

**APPROVED**

**Town of Pownal  
Planning Board Minutes  
Wednesday, September 21, 2022  
6:00 PM –Mallett Hall**

**Members Present:** Todd Mellin, Secretary Marcia Bowen, Orion Breen, Samantha Peikes with North Star Planning, later joined by Ben Smith with Northstar, Recording Secretary: Alison Purinton

**Members Absent:** Matt Altieri, Christine Watson, Brian Stornelli.

**Guests:** Richard Maguire- CEO, Jeff Read with SME, and Todd Slocum

Todd- Called the meeting to order at 6:01pm.

**Secretary report:**

Please change signed to signed on page 1, remove Matt's name next to It would change the plan considerably, page 3, Also on page 3 remove the "y" in lengthy. Change interrupt to interpret on page 4. Marcia - I move the board approve the minutes of 8-17-2022 as amended.

Todd to second. 3-0 Motion carries.

Todd- The board acknowledges the minutes of the workshop meeting; we will not review those.

Signatures take place for the Hustus Project.

**Old Business: Slocum Subdivision**

Jeff Read- Works for Sevee and Mahar providing a summary as two members were not at the previous meeting. I am presenting a plan for the Slocum subdivision off Lawrence Road. The overall property is 13-acre parcel at Map 3 lots 29 and 29-2. This project is a 5-lot minor subdivision. We will use the existing common driveway that will be improved. The length of the driveway has been reduced to comply with the land use ordinance. We are proposing a 16-foot travel way with two-foot shoulders. Lots will be served by private wells and septic. Last meeting 4 waiver requests were approved and are reflected in the current plan. The waiver that was not approved is the length of the dead-end road. We have adjusted the plan to accommodate that. We have addressed all the staff and planner review comments. We have a draft finds and fact that the planners have pulled together and met all the submission requirements for the project.

Todd- The waivers last month were as you said. We were given this plan last week to review.

Jeff- It was submitted two weeks ago.

Todd- The first thing I want to do right now is to walk thru. In terms of completeness are the lots numbers we are using 29-05 and 29-04?

Jeff- Right.

Todd- As I am going thru the application, I just want clarification.

Jeff- So you have not reviewed this at all.

Todd- No I have, I am asking is if 29-02 indicates a lot number as opposed to lot 1, lot 2, etc.

Jeff- Yes, we have a legend.

Todd- I am going to go thru and ask questions. If I repeat something I apologize. It is a big deal, and we want to make sure that all I's are dotted and T's are crossed.

Jeff- Understood

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Todd- I understand the test pits should be done on each lot there will be a home. On the site plan I did not see where test pits have been done.

Jeff- Points out the test pits in process right now for those two lots, and existing septic here. We have soils here. We have an email from our soil scientist who was to have this completed before tonight. The tests pits for those two lots are not done; soils should be suitable. We can make that a condition of approval.

Todd- The name of the subdivision is Slocum subdivision? The name of the road is Slocum Lane?

Jeff- Correct. The road name was approved by the Selectboard on the 15<sup>th</sup>.

Todd- Culverts?

Jeff- We have driveway culverts and points to map. On the site draining plan, we have them on this plan as a matter of record. There is an existing here (points to map), we will be replacing with new. There are some here that will not require adjustment because we have taken the same entrance.

Todd- Entrance for 29-05 is?

Jeff- Points to map. It depends on whom buys the lot. They will have the option for either.

Todd- They would need a culvert here. Lot 29-04 would be off Lawrence Road?

Jeff- Yes, those would be addressed during a building permit application.

Todd- Okay. I do not have any other questions about the application itself.

Marcia- I did not see any setbacks from the wetland or pond? I think that should be added to the plan.

Jeff- Are there town setbacks for wetland or ponds? I did not see any.

Todd- We do have setbacks.

Jeff- What are they?

Todd- I believe they are 75 feet.

Jeff- Really, okay

Todd- Do we approve the application as complete and then talk about some of the other issues. On the Spruce Hollow subdivision, it was a 75-foot set back on wetlands.

