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**Town of Pownal
Planning Board Minutes & Public Hearing
Wednesday, June 26, 2024
Meeting Minutes**

Members Present: Matt Altieri, Todd Mellin, Marcia Bowen, Orion Breen, Brian Stornelli, Bill Schmidt, Mercedes Pour-Previti, Thomas Ursia, Town Planner, Ginny Giddinge, CEO, and Recording Secretary, Alison Purinton

Members Absent: None

Guests: Tom Hall, Mark Dohle, Mike Rogers, Chris Silsbee, Jackie Vine, Rose & Mike Whittey, Andrew Treworgy, Amanda Lessard, RRCT (Royal River Conservation Trust), Hanae Garrison, RRCT, Nina McCandless, Peter Lester

Call to Order at: 6:02 pm by Matt Altieri.

Public Hearing

Applicant Nina McCandless: Nina introduces herself and presents a slide show for the proposed Inn at 162 Merrill Road. She explains the project will be built in phases with a total of 5 units upon completion. At the start we will have 2 units. Units will be priced on the higher end to reduce traffic. We ask for a special exemption for a more open-ended, gradual process. The plan change that is presented is to address requests from fire and rescue for a complex driveway which adds a second entrance.

Matt- This is an application for a special exception. What we are doing tonight is holding a public hearing. There is an opportunity so neighbors and residents of Pownal are able to give some input, and make observations. With special exemptions it is a more open-ended process. We need to put in a lot of consideration as it impacts of the neighborhood. After public comment the Board will deliberate and then make a decision.

Public Comments:

Tom Hall- My family lives next door to the property in question. We have seen them put in a lot of effort into improving the property. The detail is great and has received a lot of thought. I think this would be a great addition to town.

Lester Blake- I live across the street and have grown up in the neighborhood. We are in full support.

Matt- Seeing no other hands we will head towards deliberation.

Orion- I think this is a good group of people.

Mercedes- What would be the timeline on the first 2 units?

Nina- Since I met with you last, I met with a structural engineer as it is required by the State for lodging. The initial structures are solid, hopefully Fall 2024 for units 2 and 3. Realistically Spring.

Todd- I have a question for the board. If we approve the 5 units and they decide they want a coffee shop would that require them to come back before the Board.

Matt- Yes, it would be considered a change of use. I propose we go for a completeness vote and then deliberations on the special exception. Then go thru the findings of fact and conclusions of law.

Matt- I move that the Board find the application complete. Marcia- Seconded. All in favor (4-0)

Matt- Next item would be a special exception. I welcome any comments.

Marcia- I think this development is in line with the comprehensive plan. Brian also agrees.

Mercedes- It seems the applicant has addressed every single item on the special exception.

Matt- I move the Board grant a special exemption for a 5-unit Inn at the location on the application.

Marcia Seconded. All in favor (4-0)

Findings of Fact:

Matt- We can vote on those as a whole. First the owner of the property is Caroline McCandless of 162 Merrill Road in the RA Zoning district. It contains about 5 acres of land. The applicants are Elizabeth

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and Caroline McCandless who have demonstrated legal interest by providing a copy of the deed. Notice of the proceeding was published in the local newspaper. The applicant proposes to renovate her existing barn and home and construct a 5-unit inn within the existing footprint as identified in the site plan. The application was determined complete on June 26, 2024. A public hearing was held on the same day. A site visit was waived on June 26, 2024, and the application fee was paid on April 30, 2024. I move that we adopt those findings and fact. Marcia seconded. All in favor (4-0).

Conclusions of Law:

Matt- I move that the Board adopt the following conclusions of law.

The site plan sufficiently follows the criteria for preserving the natural landscape and buffering next to adjacent properties. All in favor (4-0). Motion carries

The site plan meets the applicable criteria shielding adverse impacts onto adjacent property. All in favor (4-0). Motion carries

The site plan meets the applicable criteria for the design layout of the buildings and features minimize adverse impacts from soil erosion and sedimentation promotes preservation of trees, protects water and soil, protects animal life; maintains safe and sanitary conditions during construction. All in favor (4-0). Motion carries

The site plan meets the applicable criteria for the site during construction. All in favor (4-0). Motion carries

Vehicular and pedestrian traffic conditions of the site plan meet neighborhood limits and meets driveway and access criteria of the section. All in favor (4-0). Motion carries

The layout and design of vehicular and pedestrian circulation is safe and convenient and does not distract from neighboring buildings and properties and meets the criteria as applicable parking, pedestrian. All in favor (4-0) Motion carries.

