

**Town of Pownal
Planning Board Workshop Minutes
Wednesday, March 31 ,2021**

Members Present: John Bowdren, Gabe DiGristina, Jesse Peters, Matt St Cyr, Secretary: Christine Watson, Alternate: Matt Altieri, Town Planner: Tony Dater

Absent: Alternate: Marika Clark

Guests: Select Board Member Heidi Curry and Andy O'Brien, Susan Peters, Andrea Wappler, John Schwanda and SM Leary

Call to Order at 6:07 pm by Vice-Chair John Bowdren

Discussion: William Allen Farm – K& T Enterprises –

John started the meeting by stating that there will be no public input or comment unless the board request comments and the person is voted in to answer. Public will have opportunities to speak at the public hearing, regular meeting on April 21st, a site walk and regular meeting in May. John reviewed the application, all documents that were included and the checklist which he compared it to the ordinances and found some issues. After a brief recap of the what K&T Enterprises, LLC was proposing, John presented the issues he found and the articles that were associated with those concerns. The change of use from a single dwelling to a professional/business use means different and stricter requirements.

Article 3 zoning:

William Allen Farm is in zone RB and special exemptions are the same as for zone RA.

- Page 6 Section 7 - C - Special exceptions #8 a, d, e applies.
- Page 8 - 2 - Off-street parking and Loading – A. Off street parking for dwelling, business or accessory use, shall have for each space a minimum of 10 feet by 20 feet, either in open air or in a garage. – B. Dwelling and Offices, professional, businesses and public buildings, which one would be used for the farmhouse. The event barn 3200 sq ft divide by 250 12.8 parking spaces in the gravel lot.
- Page 2 – Section 3 Conformity – D. you can't use the barn parking for the farmhouse parking.

Article 4 Site Plan Review

- Page 2 submission requirements are fairly or almost similar to the site plan review ordinance application. This is where the application is pulled from.
- Page 3 – D.2.D – Utility plan – should this be on the plan? Presumably the septic system now is sized to meet the existing bedrooms but does this take into account the extra bedrooms they are asking for and a gentlemen's lounge.
- Page 3 – E - Criteria and Standards – 3rd paragraph states: For good and sufficient reasons properly documented, the planning board may waive and/or vary standards and criteria as they may apply to a specific site plan application.

- Page 6 - 7 - Parking and Circulation – B.3 – adequate off-street parking shall be provided according to the requirements state in the zoning ordinance, section 9, performance standards, 2 a-d. and B.7 – no off-street parking or loading area shall be located in the minimum required setbacks. This gets to the 75' foot natural buffer in special exceptions. Will need to look at the plan where the 75' setback hits.
- Page 7 – 10 - Utilities – septic system fielding sizing regarding adding bedrooms and the lounge. Not sure if this is a CEO question.
- Page 7 – 11 – Performance Standards for Industrial, Commercial, Business and Professional Use. - 2 - Noise – allowable sound levels. Gives the planning board the parameters for excess noise.

After going over the site plan review application, John opened the discussion to the board for comments and questions. Gabe suggested we go through each one as there was a lot of information covered.

Noise: Matt St Cyr suggested breaking the noise into two pieces.

A. What the neighbors are used to and **B.** The rental noise.

Noise was a big concern for the abutters as well as enforcement, what is happening at the house on Friday night and managing the noise on event day in the barn, concerned with the leakage from the wedding night outside into other nights. Heidi was asked how they handled the noise.

- They had many conversations during the day with the DJ or the band that was setting up that they live in a residential neighborhood, they have neighbors that are very close by and we want to respect that.
 - Matt St Cyr asked how many times did they have to go to the DJ or the band to tone it down? Response from Heidi, pretty regularly and it was self-policing as they did not care to get a notification from the neighbors.
- They also informed them if requested during the event to tone it down they were to tone it down.
- The only amplified music they allowed outside was through late afternoon cocktail hour and typically done by 6pm. No amplified music outside after that.

Planning Board received a letter from Kate Sansom. She wrote that the property manager or she would be there all times during the event and would be responsible for locking up the barn at 10:30pm. A condition on this application could be that they annually renew the license to rent the farmhouse out. If it becomes a problem for the neighbors, there would be an opportunity to stop the rentals.

Question was raised on who would enforce the conditions and is someone going to be onsite from the time somebody checks in like someone who operates a bed n breakfast would or just for the wedding event. A possible condition could be that the planning board requires someone stay on site.

Enforcement would be the CEO. Matt A. asked if there is any need for some sort of restriction outside of the event on the number of people or size of the gathering outside of the event night.

John remarked that Kate mentioned the limit is 12 people in the house. A suggestion was to put a limitation on how many can be on the property. Per Heidi, the barn is licensed for 190 for seated

reception and over 300 for a standing reception. She also mentioned as a personal choice, they kept it at the 190 mark.

Question - Has there been a lot of rehearsal dinners that have happened historically at the barn – Heidi responded that there has not been a lot of rehearsal dinners but they did not have the ability to stay.