Jeff- That maybe a DEP standard.

Todd- Do you have an opinion on that Sam?

Sam- I don't show a wetland set back in the ordinance.

Jeff- It may have been a special circumstance for that property.

Marcia- I was looking to see about frontage on every lot?

Jeff- The actual plan itself has line tables, that outline the lengths of the segments of straight lines and curves. When you add them up, they you get your total. For this lot, points to map when you combine this front and this side you get your road frontage. That was established at the first meeting. It was part of the original boundary survey.

Marcia- This lot is getting frontage from?

Jeff- This is getting its frontage from C2, L4, C3, L5, and L6. You add them together and it gives you 300 hundred feet. Points to the map and describes each lot.

Todd- Can you take the hammerhead as frontage?

Jeff- Yes.

Todd- You take the full width of the ROW as frontage.

Jeff- Yes, that is the property line.

Marcia- Is it conventional to have them all added up like that?

Jeff- The reason we do this with the tables is if you are going to have all this information on this section you can't read it. We provide these references to the line table. This can be recorded at the registry, and if a surveyor needs to come in and re-measure they can do so easily. It is standard practice.

Rich- Where is the driveway?

Jeff- Points to map. We have tried to use the existing driveway as much as possible to minimize clearing. We have added ditches to meet the performance standards of the town.

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Rich- This lot here, points to map, ends there correct?

Jeff- Points to map.

Rich- I have never seen anything like that.

Todd- We have questions to ask, we don't have any other opportunity than now. Is that fair?

Jeff- Sure.

Marcia- This is an opportunity for the abutters to be here. There are not however this is a time for us to ask questions.

Todd- I have this old plan that indicates this lot is 300. And from here over is 350. You took away 60 for the right of way but this still says it has 355. It appears you have generated 60 feet.

Jeff- Starts doing math. This length needs to be updated.

Marcia- I found this confusing, the only way I could tell them apart is the stamp.

Jeff- This brings us back to industry standards. This is why the final plan is stamped, dated and signed.

Todd- I have a question about the sloped degree. I am concerned about this lot. The road still in this area is upwards of 20 %.

Jeff- These areas in gray are identified as 20%.

Todd- So the same with this one. All that gray.

Jeff- They will have to do some grading to the individual lots.

Todd- The road will be paved the whole way.

Jeff- It will be reclaim asphalt.

Todd- It will be paved to the apron.

Rich- What is reclaim?

Jeff- Explains what reclaim is, what it does and where it's origin. It functions similar to a type A gravel.

Marcia- You have the street name from the Selectboard. It needs to be added as well as the disclaimer.

Jeff- I think we have that on there. Confirmed it is there.

Todd- I did have a question about the HOA, as abutter "f" is highlighted. Is that for a specific reason in your application?

Jeff- No, it is a draft homeowners association, it will be finalized as things get approved.

Todd- One of the concerns we have had as a planning board with subdivisions, is a concern for rural character. We have the comprehensive plan that shows this is important for the town.

Jeff- That is why we have the reduction in road width. We did address the Fire Chief concerns with a dry fire hydrant.

Todd- You will have no issue with putting in a dry hydrant in the pond at all.

Jeff- No, we have detail here.

Todd- I agree that cutting a 25- foot road doesn't meet your rural character. Along those lines with a previous sub-division. The chair is trying to develop and build consistency. One thing we wanted to see from them is a provision to diminish the impact from a large road. Is there a consideration for this?

Jeff- I understand what you want and what you are looking for. It would be nice if when these lots are sold, we can suggest that the town would like a 25 foot buffer. Currently there is nothing in the ordinance of performance standards. If it is something the town is serious about doing than you need to make it a part of the ordinance.

Samantha- It is not a submission requirement.

Marcia- Last meeting we spoke of going to 4 lots subdivision. What is your thinking about that now.

