

# Town of Panton

## Development Review Board/ Planning Commission

February 5, 2015

**Present:** Howard Hall, Jim Darragh, Louise Giovanella, Teena Hayden, Kirsten DeLaCruz, Barbara Fleming, Zoning Administrator Ed Hanson, Acting Chair Heidi Mahoney

**Others present:** Jessi Farnsworth, Pam Farnsworth, Seth Kittredge, Lynne Poteau Katelyn Ellermann and Paul deBoer

### DRB

#### Old Business

The DRB convened at 7:00 p.m. with a hearing for approval of a boundary line adjustment to the property of James and Pamela Farnsworth on Rt. 22A. All those giving testimony were duly sworn in. Seth Kittredge explained the reason for the new boundary line adjustment was that the original deeded lot was for ten acres but when surveyed it was actually eight acres. The boundary line adjustment will create a lot of ten plus acres. Louise Giovanella motioned to accept the boundary line adjustment Jim Darragh 2<sup>nd</sup>. Unanimously approved.

A hearing for Lynne Poteau appealing the content of the Administrative Officers advisory letter of December 14, 2014, relating the status of an unpermitted access curb cut on her property on Ridgeline Rd. All those giving testimony were duly sworn in. Howard Hall was recused from the hearing. Katelyn Ellermann representing legal counsel for Lynne Poteau stated Lynne Poteau's position and stated restrictions of the town's regulations and the state's regulations concerning accessory out buildings and access. Lynne Poteau has now applied for an access curb cut that is pending the review of the Select-board. A discussion of the present non-permitted access and the waiving of regulation # 503(3) until the Select-board has reviewed this case took place. Teena Hayden asked for an explanation as to the timing of the notice of violation, the effect of the stay of notice of the unpermitted access, how provision of affordable housing according to Lynne Poteau's legal counsel could be defined in this case and the resolving of the drainage issue with the non-permitted access is to be dealt with. Louise Giovanella stated that Zoning Administrator Ed Hanson issuing a stay of enforcement of the notice was an action. Zoning Administrator explained that his issuing the stay of notice for the unpermitted access was on his part considered an action until the notice of violation for the accessory outbuilding was resolved. Katelyn Ellermann said that was not so. Affordable housing was found to be not applicable in this case. Zoning Administrator Ed Hanson stated that under the provisions of section 4448A of the land development law delegates his authority as a Zoning Administrator to comply with what the town's by-laws. Katelyn Ellermann stated that the town's regulation of sharing the access to the accessory out building with that of the primary dwelling was more restrictive than that of the state. The issue of the lack of a culvert and drainage problem with the non-permitted access is to be reviewed by the road commissioner and the select-board. Katelyn Ellermann reminded the DRB that before them was the issue of whether Zoning Administrator Ed Hanson is required to enforce the provision that the access must be shared with primary dwelling. Louise Giovanella asked that Lynne Poteau explain how she has complied with the accessory outbuilding. Lynne Poteau explained what she has done to comply. Louise Giovanella asked how the taxes change from the use of the

accessory outbuilding as an office to a rented dwelling. It was decided that that was a question for the Select-board. Jim Darragh motioned to provide a waiver of town regulation 503(3) item #5 requiring the use of the primary dwelling access to be shared with the accessory outbuilding Kirsten DeLaCruz 2<sup>nd</sup>. Unanimously approved. Januarys' meeting minutes were reviewed Kirsten DeLaCruz motioned to accept the minutes Howard Hall 2<sup>nd</sup>. Unanimously approved. Other old business was that the select-board has granted an extension until May 1, 2015 for the removal of the derelict trailer on Panton Rd. Louise Giovanella motioned to adjourn the DRB Howard Hall 2<sup>nd</sup>. Unanimously approved.

#### **New Business**

Zoning Administrator Ed Hanson presented the DRB with an application from Gregg Link for the review and approval of his request for the conditional use of a new detached accessory structure on his property on Allen Rd. Louise Giovanella motioned to adjourn the DRB Barbara Fleming 2<sup>nd</sup>. Unanimously approved. The DRB adjourned 7:25 p.m.

#### **PC**

The PC convened at 8:30 p.m. The previous meeting minutes were reviewed Kirsten DeLaCruz motioned to accept the minutes Howard Hall 2<sup>nd</sup>. Unanimously approved.

Acting Chair Heidi Mahoney read the proposed wording for bunk house and dormitory farm labor housing. These were tabled until all the PC members can review them. Louise Giovanella motioned to adjourn the PC Barbara Fleming 2<sup>nd</sup>. Unanimously approved. PC adjourned at 8:45p.m.

Respectfully submitted,

Marjorie Huff,  
Clerk