Question - Is it the amount of people we are concerned with or the amount of noise the people are making? If it is the noise, we have to say how much noise and when does it stop. Matt A. responded that he thinks it is both and it was helpful when John went through the ordinances. Fair amount of that is about the impact on the neighborhood and that's we heard from the abutters a few weeks ago. It's not just the amount of noise but sort of how the neighborhood gets changed by the amount of use for each building.

Safety: Jesse was contacted by Kate to come over as fire chief to look at the building to give her an idea on what she needed to do to bring it up to code to rent out the house.

- He only found two rooms on the second floor that would qualify as rental space because they have egress windows. She agreed to lock those doors if they could not be rentable space.
- There were a few smoke detectors in the building, one on each floor. No smoke detectors were found in the bedrooms which is required by law when renting an apartment. CO detectors on every floor is also required
- Jesse had a couple of long talks with the fire marshal about this and basically, they view it as a single-family resident. Fire marshal would step in to do a full inspection if it was a boarding house.
- Kate also is talking about taking other rooms and turning them into bedrooms. When she does this, she changes the flow pattern for exits. These types of changes would require the code enforcement officer to be involved.
- Jesse also suggested to Kate that she should have a framed exit sign "you are here" Emergency plan in every room, as the guest will not be familiar with the house layout.
- Heidi indicated the fire marshal does come once a year to inspect the barn. The barn with the home occupation always fell under the category of dance hall permits which has to be renewed annually.

A side note: When John was researching, he noticed that the single-family dwelling has enough room to turn into a two-family dwelling which is allowed in our Article 3 space referencing dimension tables for enough lot space. The Sansom's could turn the farm house into a two-family dwelling, arrange the two dwellings as they see fit to accommodate Mr. Sansom and continue to run the business as a home occupation. He didn't know if this was pointed out before, he knows that this was the short-term goal and the long-term goal is what we have before us. Matt St. Cyr thought the short-term goal was deleted because the practicality of renovating for Mr. Sansom's access to the home.

Parking: It was suggested that the farmhouse parking should be some ratio of its capacity referring it to as a dwelling and not as a professional space. Twelve people, we need 12 parking spots or 8

parking spots. Ratio be based on how many people are able to stay there. Ratio could be 1:1. Tony stated the parking for the house should not be excessive. He suggested using a factor of two so if the maximum number of people is twelve maybe provide six parking spaces.

Event Parking: John did not know how many cars can park beyond the stockade fence. Gabe thought it was about 90 and Heidi confirmed it was a pretty big area. Jesse commented he would not consider this the same type of parking as you would have at a regular professional building. You are talking about a mass gathering type of event where you will have a lot of vehicles. John thought it would make sense to have a note or condition regarding a number limit, the event is for the barn and keep the event from happening in the field.

Utility: Article 4 section 10 Utilities

- John asked Heidi during an event **A.** were port-a-poties required and **B.** did you ever let anyone from the wedding or event use your house to use the bathroom.
- Heidi replied that there are two septic systems on the property. One is for the house and the second septic system was installed when Jill Hutchins owned the property and ran the daycare
- Guests do not use the house for the event. There are guest bathrooms that are used during the event which are on that septic system for the daycare.

Review the existing septic system permit for the farmhouse for occupancy rating. The CEO should have a copy of the permit per Tony.

75' buffer – with the new use has more restrictive rear and setbacks - John directed the viewing of the boundary plan where the barn and the little road that says pavers. Right where that meets, he thinks that is about 75' and if you go towards back it sort of cuts the corner of the barn keep going across the pond follow the zig from the property and keep going back across the gravel area cutting off maybe a 1/3. Christine brought up the 75' buffer and are we able to waive this because according to the MMA the planning board must ensure that they are waiving only a requirement that is established by the subdivision ordinance or regulation and not a requirement that actually is based on a provision of a zoning ordinance; only the boards of appeals have the authority to grant variances from zoning requirements. Matt A. had the same question and he thinks it is very clear that we cannot waive that provision; both by the plain language of the provision and under that MMA guidance which is interpreting a bunch of certain court precedences. Tony stated that the Planning Board could advise the applicant that they can seek a variance from the zoning board appeals on the 75' set back. The other issue was the square footage. Interpretation of the "each use" was between barn and house are separate uses or the barn and house is viewed as one use. Andy stated that it might be wised to run this by the town's attorney. Matt A. echoed that comment as he thinks it is really ambiguous whether we can interpret this as an accessory use.

Currently it is a home occupation and meaning the home needs to be occupied. Until the change of use is actually changed someone has to be living there. Question is if she is not living there can she run it as a home occupation until the change of use comes through? CEO is our only enforcement in town. Matt A. added that it makes sense for the planning board to inform the code enforcement officer that there is a question that has arisen about whether she can utilize this in the way she

looking to over the next couple of months while she does not live there. We don't have any authority to do anything about it and it is up to the CEO.

Another workshop to be scheduled on April 14th and also a reminder of a site walk on 4/6/21 at 4pm for the NBD Solar on Fickett road.

Meeting adjourned at 8:03 pm by John Bowdren

Respectively submitted,

Christine Watson

Christine Watson
Planning Board Secretary
4-21-21 Approved