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**Town of Pownal
Planning Board Minutes
Wednesday, August 17, 2022
6:00 PM –Mallett Hall**

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

Members Absent: Todd Mellin, Orion Breen,

Guests: Richard Maguire- CEO, Jeff Read with SME, Chris and Mindy Bourgeois, Warren Gerow, Associated Design Partners, Andy O’ Brien and Heidi Curry- Selectboard

Matt- Called the meeting to order at 6:04pm. Welcome everyone, The regular planning board meeting will begin. We have a quorum present. I would like to introduce Rich Maguire as the new Codes Enforcement Officer. Samantha will be filling Ben’s role with Northstar. Welcome Sam.

Secretary report:

Please mark this meeting was via Zoom. Page 4 add “B” after Chris. Page 5 Slocum subdivision dis sounds as though as. Page 3, 8 sentences down mark indescribable, video dropped out. Line 17 change frontage is to frontages. Page 6 halfway down change buy to by. Page 7 replace and with as.

Matt- I move the board approve the minutes of 7-20-2022 as amended.

Christine to second. 4-0 Motion carries.

Matt- The board recognizes the minutes of the workshop meeting, we will not review those.

Old Business:

Matt- Sam, Ben had emailed me about the Estabrooks notice of decision. I just need to sign it. I will do that now. Marcia asked what he was signing and why. An explanation was given.

Jeff Read- Explains he works for Sevee and Mahar and has the plan with him to sign. He acknowledges he is not here for that tonight but brought the plans with him so they could be signed and then be recorded.

Christine- Reminds everyone the Jesse voted on this project and Jesse will need to sign the plans as well. Once Jesse signs someone from Sevee and Mahar can pick up and file. All agreed.

Hustus Subdivision-

Warren Gerrow- Last month we presented a project that was short road frontage. They owners have been able to buy property from the neighbors, so they now have enough road frontage, to satisfy the 300 feet or road frontage per parcel. That is the big change. Just obtained additional land to meet the road frontage requirements.

Matt- Has that transaction taken place?

Warren- No, it is pending to be done if project is approved.

Matt- It is unlikely we vote on tonight. It would be helpful to have a letter from the Whitney’s.

Warren- We have provided that.

Marcia- I have scanned the letter and plan.

Matt- Any members of the board have any questions?

Christine- I have questions about the application.

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The property owner just lists Chris. It needs to list both Chris and Mindy. I did not have an authorization on file to have Warren fill out the application. Application is not dated.

Warren- I think the application for this meeting was submitted on the signature page.

Christine- This said July 29 and it has no date.

Warren- I can put a date on there.

Matt- In terms of authorization, Do you approve of Mr. Gerow acting on your behalf?

Chris B.- Absolutely.

Christine- It needs to be complete. Under property info it does not list property being developed and property remaining. I personally would like to have the actual boundaries on this plan.

Warren- So do you want pins to be set before it is approved?

Christine- That is my preference.

Matt- How do folks feel about that. We have heard from others the general practice is not to set pins. On site walks it helps to have pins located. I think the plan needs to provide enough description on where the pins should go.

Sam- I don't think it is necessary. I have seen it both ways.

Chris B.- In Warren's plan, it is clearly marked as to what we went over with Mike and Rose. They are clear of what is needed. So what is listed on that plan is what will happen to the foot.

Matt- Rich can we establish a condition of approval that the pins match closely within the plans so that this lack of clarity around the property they are purchasing is dealt with. Would that be enough for you to say yes, I see the pins and I see the plan. Is that enough?

Rich- I am not sure of the legality of it if the survey says that is where it is then that is where it is.

Chris B. If anything we are over.

Rich- It is always better to have more.

Marcia- This seems like a pretty minor transaction.

Matt- I don't see a need to finish the transaction. Before we vote. We might include a condition of approval to confirm frontage is correct.

Rich- As long as I have pins and a wheel, I can measure frontage.

Warren- As far as setting pins before approval? More commonly approved pins are to be set. When they pull a building permit and there are no pins then no permit. There is some policing there.

Brian- The issue is the permits may not get pulled years from now and that will get lost in the paperwork.

