

APPROVED

Pownal Board of Appeals
Public Appeal hearing
May 30, 2024

Members present: Tom Hall, Dick Hogue, Clifford Ruprecht, Alice Rosenberg, Ginny Giddinge, Codes Enforcement Officer, David Steckler, Phil Wentworth, Alison Purinton, Recording secretary.

Absent: None,

Public Present: Jon Morris Selectboard, Tom Ursia Town Planner, Gary Best, Mike Rogers, Chris Silsbee, Adrienne Fine, Andrew Treworgy, Theresa Kelly, Alice Smith, Sandy Neill, Alix Hopkins, James Bennis

Tom – Calls the meeting to order at 7:02pm, and thanks everyone for coming. Explains that Alice was here for the first presentation and her input is important.

A motion to accept the minutes for February 29, 2024. Seconded by Cliff, motion approved. 4-0.

A motion to accept the withdrawal of administrative appeal. They have submitted a miscellaneous appeal. Seconded by Dick, motion approved 4-0

Tom- Summarization of appeal. Dick could you help me with this?

Dick- Roughly what is the appeal about.

Tom- Terradyn has withdrawal their administrative appeal and has submitted an miscellaneous appeal. We are reviewing this tonight. The number of camping areas would increase to 46 drive thru site, improved utilities and significant changes in the infrastructure. Does the Board of Appeals have Jurisdiction to hear this appeal? I do have a receipt that the fee has been paid to file the appeal. We do have jurisdiction.

Chris- Park Manager of Bradbury Mountain State Park. Provides a brief history of the park. It has been around for a while and in need of some updates. We were here in February and the plan has changed some. We had a public meeting in April where we heard from the public and town officials. Significant changes have been made. We are here tonight to show you those changes.

Adrienne- I want to give a brief introduction of what miscellaneous appeal is. We ask tonight for the grant approval of a miscellaneous appeal application for the campground use be a non- conforming use that can expand. We will go through information on the proposal which was different than the last time we were here. A power point presentation is presented.

Cliff- Why is the current use non- conforming?

Adrienne- It is not a listed use in the ordinance.

Cliff- What zone is it in?

Adrienne- In any zone campgrounds are not an allowed use. Part of the campground is in the village zone. We are proposing improvements to that zone. The other part is RA Zone.

Cliff- This would not be an open space recreational use.

Adrienne- A campground is a defined use in the ordinance definitions.

Cliff- It is in the definitions. It doesn't appear anywhere else in the ordinance.

Adrienne- You are correct.

Cliff- In Section 504B2C, and reads the explanation. Why is it not that.

Adrienne- Is it permitted in the Village Zone also. I can't remember where the zone line is.

Cliff- So you are partially in both zones today as it exists.

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Chris- Goes over the new proposals we initially asked for 53 drive to sites. Has dropped to 46 drive to sites. 3 of those will be campground hosts. 6 hike in sites, bathhouse will have individual stalls for showers and sinks. We will need a dump station to name a few. The power point presentation is being presented. A proposed campground entrance, dump station, water, trash drop off and exits. A new gate house built. All of these are based on the national campground standards.

Aдриene- Provides a update of what has been done since the February meeting. There was mention of on April 12th meeting we notified all abutters withing 500 feet as part of the DEP Plan. 12 members of the public showed up. We made changes since then and are still working through the permitting efforts. We also did submit to DEP for their review process of a site location permit which will encompasses many things, however the largest would-be storm water management.

Tom- Do you have any marketing research that supports the expansion?

Chris- We keep track of all our numbers and each year our numbers have gone up statewide.

Bradbury is one of our smallest campgrounds. The amenities is one of the worst in the state and we don't want that for our State or the Town of Pownal. This is to bring it to the standards that people expect. You can really hear the traffic in the campground. I get a lot of phone calls do you have hook-ups and we don't.

Public- Does hike in mean tent sites, and if they are all taken can I use a regular site?

Chris- Yes and points to the map. We go to the next slide where he shows the campground is pretty tired. A new gatehouse building will be built. There is not really one now. A new bath house with flushable toilets. RV Dump stations, and public drinking water well system. A new engineered septic system, underground electrical infrastructure, storm water management, and an enclosed maintenance building. Sometimes people will dump their gray water outside at the site, which is not allowed in the State. Sometimes we catch them.

Tom- Because you have electricity will there be a ban on generators.

Chris- We have generator hours now. There would not be banned but there are hours.

Public- Will all the areas be paved?

Aдриene- No and points to the power point.

Tom- Would they allow winter camping?

Chris- They do now,

Public- These slides show gray roads. Currently it is canopied.

Andrew- Some of the trees here are large and will have the property pretty canopied. Continues on with the slides with regard to the linked trails. Any vegetation processes that gets disturbed will be repaired.

Chris- Signage, will have state park colors brown and green and we will follow all the traditional brown signs with cream lettering. Smaller, low- profile signs that don't block the view.

Adrienne- We will be going to the Planning board for site plan review. We will need building permits, DEP permits, and various other permits. We want the campground use to be able to continue and expand. We have reduced the proposals, sign and trail impacts. We listened. To get to the next step with the Planning Board we need to get to the point on if the campground use can be allowed at this site.

Andrew- We have received a pretty good portion of money to upgrade these facilities partially because of Covid. Bradbury was one of the top priorities across the State for us. We hope that you agree with us that this is a meaningful project. For the State Park system and the Town of Pownal.

Tom- Does anyone here want to state their case for or against?

Ginny- When looking at this proposal compared to the last it shows. You went to great length to work within the parameters. I recognize that. Campgrounds are mentioned in the Shorelands zones. It is not in our ordinance and was removed a few years ago.

Public- If this miscellaneous appeal passes does it set any precedence for campground use with regard to zoning.

