Board also noted that Bylaws currently allow for Gershuny to have two residential structures on the property therefore a conditional use permit is unnecessary.

## APPROVED MINUTES 17-DEC-2024

### Motion/Vote/Decision:

- Adams made a motion to deny application #43-24. The Board determined the proposed conditional use does not conform with the General Standards under Zoning Bylaw §§ 307 and 307.01 as it would:
  - Adversely affect the character of the Agricultural District. The Agriculture District, as defined under § 305.01, is “...to protect lands with an economic capability for agriculture and which are now essentially undeveloped except for uses associated with agriculture or forestry,” and
  - Adversely affect the existing Zoning Bylaws to continue to grant similar conditional use applications.
- The Board noted that under the current Bylaws, Gershuny is permitted to have two residential structures on her property and can request a permit to build a second structure.
- Roy seconded the motion.
- Skovsted, an abutting property owner, recused himself from the vote. All other members voted in favor of the denial.

### Regular Meeting Minutes:

- Agenda #1 - Edit/Approve November minutes:
  - Warden provided edits to Sinclair to the draft minutes. After discussion, the Board approved the minutes as amended.
- Agenda #2 - New/Proposed Agenda Items:
  - None
- Agenda #3 - New Business/Zoning Administrative Officer (ZAO) Update:
  - None
- Agenda #4 - Continuing/Other Business:
  - McLam noted he will ask the prospective new ZAO to attend the next meeting.
- Agenda #5 - Correspondence:
  - No discussion.
- Agenda #6 - Adjourn: McLam asked if there was any further business before the Board; all present agreed there was none. He motioned to adjourn the meeting; all present were in favor. Meeting adjourned at 8:10 p.m.

**APPROVED MINUTES 17-DEC-2024**

Draft submitted December 20, 2024, by:



Susan Sinclair

Planning Commission and Zoning Board Secretary