Matt- Can I propose that if we approve tonight it would be subject to condition of the land sale with the Whitney's.

Rich- You have your minimum frontage required. It is obviously what we are looking at.

Matt- Christine do you have any other items from the application itself?

Christine- No.

Matt- I did not have any issue with dimension concerns. Do any other members have any concerns? The question last meeting about the backlot ordinance this is an exception where we have to treat it as a minor subdivision because it was previously sub divided.

Warren- You can't do a back lot because of the village district or whatever it is called.

Matt- Sam, Do you have anything flags or considerations we should make?

Sam- Frontage is the main thing because this is an amended subdivision. Not much is changing, and most findings remain the same. It would be reasonable to act on the application tonight.

Matt- Christine in terms of completeness would you be okay with our finding this complete tonight so we can vote on it? If we are to add Mindy's name and date of application?

Christine- Yes, Chris and Mindy get up to sign the application and fill in the blanks, and date.

Matt- I move the board approve the Hustus amended subdivision located at Tax Map 5 Lot 16.01 based on findings of fact and conclusions of law on the planner memo dated August 4, 2022 and subject to the condition that no building permits be issued until pins are set and frontages are measured to be adequate

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and any necessary transactions to acquire ownership of the parcel. Christine to second. All in favor 4-0, motion carries.

Plans are signed.

Slocum Subdivision-

Matt- We are going to talk about waivers tonight. The big question is the 650 feet vs 600 feet.

Jeff- Correct

Matt- I want to frame this as a discussion. If we were to say no as a board that we can't extend to 650 feet because there are 5 lots on the property. What would that do to your other requests?

Jeff- The plan in general would need to be scrapped. We would either need to go to four lots, which would technically meet that requirement. I go back to the rest of that section that says you have the authority to waive those items. The planners have recommended this. Without it we don't have frontage on those back lots. It would change the plan considerably. We have done a test pit out there, so of the 650 foot right of way we have 110 feet of the proposed private way that exceeds the minimum grade requirement. It exceeds the requirement because the test pit bore in that section, we have roughly 2 feet of base gravel and then reclaim sitting on top of ledge.

Matt- This is to move from the existing 18 percent to 10 percent.

Jeff- Yes, to comply with the 10 percent road standard requirement would involve a considerable amount of expense. Draws out the explanation on a map and presents to board. It is not a safety issue it does not impact the public health and safety and general welfare. We've spoken with the fire chief. He does not have an issue with road width, or steepness. His concern is if there was a fire, they would need to get a tanker truck up there. There is an existing full-time pond on the property that can be accessed so a tank truck would not be needed. The pond could meet the criteria with the appropriate dry hydrant installed. The fire chief would support all waivers. I feel this is a reasonable request.

Matt- We have 5 requests here. I would say 4 in one category and 1 in another.

The first category is the length of the road. That is beyond the 600 ft requirement. What I see applicable is section 610D -2 page 78 of the new ordinances. Get ordinance. I view this as prohibiting anything beyond 600 feet if more than 4 lots are created. How do other members of the board feel? I view this as not permitted under our ordinance.

Brian- You just can't have more than 4 lots in the subdivision.

Christine- I take it as we can increase it 50 feet, but you can only have 4 lots.

Brian- What if you dropped the back lot?

Matt- They would not need the extra 50 feet is it were only 4 lots.

Jeff- You have the ability to waive this as you see in the next section.

Matt- Lets go to the next section because that is important. In considering minor modification on private dead end roads the planning board may waive the standards in the public and private roads ordinance for minor dead end streets. That is talking about the standard. That is not talking about the 600 foot length. In sub paragraph 2 it says "It may allow minor modification of the 600 foot standard". While there is a problem with our waiver provision that is not that consistent however I think this is the most specific application of the waiver and it is a limitation on what waivers can be granted. Only as applicable to the 600 foot standard. Not all standard, not the topography standard, or the width standard or anything like that. Only as applicable to this we can waive but only fewer than 5 lots.

Jeff- The 4 lot requirement is part of the standard that you can waive.

Matt- That doesn't work for me. Step 2 is controls here for my decision making purposes. I would not be able to approve under step 2. Others are welcome to speak up if they think differently.

