

APPROVED

**Town of Pownal
Planning Board Minutes
Wednesday, November 16, 2022
6:00 PM –Mallett Hall**

Members Present: Matt Altieri, Christine Watson, Todd Mellin, Secretary Marcia Bowen, Brian Stornelli, Samantha Peikes with North Star Planning, Recording Secretary: Alison Purinton

Members Absent: Orion Breen,

Guests: Heidi Curry, Andy O'Brien, and Chris Rogers with the Hustus revised plan.

Matt - Called the meeting to order at 6:05pm.

Secretary report:

September minutes were not voted on as all members were not present.

Old Business: Hustus revised plan.

Matt- Has asked that Chris walk thru the changes.

Chris Rogers – The pins have been set. There were some adjustments made by inches. Nothing has changed on the frontage side. We have made sure both lots have the adequate amount of frontage. Our attorney suggested we add a utility easement into the easement already there.

Matt- This is being conveyed from Rosemary and Mike?

Chris- Yes, and we are giving them this. Points to the map.

Matt –This is a trade?

Chris. Yes.

Matt- That makes sense.

Christine- It is pretty straightforward.

Matt- I move to approve the Hustus subdivision modification. Marcia to second. All in favor. (4-0) Motion carries. Signatures take place.

Slocum Minor Subdivision plan:

A conversation and review of ordinance regarding road limitations, road length, and how road frontage is counted/considered. More defined definitions with regard to minor and major subdivisions. How do we want to change our ordinances, and what we want moving forward?

Brian- I never saw revised plans for Slocum.

Todd- They shortened the road but also shortened the property lines.

Matt- I thought they were saying if they shortened the road they wouldn't be able to.

Todd- They found a way, we added each lot, to get the math correct.

Matt- Asks Sam if she can review the ordinance for us and find the limitation 600-foot road and number of lots. We have already determined a limitation when granting a waiver if the result is more than 4 lots.

Sam- As long as they meet if they have the road length of 650 feet to 600, they have all the frontage for all lots.

Matt- We should establish some sort of rule about this. This gives us a chance to realize there a loophole.

Sam- They have to make the road 600 feet or less.

Christine- Were all the waivers on this plan? That is another requirement that has to be done.

Heidi- We have nothing that says how to calculate frontage.

Todd- I have a different perspective of this now.

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Revised Sign Ordinance: Marcia- It is up

New Business: None

Other Business:

2023 Meeting dates: Board members that are present review the dates. Matt will send his changes.
Matt- I move that we adopt the 2023 submissions deadlines as amended. Christine seconded. Motion carries (4-0).

Review of building fees:

Christine would like the office to be able to provide potential clients a fee schedule. We have minor and major which are ok. I suggested that we do an amended subdivision for fees as well.

Matt- What are we looking at right now?

Marcia- Printed off the current schedule that is on the website. Which is different than the table that was sent to the board. It was determined there are three different structures shown depending on how you search.

Christine- The subdivision minor (\$1000.00 and major \$2000.00) are broken down. I thought if we should have people come in and say I am amending a subdivision, the office would know the fee.

Andy- We did add that.

Christine- It was never added to the fee schedule. The sketch plan is \$300.00 and the final is \$1000.00. My question to the Selectboard we have minor site plan or we have a major site plan development. What constitutes a minor site plan vs a major?

Andy- Nor do I?

Sam- There is no distinction.

Christine-What are the buildings 2000 plus square feet? Is that for the CEO?

Andy- He will require all permits on square footage.

Brian- It should say minor or major for consistency.

Christine- For a site plan review, those are different than subdivisions? The site plan is like what we did for the solar.

Todd- Got it.

Brian- Maybe just do one line.

Christine- My question is the building part.

Andy- Most of the fees on the fee schedule were requested by the planning board. Prior to any of you.

Matt- Read Section 801A to the board. He believes that is where the major and minor comes from.

