

## Minutes to the Meeting of the Panton DRB - Aug. 1, 2013

Present: Board Members, Chair David Raphael, Kirsten de la Cruz, Heidi Mahoney, Deeny Marshall, Louise Giovanella, Barbara Fleming, James Darragh  
Zoning Administrator Ed Hanson

Others; Ed and Eileen Brennan, John Viskup, Pat Whitney

Chair Raphael called the meeting to order at 7:12pm following a 6:00pm site visit by four Board members and Zoning Administrator Ed Hanson to the sites of the subject properties under consideration for conditional use approval at this meeting.

The hearing for the Zenie property was initially voted to recess until the next meeting as there was no representative of the applicants present, however Jim Darragh observed that the hearing was warned for 7:30pm. It was subsequently agreed to recess until a representative appears at the scheduled time.

As the Brennans were in attendance, the Chair opened the hearing for the review and approval of the request by Ed and Eileen Brennan for a conditional use approval of removal and reconstruction of an existing non-complying boathouse in the same location on Russell Lane.

Jim Darragh recused himself as an abutter to the subject property.

Ed Hanson and the Brennans apprised the Board of their plan to replace the present structure with a building on the same footprint and submitted professional elevations and a floor plan for the record.

David requested of the Brennans that they submit a site plan that locates the building relative to other known points on the site.

A motion was made by Louise Giovanella to approve the request as presented by the applicants, for conditional use approval of the replacement of the pre-existing non-conforming camp dwelling with a nonresidential structure with the condition that a site plan locating the building with dimensions relative to other known points on the site be submitted. Seconded by Barb Fleming. Unanimously approved.

Upon arrival of Pat Whitney, representative of the Zenies at 7:30pm, David opened the recessed Hearing for the Conditional Use approval for the removal

and reconstruction of an existing non-conforming camp dwelling by Lawrence and Carol Zenie at their property on Turkey Lane.

Mr. Whitney noted that they want to replace the existing camp as it would be less expensive than renovating it. There is no plan to enlarge it. He said there is a plan to move it approximately 15' to the south.

A motion was made by Louise Giovanella, seconded by Heidi Mahoney, to approve the permit application for removal and reconstruction of a camp dwelling as presented with the condition that a site plan be submitted for the record showing the building footprint in relation to other known points or boundaries. Unanimously approved.

**Other Business:** The matter of the Porter property on the corner of Jersey St. and Adams Ferry Rd., was discussed, with David noting that he had received another complaint about the junk on the site. Ed Hanson noted that we do not have a junk ordinance. It is believed that there is a business consisting of mechanical repair that is operating without a permit. Selectperson John Viscup said that any assistance the board could provide to the Selectboard on the matter would be appreciated. Jim Darragh questioned whether such an ordinance could extend to agricultural property. David noted that agricultural properties are exempt from such regulations by the town. Ed said that there is a state ordinance that any accumulation of scrap metal, automotive parts, junk etc., cannot be within 300' of an adjoining property, but that the matter has to be referred to the State Dept of Transportation and there is never money for enforcement. Ed will do some research into the matter. Deeny also mentioned the property across Jersey St. from the Town Office, noting they are putting appliances etc. on property the town bought for a possible parking area or septic site.

The matter of postponement of the site visit to the O'Brien/Gaouette/Stearns property was discussed. David noted that it had been postponed due to some confusion surrounding Section 220 of the subdivision regulations which state the requirement that abutters be notified by the applicant prior to a sketch plan meeting. Ed noted that there is nothing in the Vermont Land Development Law that recognizes such a requirement. He noted that he had suggested to the Board years ago that that provision be deleted from the Panton regulations as it would not stand legal scrutiny in a court of law. and there is nothing in state statute that gives the town the authority to put that burden on the applicant.

David noted that a sketch plan review is not a legally warned hearing and as defined by the state is an informal meeting between the subdivider and the DRB. It is an opportunity to discuss the proposed subdivision and the requirements of the regulations. David noted that Jason Barnard submitted a surveyed plan at the last meeting. David told them we will restart the process with a site visit in Sept. and go from there. Some recommendations for changes were made at the last meeting. Jason Barnard said he would not have time to make any changes before the anticipated September meeting.

It was noted that the DRB has conducted sketch plan reviews informally in the past without following the notification requirement set forth in Section 220 of the Panton subdivision regulations. However it was on the basis of that provision that an abutter was questioning the propriety of the site visit as scheduled. Board members acknowledged the discrepancy and resolved to begin to rectify the issue at the next meeting. David said he will plan to come to the next meeting with a proposal to alter the existing provision.

In further discussion of the submission of the proposed subdivision, David noted that the Board needs to be respectful of the concerns of all interested parties. It also has the authority to consider the proposal not only as it adheres to the subdivision regulations, but also provisions of the Town Plan.

Minutes to the June DRB meeting were reviewed and approved unanimously on a motion by Deeny, seconded by Heidi.

Minutes to the July DRB meeting were reviewed and approved with the addition of a statement to the effect that Jason Barnard informed the Board that he would not have time to make any changes to the subdivision design before the September meeting. Motion made to approve by Jim, seconded by Kirsten.

Meeting was adjourned at 8:20pm on a motion by Deeny, seconded by Heidi.

Respectfully submitted,  
Louise Giovanella clerk