The site plan meets criteria as applicable for minimization of glare and other standards. All in favor (4-0) Motion carries.

On site utilities are adequate, safe, and meets as applicable the criteria on section "J". All in favor (4-0). Motion carries.

The industrial and commercial environment performance standards and vibration are not applicable. On noise the site plan results in noise level that are within standards as outlined in the zoning ordinance. All in favor (4-0) Motion carries

Those conclusions applicable to heat, fumes, fire, explosive hazards are not applicable. I move that we approve the site plan application before us. All in favor (4-0) Motion carries.

Nina- Passes around the map for all to sign. Thanks her neighbors for coming and Tom for all his work.

Matt- Thanks the public for coming.

Royal River Conservation Trust:

Matt-Our next order of business is the Royal River Conservation Trust.

This is for the trailhead parking lot on Elmwood Road. Gives a brief synopsis of why they are here and asks the remaining members of public if they were here for this purpose. I understand you were here the last meeting and changed the radii for the turn and expanded the culvert. Everything looked good to me. Did any other Board members have questions or concerns.

Mercedes- One of the sketchiest parts is the bootleg parking on the other side. Will this detour parking there or has that been talked about yet.

Hanae- That's the goal.

Matt Welch- That bootleg property that you referred to used to have a cable over that. We will probably be putting that back up.

Matt- Does anyone else have any clarifying questions. Before us is the site plan review for the Trailhead parking lot on Elmwood Road.

I vote we waive the site visit that is ordinarily required under site plan review as most of us are familiar with the property. It is not a very significant change. There were a couple of Board members on the Board, and there was a site visit performed then. Marcia Seconded. All in favor (5-0)

I move we waive the public hearing requirement. Todd seconded. All in favor (5-0)

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Matt- The findings of fact we will vote as one. The owner of the property is the Royal River Conservation trust. The property is located on tax map 4 lot 501, RA zoning district contains 3.2 acres. The applicant is RRCT whom has demonstrated interest in the property by warranty deed. The applicant proposes the trailhead parking lot to be constructed of gravel allowing for 6 regular and 1 handicapped space, with incidental parking outside of allotted spaces not prohibited as delineated on the site plan Elmwood Road trail head parking lot, plan revision 3 dated 6-11-2024. The application was determined to be complete on 6-26-2024. We will make that as a determination. A public hearing is waived by the Planning Board on 6-26-2024. A site visit was waived by the Planning Board on 6-26-2024. The application fee has been paid. I move that we adopt those findings of fact. Marcia seconds. All in Favor (4-0). Motion carries. I move that we determine that the application is complete. Marcia seconds. All in Favor. (4-0) Motion carries.

We will go thru the conclusions of law one by one:

I move that we determine the site plan sufficiently follows the criteria preserving the natural landscape and buffering next to adjacent properties as where applicable. All in favor. (4-0) Motion carries.

I move that we conclude the site plan meets the applicable criteria shielding adverse impacts on adjacent properties. All in favor. (4-0) Motion carries.

I move the site plan completes the applicable criteria for design and layout, minimizes adverse impacts from soil erosion and sedimentation, promotes preservation of trees, protects water, soil and animal life, maintains safe and sanitary site conditions during construction. All in favor. (4-0). Motion carries

I move the Board conclude the site plan meets the applicable criteria for site during construction. All in favor. (4-0) Motion carries.

I move the Board conclude vehicular and pedestrian traffic conditions of the site plan meet neighborhood limits and meets the driveway and access criteria of Section "F" of the site plan review criteria. All in favor. (4-0) Motion carries.

I move the Board conclude the layout and design of vehicular and pedestrian circle is safe and convenient and does not distract from buildings and neighboring properties and meets the criteria as applicable parking, pedestrian linkages and loading areas. All in favor. (4-0). Motion carries.

Lighting is not applicable.