Marcia- Where is this found?

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Matt- Page 78. The key is you start from the most specific example. You start from one standard the 600 foot road standard and you can waive that limitation but only if no more than 4 lots are created. We are really focusing on that.

Marcia- That is how I interpret it.

Brian- The standard is there

Christine- In the minor subdivision on page 115, the maximum 4 lots allowed upheld.

Matt- Where is that?

Christine- Section 904 page 115.

Matt- I think we can go ahead and vote on that waiver request, just as the 600 feet to 650 feet then we can move on as a board. I don't think we will vote on those as they may change. Given the 600- 650-foot change.

Jeff- So you are leaning against approving that last waiver request. The four lots is a deal breaker, even though your planner and Sam have reviewed this and feel it is a waiver request you can approve.

Matt- That correct

Jeff- That's great. That's your prerogative.

Matt- Would you like us to go thru the other 4 waiver requests?

Jeff- Yes, I would. I think they make a difference.

Marcia- I sent two letters about the waivers which I forwarded to the board and today I rec'd another submittal that had the duplicates and review comments on the waivers as well the deed.

Jeff- In the planners memo there were a couple things that were open ended and did not require a response. But I wanted to respond. They did request copies of the property deed, etc. Which were provided.

Marcia- I was just telling the board that we had gotten some additional information.

Matt- I want to make sure we include the ordinance provision in the motion.

Jeff- I have been doing this for a long time and this is the first time I have come across something like this for a lot stipulation based on it. I know you are going thru your workshops and looking at ordinances and making revisions. Is this something that your looking at now and might change?

Matt- I can't make any promises, we haven't even reached the part where we look at specific ordinances.

Jeff- I know you are trying to clean up some loose ends and did not know if something like this is one the list.

Matt- I could speculate but it would be purely speculation. The timing of the ordinance revision is like years out.

Jeff- So it is nothing in the next few months?

Matt- We don't have a draft

Christine- Even with a draft would need to be approved by the Selectboard.

Matt- Is everyone okay with me moving on this. I motion the board deny the request regarding the Slocum subdivision application for a waiver to the 600-foot standard for minor subdivisions because there are more than 4 lots on the proposed application so the board concludes this is not permitted under Section 610, D2 and section 904B. Brian to second. All in favor 4-0 motion carries.

Matt- We will move onto the other requests which I view as following under 610D3 which address other standards here there is a lot more basis for us to consider, they are the exception not the rule so

Brian- Is this even relevant?

Matt- I think it is helpful to have a discussion. This is an area that he should have some clarity of the approach. I do agree it may not be relevant. I want to give some guidance. My view is 20 foot and 4-foot shoulders those are wider than in other towns. They take away lawn space and create an imagine that looks more like sprawl than rural town. We also have Chief Peters explanation that he has no concerns with the width of the road it seems to fit clearly with our discretion. I am leaning to have a process for the foreseeable future until we make a change ensuring the fire chief has an opportunity to do a dry run and

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determine whether it has an issue to do with safety. We grant such requests where the fire chief has deemed appropriate. Does any have concerns?

Marcia- For this project?

Matt- When we approach waivers like this, we should have a uniform approach. My approach is to say we need to have the fire chief sign off. He needs to go look at the road and see the tanker truck can get past and there are no other safety issues.

Christine- That is one person. The road commissioner should also be involved in this decision. He deals with roads all the time. He is the best one based on geographical area.

Todd Slocum- The Road Commissioner and Fire Chief have been there.

Matt- We have a letter from Chief Peters that he was okay with conditions. We did ask you to get a letter from the Road Commissioner, so we know it has been reviewed.

Jeff- Private way or private road is not maintained by the town. I agree the road commissioner should look at, but it is not going to be a town road.

Matt- There are standards you are talking about the geotextile.

Jeff- It's a good reference I am a registered professional engineer I am required to make sure it is safe or its not going to put anyone in danger. I think that we have some special circumstances. In terms of policy and procedure and moving forward there is still a life safety piece however a difference between and public and private road.

Richard- My first career as a trooper I witnessed a tractor trailer truck that had rolled over in the soft shoulder. We are talking about this as a subdivision fire department vehicle tanker with water to get to a scene to put out a fire. Are we talking about the width of road being 20 feet?