Sam- You can have a project that is subject to both site plan and subdivision.

Marcia- Aren't they both about the same amount of work?

Andy- Basically.

Matt- The only place we use major and minor or in the subdivision. A site plan review encompasses subdivision as well. Maybe that is what is going on.

Marcia- People are paying the right amount of money.

Todd- Do we know if the current fee schedule is paying for Northstar?

Matt- That is why we updated the fees in 2021.

Sam- It doesn't say in the ordinance. It could mean that for every additional 1000 square feet of lot, they have to pay an additional fee. There is site plan and that fee. You pay an additional for 1000 square feet.

Matt- That is how it was set up.

Sam- Will provide a PDF broken down by job.

Matt-Propose we move on to the next subject.

Corrections to ordinances:

Christine- The sign has been approved. There was some discussion between the 75 feet and the 75 percent. Has that been changed? Or is it an item to go back to town meeting because of recodification? It was approved in 2008 and went through a lengthy process to get it done. For some reason it was changed back. At the time the recodification was happening it said 75 feet we corrected it when it went to town mtg in the midst of Northstar rejuggling everything it went back to 75 percent. Do we need to have this at town meeting.

Sam- Yes

Todd- But it was voted on at town meeting

Matt- So in 2008 the town tried to put in a cluster subdivision standard. That cluster subdivision was drafted as you can reduce the up- front by 75 percent. A very prominent speaker convinced everyone that it was 75 feet. So that was the applicable law from 2008. On our website that was published to the town always said 75 percent until 2 years ago when this came up and we realized it should say 75 feet. Our website now has the correct thing published. Fast forward to 2021 and we are working to run the recodification a number of drafts went back and forth we caught this and switched it from 75 percent to 75 feet and somehow the version that was attached to the warrant and voted on in said 75 percent and not 75 feet. The explanation to the town in town meeting and at every point this is not a change to our ordinance. Given that we voted on it we did make a change we just adopted something that was directly contrary. We have another cluster.

Sam- So this is a consistency.

Matt- I think there was a version control issue on your end. Someone sent to wrong version to be attached. That version retained 75 percent that was caught. The one that should have been voted on said 75 feet. It does not align with what was voted on. It appears that we pulled one over on the town. I think the reality is though we are talking about this change to cluster subdivision now. Let's not have a town meeting to address this change. Let's hold off on making any changes.

Christine- Something that happened with definitions and going back and forth we still have hotels and motels. In the definitions those were deleted in town meeting in 2021. Again we have those definitions in recodification. Those have to be deleted. Inn and Breakfast should be the definition.

Marcia- We voted on it.

Chris- We voted.

Matt- Hotels and Motels are not included in our ordinances.

Christine- We replaced them.

Matt- What do we have?

Christine- In 2021 we redid all these things to the ordinance. We got rid of hotels and motels.

Matt- Why can't we just take it all out?

Christine- We have to go to town meeting.

Matt- I propose that at next town meeting we address add this to the next article for warrant.

Christine- That is what we have to do now. In order for that we need local hearings.

Matt- Let's wait until we are making other substantial changes and add this as an article to the warrant then. Include that in the notices and public hearings and say by the way this is an oversight. If anyone wants to discuss it, then we can discuss it.

Christine- Section 904 B2G duplicate working needs to be addressed. 990 906 review procedure #3 least 10 and it has 100. It should be 10. 807 page 108 the noise nighttime vs daytime. These are things that have been sent to Ben and needs to be addressed. We need to address this because it still section 808 expiration notice of decision. We don't have anything there.

Sam- We don't have anything.

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Christine-My proposal is a site plan should become void if construction does not happen within one year of the date such approval as extended by the planning board.

Sam- This is notice of decision.

Christine- It is blank now.