I move the Board conclude signage does not distract from buildings, structures, and surrounding properties. Is not hazardous to pedestrians and meets the signs specifications of the zoning ordinances. All in favor. (4-0) Motion carries.

Utilities, Industrial, Commercial and Environmental performance standards are not applicable.

I move the Board to conclude the site plan results the noise levels are within the standard as outlined in the zoning ordinance. All in favor. (4-0). Motion carries.

Vibrations, heat and fumes are not applicable.

There are some conditions of approval that were proposed. I move the Board adopt as a condition of approval that on or before 11-21-2024 the applicant shall contain approval from the Maine Department of Transportation for early alert signage on Elmwood Road in both directions.

Amanda Lessard-Conservation director with Royal River Conservation Trust. Tom and I have been discussing this and we are not sure that the timing of November is feasible, or practical for the installation of those signs. We do know that we need a street opening permit from DOT along with the advanced warning signs for parking. We think we can do that with our contractor in one year. We propose that the condition be one year from the date of today's approval if that is okay with the Board. We hope the construction be completed far in advance but don't want to run into some supply chains issues.

Brian- Will those be solar powered flashing lights?

Amanda- They are two signs at each approach that say "Trail head parking on left/right" as well as a warning sign for turning traffic. DOT has recommended specific locations.

Matt- Any concerns of one year? Hearing none. I move that the Board conclude as an applied condition of approval from the one-year date of the issuance of this decision the applicant obtain an approval from the

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Maine Department of Transportation installation of early alert signage on Elmwood Road in both directions. All in favor. (4-0) Motion carries.

I move that the Board grant the site plan application of the Royal River Conservation Trust tonight. All in favor. (4-0) Motion carries.

Tom- The Board should sign it tonight therefore we don't have to worry about it.

Bradbury Mountain State Park Campground expansion

Matt- Tom could you give us a brief explanation on how this has come to us.

Tom- The most important thing for the board to acknowledge is that Mr. Hall, Chairman of the Board of appeals has left. There is no official documentation other than an email that Mr. Hall sent for your review because the Board of Appeals has granted a 4-0 vote to the affirmative. My second question for Mr. Hall was weather there any stipulations of conditions, of which there are none. The applicant has a presentation to make. You also have a communication from one of our residents. Rather than save it for the end of the meeting it should be voted in so that applicants can respond to any of those questions. The last thing, the applicant has done some extraordinary efforts to bring forward much of what was asked for from the Maine Department of Environmental Protection Public Hearing.

Todd- What exactly did the Board of Appeals vote on specifically.

Tom- Initially it went in as an administrative appeal. The second time was as a more appropriately as a miscellaneous appeal, which was an affirmative 4-0 Vote.

Mike- Explains there are currently 3 walk-in sites at the campground.

Matt- I want to make a quick point, part of what we do is build a record. My wife serves on the Board of Appeals. She was a part of the discussions but did not vote. There could be an argument that as a result I am biased. I don't think that is an issue, but I raise that for the Board.

Marcia- I am in the same vote as my husband is also on the Board of Appeals.

Matt- Does the applicant have an objection?.

Mike- It is fine.

Matt- I welcome a summary of the project.

Adriene- I will hand out an email that we received from DOT that may be helpful. This was sent to Tom but not in the original submission as it came in later. Everyone introduced themselves and a presentation is made. A slide presentation takes place.

Orion- Are you thinking of some type of signage for speeding.

Adriene- We have been to many meetings and that is a subject of concern. Gary has had a conversation with Maine DOT. I will let him speak of that.

Gary- This has been a good process. We have been listening to folks. Speed on Route 9 has been brought up a number of times. It is not our road so there is only so much we can do. We can improve the entrance so people can get in and out easier. We can move the gate house, so the registration process is further in. We have flexible delineators that are out that calms traffic to some degree. We plan on getting the speed radar feedback signs. We are working with DOT now. We are looking at various models. One would be located where the ball fields are headed into town. The other would be where we are now headed toward the campground. It would alert all traffic.

Adriene- The email is a synopsis of what Gary just explained.

Gary- I thank this process for bringing it up. I think when we get the signs up, we will see a difference.

Mercedes- With the increased risk of people bringing firewood in from another state. How is this handled?