The fire chief can speak better than I about the turn radius on fire department vehicles. But if the road is not built properly to support the weight of that tanker you will have issues.

Matt- We are talking about the procedure the board uses to determine waivers, you made a point about public vs private roads and the standards for those. It would not be our goal to ask the road commissioner to give an opinion on whether the private road matches a public road standard. But rely on his expertise so we may address all the issues.

Christine- Jesse asked to have access all year round long. Will there be an issue with access?

Todd Slocum- No there is a road beside it.

Christine- I mean as far as pumping water.

Jeff- It will have a dry hydrant design. Explains how they work.

Christine- I was asking because of the elevation.

Jeff- There will be plenty of water.

Christine- There will be road maintenance agreement?

Jeff- Yes.

Richard- Can the pond take 2 refills of water?

Jeff- The fire there before they brought tankers and was not a large fire based on my understanding. They had no issue with navigating the road. The pond ties into the waiver request with the width and grade and everything else the chief supports was based on. If we're able to secure the waivers than we will pursue the dry hydrant. If we can't there is no need.

Marcia- Can you show me where the dry hydrant will be?

Jeff- Points it out on the map.

Richard- What are the percentages on that crown?

Jeff- The road itself will be crowned at 2 percent which is the standard. The shoulders will match the road crown. What we have proposed 16 foot travel surface built to 18 inches of gravel and then 3 inches reclaim and the shoulders to match. Off the shoulders will be ditches built to town standards.

Richard- Will they have the ability to turn around?

Jeff- We do have a hammerhead.

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Richard- The thing that concerns me is the 2-foot shoulders.

Jeff- We want it to be stable so it will be compacted.

Andy O'Brien- I was driving the fire truck in question of the day of the fire and had no issue.

Matt- Procedural we need to make a decision on how to move forward. I don't know it makes sense to vote tonight about how we are going to approach.

Jeff- I need you to vote on these tonight so I know how to move forward.

Matt- What will we require going forward with respect to waivers that are not the length of the road but the road in general. My preference we require the fire chief to submit something that will satisfy. I am not strongly in favor of the road commissioner giving opinions, but I am open to it.

Sam- You are talking about having letters from both the fire chief and the road commissioner.

Matt- Yes, I know we have something from the fire chief.

Marcia- I struggle with the 20 foot road standard as there have been many projects in town that have been very rigid about that. I agree it is overkill in some locations where you are trying to project a rural feeling. It is something that needs to be examined.

Matt- I think you can read the 20 foot requirement for public safety purposes if the board sees no issue they can make a modification to those width requirements.

Brian- The road detail.

Matt- The road commissioner giving some guidance is a good thing.

Jeff- It is our intent to comply with the thickness and construction. We are not going to deviate from that.

Matt- Do we want to have a standard procedure for any road waiver request that we require a letter from the fire chief and road commissioner on whether those waivers are acceptable. One option for tonight to approve the requests 1-4 subject to the next meeting you come before us something from the road commissioner in writing. That would give them certainty which I think is what they are looking for.

Marcia- I agree.

Christine- I have always asked the CEO, Fire Chief and Public Works their concerns with any project.

They do send us an email with their concerns. It is just a general practice.

Matt- So you already do that?

Christine- Yes.

Matt- I will make a motion, I move the planning board grant the waiver requests 1-4 in the application for minor subdivision from the Slocum's subject to condition of approval the applicant submit prior to next meeting a letter from the road commissioner approving of each waiver request and reasons for each.

Christine to second. 4-0 motion carries.

Jeff- Can you email the road commissioner with each request?

New Business- None

Other Business- Any documents that have errors should be directed to Northstar. Kathy Hogue would like a short statement from every group. I think say something about the workshop and what we are doing. Matt will compose something and submit.

Next Month Agenda- It sounds like we will have something from the Slocums.

We may have something from the Brodeur/ Hibbard backlot.

Adjourn- Matt called the meeting to adjourn at 7:38pm. Christine to second. All in favor 4-0, motion carries.

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Respectfully submitted,

Alison Purinton
Planning Board Recording Secretary