Cliff- I don't believe that one applicant's decision is precedent of another applicant's decision. This is an unusual application as it already exists, and they want to expand it. If someone came and said they want to create a new campground it would be apples and oranges.

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Public- Being a State park gives it more precedence than an individual.

Dick- Generally it would need to be identical. It would be impossible to do that.

Jon- A historical concern is a campground with year- round use and the availability of water and electricity year- round creates populations needing public assistance. The Town and State Park have been at odds over that. This is the only opportunity the Board has to address those concerns. Historically we have had this concern. People come, camp and stay a long time. We have struggled speaking to the welfare of the Town. They become residents of the Town of Pownal needing general assistance.

Chris- The campground is not year-round. We have two seasons, Summer May 15- October 15. We close. We open again Dec 15- March 15 and once again the campground closes. With this current plan there will not be any water available, it would be primitive camping only.

David- So the water is shut off in December.

Tom- If a group of people were to set up in tents and put up an encampment would you remove them.

Chris- We already have rules in place. You can't stay more than 14 days during the summer season. We do get some of this at Bradbury. If they don't pay they don't stay. It is considered theft of services. Those people can be summoned. Usually that moves them along. With the new gate house, it will eliminate some of that.

Jon- I don't mean to contradict Chris maybe there has been a policy change the Town office is not aware of. We should have some type of agreement with the State Park. As you are discovering with the ZBA hearing that we have no control over what they do except that it impacts the town directly. It does happen

Public- Thank you for listening, we appreciate your thought. Do you have any idea of what the charge would be? Sometimes adding electricity changes the experience and you seem to want to make this a good experience for people.

Chris- Goes over current pricing is \$16.35 for residents and 27.25 non- residents. New fees would double.

Public- I understand money drives things. What about your management plans. There is a need for the park to be updated that is not the question. I think it should not be driven by money.

Chris- Thank you for your comments. This is a big project. We do have a reservation site and we have non- reservation sites also if available.

Public- I haven't heard anything about traffic.

Adrienne- We will be talking with DEP on how to handle traffic flow easily. Part of the issue today is if two people show up at the same time there is not a lot of room where you are registering. We are doing everything we can to pull vehicles in that are going to camp. The state park would like to see the speed limit reduced. We have trail crossing for kids, bikes and we would love to see it reduced. We approached DEP and we asked for a push button sign. The most we could get is the traffic cone island to slow people down.

Public It would seem with an expansion you have a bigger case.

Tom- Someone in a truck got right up behind me and passed on a double yellow line today. Chris, you mentioned the gravel trucks. They don't slow down. We don't have a police force. We don't have a full time Fire Department. I see huge potential for injury, I think it needs to be addressed as part of the expansion.

Alice-Is a drive to site the same as an RV site? Can any RV's fit, with this new plan. How many are there now?

Chris- Every site will have different sizes. There is a formula.

Tom- Those that camp will still need to cross the road to go to the mountain.

Andrew- They will not all be the 40foot long trailers.

Ginny- Do you have a limit of how many people per site.

Chris- Yes 6. There is the exception is mom and dad and 10 kids it has to be the parents and the direct children. Bradbury is still a small state park.

Public- When was the last time you had any significant upgrade to the park?

Chris- Before my time probably the shower building in the early 90's.

Public- The town deserves to have a park that we can really enjoy. The trails are truly a gift. It is a wonderful environment.

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Public- You do need infrastructure. What will you do with the wastewater. Will it be trucked out.

Adrienee- We have some engineers who have already done test pits, and we have leach fields for all of our campgrounds.

Public- How much does this cost us tax-payers. You could spend the money in other parks.

Andrew- Once it goes out to bid it will be in the millions. We are spending money in other parks as well.

Tom- I will close the hearing and the board will be deliberating you are welcome to stay.

Alice- What exactly are we approving?

Tom- We are giving them permission to move forward. They still have to go to the Planning Board to address the finer things. We have heard about the comments for too much too soon. It needs an upgrade no doubt about it. Cliff what you said earlier stuck home with me, and Ginny having said that campgrounds have been removed from the ordinance.

Cliff- I was making sure that what we have is a non- conforming use. It looks to me like we do.

Tom- Dick, should that be the first established fact?

Dick- I would have said it was the second. I haven't seen an application yet.

Tom- We are addressing the enlargement or re-establishment of a non- conforming use as described in Section 4 the zoning ordinance. The second statement of fact being that the term campground was removed from the zoning ordinances. Does that seem reasonable Ginny?

Ginny- I don't know the date it was removed, I can investigate that.

Tom- The term campground does not currently exist in the town's zoning ordinances.

Phil- I think it was removed in 2017.

Ginny- I think it should be noted that as they stated in their request that the operation of Bradbury Mountain campground has been in operation since 1955. Our zoning ordinance were adopted in 1981.

Tom- I really would like to see someone do what needs to be done to get the speed limit dropped. I would be willing to act as a spoke person for the town. I would like it to be a condition of approval.

Ginny- The Planning Board can take care of that as a condition. Jon agrees.

Cliff- They have an existing non- conforming use and are seeking to expand that non- conforming use. Without expanding into a new lot and a new district. Looking at the considerations under Section 207B5 which I think is what we have to consider to give the approval under Section 303E, which I think is the old reference. I am not going to go thru a- n; the upgrades are promoting health, safety, and there has been a lot of thought to the environmental impact. The consideration under Section 5 support approving the application for the expansion of this non- conforming use is how I would put it. That's my take.

Tom- I motion that the Board of Appeals would be supportive to the State and allow the proceed with the expansion of Bradbury Mountain State Park as you have described tonight. David Seconded- Motion approved 4-0

Meeting adjourned at 9:07pm.

Respectfully submitted,

Alison Purinton