Chris- That is what is huge about this new plan. We will have a nice gate system and staff to man it with actual check in procedures. Currently it is collected, and a call to the fire ranger to determine its safety.

Gary- Bradbury is behind and this project will bring it to the 21st Century.

Mercedes- As someone who visits State Parks, Chris and his team are keeping this antique going. It is literally falling around them. They are doing an incredible job.

Chris- We don't want to change the feel. This will still be one of the smallest campgrounds the state has.

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Adriene- A new well has gone in.

Matt- Was there any type of water study done?

Adriene- The well scientist did a study which was part of the DEP submission showing all of the bedrock and water sources in the ground in this area.

Matt- Is there any change to the day use check in?

Chris- That will stay the same.

Bill- Will it all be underground electrical?

Adriene- Yes.

Bill- Will there be a policy of no generators.

Gary- I am not sure there will be a policy of no generators in the event of a power outage.

Orion- Do you have plans for a fast charger type stuff

Gary- Not with this project.

Matt- I want to talk about procedure. This is the biggest site plan review we have seen in a long time.

This has been extremely collaborative. You recognize this gem in Pownal and it is appreciated. I would advocate for a public hearing either at our next meeting or close to that. I would like a close to complete application, so we don't have to make you do more than necessary. If there are changes we would like to see it makes sense to advise the group of that now. We spoke of a few minor things tonight.

Tom- In terms of completeness for the public hearing one would be a resolution to how many walk-in sites are conceivable?

Chris- We are at 7 now.

Tom- Signage would be appropriate at the locations for wetlands as well as entrances. Education is important. We have a final plot of the well.

Adriene- The well is next to site 21. We do have an extensive set which I can send to you electronically.

Marcia- I have one concern. My concern in saying this is complete is that the last public hearing was not well advertised.

Matt- Procedurally, we could view this completeness review and still make changes. We may go to public hearing and ask for changes and not make a vote. I don't want to suggest that saying the application is complete for purposes of a public hearing means that it is an up or down vote. A vote could be as far out as September.

Adriene- As part of the DEP Process which was sent after our first Zoning Board of Appeals meeting. We did send notices and advertised in the local paper. The notices went out to all 500 abutters. People may not have come but they will be getting another notice.

Orion- This is a special park. Let's preserve it.

Matt- Do you have any questions for us?

Adriene-When is the next meeting in July? Do you want to do a site walk?

Matt- The third Wednesday in July. We will check in with the Selectboard, they may want to have it at the school, depending on how much traffic it may get. A discussion is had between boards members as to a site walk.

Gary- We want everyone to hear the same information. This has been a journey. I don't want to misstep.

Matt- Lets plan for a site walk at 5pm on July 17, 2024. Chris, you should be in touch as to where to meet.

Tom- After the site walk and the public hearing, does the Board wish to deliberate after the public meeting, or do they want to wait?

Matt- A plan of this size we should anticipate August. Thank you for coming.

Discussion

Todd- Site Plan Review-Is that something Tom that you would help the Board with.

Tom- I think in July we need to go over portions that don't add enough clarity to the applicant. You can approve with conditions and that is what will happen with this process. I will be monitoring those details. I would like to tackle the application form first.

Matt- I agree. We should revise the site plan review and we should include gravel pits and greenhouses.

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Tom- When a site plan is approved, and they make discoveries and need amendments a fee should be included. Estabrooks needs to make a change. It is a minor change but a change.

Ginny- Maybe if we are going to do a site plan review for pits and greenhouses it should be for all commercial buildings. We have a big gap between the two. I don't know if any of you attended the Board of Appeals meeting but the room was full. This is an emotional process. It is important for people to be heard.

Matt- That is a good point. There is a need for due process so that if folks have this sense if there is opposition, and if the opposition is loud enough it could get shot down. We have a set of ordinances that we must follow.

Secretary Report

Marcia- I move that we accept the minutes as amended. Matt seconded. Motion carries (4-0)

Matt- At town meeting the FEMA ordinance was passed. Marcia has given Becky the newest digital maps for the website.. The warrant article passed as well.