Heidi- I think one year is tough. From my professional side as Estabrook's was approved last spring. We have still not gotten a DEP approval yet. We should have it tomorrow. They have a back log we expect them to ask for a 30 day extension. So now we're encompassing the Holidays and therefore they will ask for another 30 days. We will be almost a year waiting on them and we can't put any site plan bids out or RFP's out until we know the DEP has approved. They have to go thru the bid process. You find a contractor and he says we can't start until ? To expect any type of construction to happen within a year is unrealistic. We can't do anything until the permitted process is completed. It is out of our control.

Matt- The goal is to let people get site plan review to make the property more saleable. Like the Solar people. They got their site plan review so they could sell the property. We should avoid putting that burden on us. As much as reasonable possible. I think two years is reasonable.

Marcia- Most of the projects I have seen don't require a site plan and permitting. Is that unusual?

Matt- It is a pretty small.

Heidi- If the solar farm sells, the next company has to do the exact same thing.

Matt- I think Sam what happened here was a draft that a bunch of these were caught in and we reviewed them as a board. I think the wrong version went to Becky. If you would like to look at the version that Chris sends you and the version that was submitted to make sure that everything that Chris has flagged is consistence with the latest version.

Brian – Home occupations should not be a special exemptions. Given the rural character it should go back to permitted use. It is contradictory.

Matt- Can you spell it out for Sam?

Brian- RA and RB home occupations should be removed form special exceptions. Village should go from special exceptions to permitted uses.

Christine- I want to add another section for the underground cisterns so there is a defined on the steps.

- A. A cistern should be constructed with the first home construction is started.
- B. The cistern will be inspected by the fire department and CEO to ensure storage compacity.
- C. The cistern to be tested by X, if cistern is covered before the fire department can inspect a vacuum test, must be done by owner and must be in compliance with the ordinance. Documentation of a passing test must be provided to the fire chief and CEO.
- D. Cistern shall be tested and ready before the first home receives and occupancy permit.

Marcia- Is a cistern different than a septic tank?

Andy- A cistern is for fire protection.

Christine- That is what they are doing for Merrill.

Matt- Can we add to the list? Once we have all of these changes, we should all be able to review them. It made sense as you were reading along. I think what I understood is that it would happen before the first certificate of occupancy.

Matt- Is there no building code applicable to cisterns?

Andy- It just said they have to have it.

Matt- Do other towns have procedures or do you already have one.

Christine- Andy will get me that information and will add it to the list.

Marcia- Where would that go?

Christine- Under 905 reviews. Procedures and subdivision 3.B. Do we want to tackle cul-de-sacs?

Matt- That should be an item in the next ordinance change. We should prioritize open space subdivisions; we can add cul-de-sacs if time allows. We can probably draw from Northstar as I think many other towns already have definitions.

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Andy- Can I recommend that you change the name from cluster subdivision to conservation subdivision. Cluster subdivision scares me.

Matt- You are correct. It sounds awful

Sam- Open Space and Conservation subdivision are the same thing. Cluster is different.

Update from Northstar review_

Sam- What was sent to Marcia stuff that would be addressed in the workshop.

Pownal Newsletter submittal

Matt- I submitted a blurb about what we have been doing. We have reviewed a number of subdivision applications. We are holding workshops on ordinance review looking specifically at bringing the ordinance in line with the 2021 comprehensive plan. If anyone has anything they would like to add send me an email. Deadline is November 25th.

Next Month agenda- MMA is holding an open workshop. We are required to attend one workshop for a two hour period. I think it is a onetime only requirement. I strongly encourage folks to attend. It does create a level of comfort when speaking.

If the only item is to approve minutes let wait. We should hold off on the workshop for December however plan for Jan and Feb.

Discussion- We will be welcoming a new alternate Mercedes I have not met her. She has some planning experience, which is great. That is exciting.

Adjourn

Matt- I move we adjourn the meeting at 7:58pm. Marcia to second. All approved. (4-0)

Respectfully submitted,

Alison Purinton

Planning Board Recording Secretary