Town of Panton Chartered 1761

3176 Jersey Street • Panton, VT 05491-9331
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Panton Planning Commission and Development Review Board

Thursday, September 14, 2023, Meeting Minutes

In attendance: DRB/PC Vice Chair Bob Hartenstein, DRB/PC Member, Gretchen Bailey and Annie Hopper, Zoning Administrator, David Martini, Hearing Attendees: David Clevenstine and Elizabeth Clevenstine, Charles Cushman of Cushman's Auto and Diesel Repair LLC, Legal Representative, Jeremy Ouimette from Law Offices of Ouimette & Runcie, and neighbor, Greg Barringer.

Via Zoom: DRB/PC Chair, Mary Rudd, DRB/PC Secretary, Bethanie Brady Farrell, DRB/PC Member, Catherine Hays.

DEVELOPMENT REVIEW BOARD MEETING

1. DRB/PC Chair, Mary Rudd called the meeting to order 6:00 p.m.

2. Approval of the minutes of the July 13, 2023, DRB meeting
   a. Bob moved to accept the minutes as written, Bethanie seconded. All in favor; the motion passed.

3. Public Comment – None

4. Monthly Report from the Zoning Administrator –

Permit #	Action Date	Parcel #	Applicant	Address	Request	Result
24-01	7/23	096400000	Dead Creek Plumbing	145 Fisher Lane	30x40 addition	Approved
24-02	8/1	073300000	David Richard	1403 VT Rte. 22A	10x10 mudroom	Approved
24-03	8/25	096400000	Whispering Pines	1072	30x30 Cabin	Approved

5. Other Business – No old or new business to report.

6. Clevenstine Home Occupation II Hearing (Stone Fruit Sales)
   a. David and Elizabeth Clevenstine of 1502 Adams Ferry Road met to review their application to operate a seasonal farm shed during the summer months in an R5 District. The DRB discussed their concern with parking and signage. No outside parties showed to appeal. The applicant did not meet the requirements of Section 524 Roadside Agricultural Stands as the products to be sold are not raised on the property. The use is deemed to need a conditional use permit from the DRB.
   b. Deliberative Session – Mary Rudd made a motion; Bob seconded, all in favor, moved to enter a Deliberative Session at 6:19 p.m. The Deliberative Session ended at 6:25 p.m.

c. Bob Hartenstein moved to approve Clevenstine's Home Occupation II for seasonal sales with Conditions. Mary Rudd seconded. All in favor; the motion passed to allow a conditional use permit with conditions that parking be provided off street, located in either the side or rear yard which does not obstruct the existing fire hydrant, to include one parking sign, as well as a second sign stating, 'no parking on street. Signs can be two-sided. These items are to be satisfied by the zoning administrator and road foreman. A seasonal sign is allowed but not permissible when the farm stand is not open.

d. Bob concluded the hearing at 6:27 p.m.

7. Charles Cushman Home Occupation III Hearing (continued)
   a. Mr. Ouimette representing Charles Cushman, stated the fence structure to amend the existing non-conformance issue with Home Occupancy II is underway. Five photos were given to show this progress. Boards are milled and ready for placement. He noted, the original plan to have the fence installed by mid-June was delayed due to extreme wet conditions. The plan is to construct a ten-foot fence on the south side, an eight-foot fence on the north side and may put trees in the front with temporary screening.

   b. Neighbor Greg Barringer stated his suspicion of additional employees and Mr. Cushman invited Zoning Administrator, David Martini, to stop by the business site at any time to verify. Mr. Cushman stated Mr. Chase is his only employee. Mr. Barringer stated he and neighbors did not wish the business to expand to HO3 due to the odd hours of truck traffic and diesel exhaust. Cushman said his interest in obtaining an HO3 is to appease his neighbors and possibly hire other employees though he has no plans for additional employees at this time.

   c. Deliberative Hearing – Mary Rudd made a motion; Bob seconded; all in favor moved to enter a Deliberative Session at 6:43 p.m. The Deliberative Session ended at 6:53 p.m.

   d. Mary stated the Board decided an H03 is not appropriate based on having an undue adverse effect on the character of the neighborhood. Further expansion of this business would violate that part of the regulation. The board will issue a formal hearing notice within the 45 days required. Bob moved to Not approve the Home Occupation III, Annie seconded. All in favor the Board agreed.

   e. Bob concluded the hearing at 6:54.

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8. Charles Cushman Home Occupation II Variance
    a. Bob made a motion, Annie seconded, all in favor agreed to amend the original Home Occupancy II conditions to allow Mr. Cushman to proceed with fence construction around the perimeter of his business to include a ten-foot fence.

9. Adjournment
    a. Bob moved to adjourn the DRB meeting. Catherine seconded. All in favor, the meeting adjourned at 7:02 p.m.

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Via Zoom: DRB/PC Chair, Mary Rudd, DRB/PC Secretary, Bethanie Brady Farrell, DRB/PC Member, Catherine Hays.

PLANNING COMMISSION MEETING

1. DRB/PC Chair, Mary Rudd called the meeting to order 7:02 p.m.

2. Approval of the minutes of the July 13, 2023, Planning Commission meeting
    a. Bob moved to accept the minutes as written, Annie seconded. All in favor; the motion passed.

3. Public comment – No public comment received.

4. New Business –South Basin runoff grant for Arnold Bay

    a. Mary reported there is no new information on the existing grant application. The voting Board did not have a quorum to act, and it was tabled until September 21st. Katie Raycroft-Meyer of Addison County Regional Planning Commission (ACRPC) mentioned if the grant does not go through, the Lake Wise Program, an Agency of Natural Resources may be able to help with funding to deal with the erosion run off.

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5. Old Business – Vergennes Bypass Meeting with the Selectboard
    a. The DRB/PC was invited to the September 11, 2023, Panton Selectboard meeting to discuss the Vergennes PEL Study. Mary has an action to contact Benj Putnam to confirm our legal path forward. Panton amended their town plan at the request of Vergennes to support the study, but we did not say that we would support any solution. At the time, David Raphael had thought that the Board could fall back on the town plan if we did not agree with the solution. Mary is to confirm with our lawyer.

    b. Regarding the survey, Annie heard from several people who would like to revoke their answers due to the lack of clarity, unclear scope of disruption and environmental implications. The lack of topography is misleading. Mary will relay these concerns to the Community Liaison, Jim Gish.

    c. Dan Malec, Lead to Land Use Planning, will be at DRB/PC November meeting to discuss what changes can be made to the Town Plan in relation to the Vergennes Bypass.

6. DRB/PC Board Meetings
    a. With the Selectboards approval, Bob made a motion for the DRB/PC to become a five-member board instead of seven and to meet every other month unless a hearing requires it sooner. This will allow a quorum of three. Bethanie seconded. All in favor, the motion passed.

    b. Bob Hartenstein announced his resignation to the DRB/PC Board. A huge Thank you to Bob Hartenstein for his contributions to the Town of Panton!

7. Adjournment
    a. Bob moved to adjourn the PC meeting. Annie seconded. All in favor, the meeting adjourned at 7:15 p.m.

Respectfully submitted,
Suzanne Snyder
Assistant Town Clerk