Water Capacity- RFP

Tom- July 2nd I will be meeting with Drumlin. I have already put together the mega data in terms of aquifer locations. I don't want them to waste time on gathering data at the state, so I have already done it. We are hoping the complete project subject to getting a well driller as they are in demand. By Thanksgiving I will bring those results to the Planning Board. It is coming together well.

Discussion

Matt- We have to decide on who is moving forward.

Marcia- Brian, are you planning on staying on Board?

Brian- I am.

Marcia- Do we have any candidates?

Matt- I am more than happy to help whoever takes on the chair role.

Tom- There are some projects coming and your largest will be a conversation subdivision. It will be a lot of work and will require leadership from the Chair. Municipalities are placed in an awkward position.

Brian- I can't commit to that. I am reading stuff 30 minutes before we get here.

Matt- How about a rotating Chair. Marcia takes a great load off.

Orion- Does the Chair have to be the one who is running the meetings?

Matt- That is allowable and legal.

Tom- We are working in that direction. In terms of clarification of what should be in the first review that work is done internally. Peer review is a direction we are headed into. It is complex.

Marcia- Maybe elect an Interim Chair for two months and in two months elect another. At least have someone in place for the next few months.

Tom- Perhaps a Co- Chair. There is a combination of things. It might be beneficial for anyone to go to the class at the end of July. Please tell Becky. You have growing staff support.

Orion- In the meeting why does the Chair need to keep track of that? Does someone to take on the role of moderator?

Matt- So this is the Board of Appeals agenda. It needs to be tweaked for the Planning Board. That model is very useful in public hearings.

Todd- I like the idea of a shared chair.

Mercedes- A Co is a good idea.

Orion- I will be a Co- Chair if someone will do it with me.

Todd- I will be a Co- Chair. I had the experience when Matt was unable to come. It was a valuable learning experience. I have a great appreciation for how to run a meeting.

Tom- If the board is leaning towards Co-Chair. I am available for briefs prior to the meeting. I am an advocate of briefing and de-briefings.

Matt- I move that Orion and Todd serve as Co-Chairs for the 2024-2025 term. Seconded by Marcia. All approved (4-0).

Conservation Subdivision and Minor Subdivision Checklists

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Matt- We circulated the checklists for the conservation and minor subdivision checklists. The big changes are the ones that Marcia and I made on the conversation checklists. I tried to flush out the lot density plan.

Marcia- My re-word was the lot density map shows the theoretical number of lots that could be developed using 300 feet of road frontage. I was trying to make it a little easier.

Matt- Tom, I want to make sure what we set out here is clear.

Tom- Its clear, but it could be better. I will be making some suggestions. I would like to be able to say that the Board would like a graphic of conventional lot density and conservation lot density and spell out the densities. Something else to think about is the types of homes.

Marcia- The checklists does say map. It's graphic.

Brian- It sounds like people are going past that.

Orion- You were mentioning that it is an expensive process. It is not the intent to create a time consuming and expensive process. We want to allow housing and balance the needs of the community.

Marcia- So where do we stand on this check list? Are we sending Tom for a second look.

Tom- If the Board would like me to do a slight refinement to the upfront process making sure that when I sit down with an applicant that I can get you that comparison. You want the big picture. I will work on the language with the co-chairs and bring it back in July.

Matt- We will learn as we go. We spent countless hours talking about density neutrality and really tried hard to persuade everyone what was right. It is only right that we implement it correctly. I want to make sure the checklists are the right way. I am happy to help with that language.

Marcia- Minor subdivision check lists, did anyone have any changes I did not. I will make a list for Becky to post some updated information.

Communications:

Marcia- I have received inquiries about the conservation subdivision. I wrote back that they need to watch for agenda items.

Next Month Agenda:

Marcia- We will have a public meeting and site plan review. A waiver for Estabrooks, conservation subdivision checklists from Tom.

Tom- You may want to think about how you want to handle communications at the public hearing. Will invested some time into his thoughts on Bradbury. Those thoughts need to get into the public hearing.

Mercedes- We need to be careful with saying it can be posted without having the applicant to be able to respond to it.

Adjourn

Marcia- I move to adjourn. Matt seconds. Meeting Adjourned 9:16pm

Respectively submitted,

Alison Purinton

Planning Board Recording Secretary