Jeff- The way it was being interpreted we had two choices. We could keep the ROW as is or shorten the road. We shortened the road. We were not sure how it was going to work out. That is why this plan is slightly different.

Todd- I feel the application is complete pending the test pits on 29-04 and 29-05. I feel like we have everything.

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Todd- I would like to move that we determine the application complete with the condition of test pits in lots 29-04 and 29-05.

Marcia to second, 3-0 all in favor.

Todd- This meeting wasn't to happen tonight. I want to move things forward for you but am not comfortable bring this to a vote.

Samantha- I think at this point providing some guidance on something new or in addition.

Todd- I don't believe that we need to see anything else. I was thinking a site walk would be a good idea.

Marcia- The Selectboard recommended that we do a site walk.

Jeff- We talked about this a bit at the last meeting. We established a public hearing is not a requirement and neither is a site walk. It was discussed that we did not need a public hearing which is great.

Todd Slocum- The Selectboard Andy said he had been there plenty of times and he did not see the need for it.

Todd- He suggested the site walk.

Marcia- He reassured about the road for the Fire Department.

Jeff- That is disappointing.

Todd- Agreed.

Jeff- Right now it is additional time and cost for my client.

Orion- Are you under pressure to do things this year before winter?

Jeff- It is real estate and its hot now. Will it be hot in four months. Who knows.

November takes more earth work, more road work, you start dealing with cold temperatures and frost. This is our third meeting on this project.

Todd- The first two meetings were about waivers.

Jeff- They wanted more of a written description. I provided a written description. It's taking sometime.

Marcia- I can appreciate that.

Jeff- Your planner has looked at this. We have the findings of fact. Criteria has been satisfied.

Todd- I am sorry that I am giving it this way. It doesn't sound like a step forward but I think we are.

Everyone will be able to read the minutes and we can vote next time. I am sorry.

Jeff- I don't like it but it is not my choice.

Orion- Do we hold a special meeting.

Jeff- When is Matt getting back. I hope he is okay.

Marcia- He will be out of contact. I assume it is very serious. Christine is in a similar situation.

Jeff- The board won't vote until they are back?

Todd- Not true.

Orion- Do we have any flags or concerns that when we come back these are comments or questions.

Todd Slocum- What are your concerns? What is another month? I don't understand.

Jeff- What I would expect, is the need for test pits show on here, and add a line which are pretty simple things to do. I was expecting a vote with conditions that these items would be addressed as conditions of approval prior to any construction meeting or anything else. We could go back and bring you those things when updated plan to sign and we are on our way. We have a quorum.

Orion- So if we did not have this meeting, and it was voted at another meeting you would have to take stuff back would that delay it to another meeting?

Todd- Once approved we can sign it.

Orion- One of the things we have talked about consistently and had discussions about is rural character. On paper it meets the requirement and then there is that character piece. As we discussed another project that wrote into the HOA about a 25 foot buffer. While it was not a requirement it may have made the board feel better about it. They were addressing what is in the comprehensive plan.

Jeff- I understand that. If someone spends \$100,000.00 dollars on a 1.5 acre lot whom am I to tell him where they can or can't put his house.

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Todd- It is part of the HOA

Jeff- I understand that. I am imposing restrictions over and above the ordinance.

Marcia- I will not be at the next meeting. If this is coming to a vote I don't want to be the one holding up the process.

Jeff- The members that are here are the ones that vote and sign.

Todd- We will put this on the agenda for old business next month.

I appreciate the time to go over everything with us.

Jeff- Just to be clear we come back next month we vote. We can vote tonight. We have a plan with a few minor conditions with approval and we are choosing not to. I don't want to run into the same thing a month from now.

Marcia- I can't promise you they won't ask questions that we didn't think of.

Jeff- So if we are going to do a site walk lets do it before next month.

Todd- Do we want to do a site walk.

Orion- I understand what you are saying, it seems to me that we don't feel comfortable. I don't know what would make us feel comfortable other than addressing the character issue. Is there anything that we could do tonight to make you feel more comfortable?

Todd- That's a good question.

