

# PANTON PLANNING COMMISSION AND DEVELOPMENT REVIEW BOARD

December 9, 2021, Meeting Minutes

In Attendance: DRB/PC Chair David Raphael, DRB/PC Vice Chair Mary Rudd, DRB/PC Member Kirsten De La Cruz, Zoning Administrator David Martini, Wayne Jones

Via Zoom: DRB/PC Member Bob Hartenstein, Sadie Jones. DRB/PC Member Annie Hopper joined at 5:55 p.m.

## Development Review Board Meeting

1. David called the meeting to order at 5:48 p.m.
2. David convened the hearing for a variance of the setback requirements for Wayne and Sadie Jones at 1753 Pantan Road. House is 16' from centerline of road. House has been there for 30 years. The Jones's wanting to construct a two 2-story, 1352 sq. ft. addition. The DRB requested the Jones's submit an aerial photo labeled with distances and showing abutting properties. David reviewed the case earlier because this is a pre-existing non-conforming use. Must meet the following five conditions:
  1. Unique physical conditions that create a hardship, owner cannot develop property within setback requirements. David asked that the record show the plan has ample setbacks on the side and the back
  2. Addition does not increase the degree of existing non-conformity
  3. Not alter essential character of neighborhood
  4. Minimum variance and least deviation possible from the setback requirements.
  5. The unnecessary hardship has not been created by the applicant

Bob moved to approve the variance with the condition of the revised site plan. Mary seconded. All in favor; the variance was granted.

3. Approve minutes from November meeting.
  - a. Mary moved to accept the November minutes as written. Kirsten seconded. All in favor; the motion passed.
4. To discuss with Mr. Ben Hutchens, 2111 Pantan Road, the application of zoning requirements about RV campers.
  - a. Ben Hutchens was not in attendance
  - b. Even if the bus were a building, it is not located according to required setbacks.
  - c. Annie recused herself as an abutter with a conflict of interest.
  - d. Vergennes has same ordinance.

- e. The Zoning Administrator indicated that the way the ordinance is written, it could be read such that 30 consecutive days re-start once the person vacates.
  - f. David stated that it is within the DRB purview to interpret the intent of the zoning regulations.
  - g. Although Mr. Huthens could apply for waiver, waste disposal in a “camper” is serious concern.
  - h. The land was sold as non-residential property.
5. Monthly Report from the Zoning Administrator and any updates on permit activity.
- a. Nothing to report.
6. Other Business- old or new
- a. Annie Hopper is considering the use of a “tiny house” for temporary farm labor housing during lambing season.
    - i. Tiny house is portable; would be connected to water, but wastewater would be collected in a tank in the unit and disposed of properly at an offsite facility not hooked up for sewage, but water.
    - ii. Mary cited Zoning Regulations Section 5.17 which requires a conditional use permit for farm labor housing. The tiny home is essentially a camper, and the regulations explicitly prohibit the use of a camper as a domicile.
    - iii. The DRB has no means of oversight for conformance with respect to any stipulations the DRB might make for this use. The DRB cannot approve sub-standard housing.
    - iv. Annie asked if this kind of use could be considered on a case-by-case basis with appropriate wastewater disposal provisions. Could sunset provisions make this a tenable use?
    - v. The DRB determined that a waiver application that addresses all the farm labor housing provisions would be the appropriate next step.
7. ADJOURN
- a. Mary moved to adjourn the DRB meeting. Kirsten seconded. All in favor; the meeting was adjourned at 6:22 p.m.

### **Planning Commission Meeting**

Convened at 6:22 p.m.

1. Approve minutes from the November meeting. -Moved to later in the agenda.
2. PRESENTATION OF UVM STUDENTS: NEW VISIONS FOR ARNOLD BAY
  - a. The presentation will be put on the Town website
3. Approve minutes from the November meeting.
  - a. Mary moved to approve the minutes as written. Kirsten seconded. All in favor; the motion passed.
4. Proposed fencing plan for Pantan 4 Corners /1771 Jersey Street
  - a. Property occupant has agreed to fencing at the edge of the ROW.
  - b. The Junk Ordinance requires a 6’ fence to screen junk from view.

- c. The lot of the subject property is small and 6' high fence would be too claustrophobic.
- d. David will ask the Selectboard to grant a waiver to allow a 5' fence.
- e. Line of sight and other traffic safety issues have been addressed.
- f. Annie expressed concern about the Junk Ordinance enforcement on this property as "badgering."
- g. The property is not owned by the current inhabitant. It is not clear the tenant has the authority to erect a fence. Questions about who owns the property.

Kirsten moved that the DRB request a variance to the Junk Ordinance fence height requirement from 6' to 5' from the Selectboard. Bob seconded. All in favor; the motion passed.

5. New Business

- a. Otter Creek Engineering has completed the survey of Arnold Bay.
- b. Letter to and Response from the Rural Economic Development:  
Tabled

6. Old Business

- a. Arnold Bay Project: Covered in Item 2.

7. ADJOURN

- a. Mary moved to adjourn the meeting. Kirsten seconded. All in favor; the meeting adjourned at 7:56 p.m.