Jeff- As far as the character piece goes, we talked earlier keeping it small to maintain the rural character. The other item is to try to establish some sort of buffer along Lawrence Road, but that it not part of the ordinance. I don't feel it is a reason not to approve the project.

Todd- There are two ways to look at it. As developers it is important to understand when putting houses in the town. There are reasons people choose to live here. What do other members think about voting on this now.

Marcia- I prefer to wait. I think a site walk would be good.

Orion- We have to have everyone wanting to vote. I understand about wanting to hear more from other members on the board what their perspective is, but I also feel like we have gone thru the waivers at multiple meetings. We have had Northstar review. We have agreed the application is complete. My impression is at the next meeting it would be voted to go forward. I can't think of any reason why it wouldn't. If that is the case we don't have a reason to wait another meeting. If someone could voice a concern that would be different. I respect the amount of time, effort and money that has been put forward already.

Marcia- I see your point.

Rich- What is the issue? About character?

Todd- Explained about a previous project where they agreed to plant trees as a buffer. Which will make a big difference.

Rich- In my job I go by ordinance, state law, and take that all into consideration. I try not to miss anything. I have a defined criteria I am looking at. I can't stop something if they don't have a reason to in an ordinance, state law something to hang my hat and make my case. I have a concern, these areas in gray areas are not buildable areas but have to have earthwork to them to make them buildable. How do we know there is no ledge there?

Jeff- We don't. But that is fixable. We can build around it, move it. etc.

Todd- Questions have been addressed. Answers have been adequate.

Samantha- Our process is to make this easier. That is why we write the memo, its why we really review these projects, we talked a lot about this in my office. There is a suggested motion in the memo. It has been reviewed for completeness. There is no reason why it can't be voted on tonight. With that being said it is not my decision. There does need to be a certain level of trust between us and the board. The concern about rural character is understood and something to consider for the work plan but it is not in the ordinance as a standard yet.

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Orion- We are relatively new to the planning board. We have sat thru a lot of meetings and have been guided by Northstar. I feel like people's eyes have been on it.

Todd- I think Matt goes thru the conclusions of law. Correct? I want to do it the way he does it.

Ben- The suggested motion on page 2. All that would be included thru reference in that.

Todd- Conditions I have right now are for test pits of 29-04 and 29-05. Do we need to worry about making conditions for culverts or roads? Because they have access from Lawrence or Slocum Lane.

Orion- That would be part of the building plan.

Todd- The vote will be to approve the Slocum minor subdivision located in Tax map lot 29 and 29-2 On the findings of fact and conclusions on the planner memo dated September 7, 2022. With the following conditions that test pits are performed on lots 29-05 and 29-04. Orion to second. 3-0 All in favor.

Ben- The plan the board signs should have the condition of approval. Sam will provide that.

Jeff- I can hand deliver copies to the town and they will let you know when they are here to sign.

Ben- Typically the board would sign them at the next meeting, however due to individuals schedules they have come in to sign them.

Marcia- Reminds the board she is leaving, she will be back and then be leaving again, therefore she will not be here for the next meeting.

Ben- What needs to be recorded is the board signature. It could be the majority of the voting, It's better if all members sign it.

Jeff- Asks Sam if she can send the condition first thing in the morning?

Samantha- Yes

Jeff- It can be added. Marcia offers to stop by their office and sign plans to not hold up the project as she is leaving on vacation. He expects it will be ready by 10am.

**New Business-** None

**Other Business-**

Todd- The status of the revised sign ordinance.

Marcia- Passed out administrator information of LB2300, 2 page summary. Designated flood zone.

Orion- I thought they took that out.

Ben- I have been advising folks to sit tight. There is still time to come into compliance with these things. It is not clear yet on how much will just be automatically in place.

Marcia- The Selectboard has asked for attendance at the next meeting to discuss impact fees. Todd will attend.

**Next Month Agenda-**

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

Respectfully submitted,

*Alison Purinton*

Planning Board Recording Secretary