

Town of Pownal

Special Planning Board Meeting Minutes

Thursday, January 28 2021
6 PM Zoom Remote Meeting

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

Members Absent: Matt St Cyr, Jesse Peters, Alternate Marika Clark

Guests: John Schwanda, Kate & Tress Sansom, Select Board: Heidi Curry

- 1. Call to Order at 6:02 PM by John B.**
- 2. Agenda: K & T Enterprises at Allen Farm and Barbara & Neil Peaslee**

John B. handed the meeting over to John Schwanda to inform the planning board of the proposal from K & T Enterprises at Allen Farm. There are two aspects of the project.

1. Change of use from owner occupied.
2. Create a back lot to build their home beyond the parking lot of the wedding venue.

The board started with the change of use. The Sansom's will not be living in the home and are requesting to change the current owner-occupied use. Discussion on if the planning board could act on the change of use under the special exceptions based on what they intend to do. The board concluded that this could fall under the business and professional use. Kate & Tress would continue running the wedding venue (barn) and rent the house as a packaged deal and possibly rented the house during the winter time. Matt raised the question on how often the house would be rented. Kate responded that right now they would start with weddings just to get their feet wet so they don't get over their heads. Would like to try to rent the house as an Airbnb later down the road but want to go one step at a time. Matt stated that the town does not currently have an ordinance for Airbnb but the vision is that folks who want to run an Airbnb would obtain a permit from the town, renew every year and pay a nominal fee. In doing this process, the town would be able to ensure that safety and other issues are addressed. This is the vision and for planning purposes this is what they would be looking at down the line.

Point was also brought up about approving the house as a special exception under a business and professional use and then using the property as an Airbnb. Two separate uses for the house. Would the new ordinance that is to be created cover this type of situation?

Looking down the road the Sansom's would like to be able to have two units available for rent. – the farmhouse being one and the carriage house which is above the garage which does not exist as it needs lots of renovations to be rented. The buildings are attached but are separate spaces. When the house is not used as a part of the wedding venue package, the house could be rented out for the use of others. Gabe gave a synopsis – one short term rental of the carriage house to be rented as often as you can through Airbnb and the rental of the house as a package deal with the wedding venue to allow family members to stay on premises for the weekend of the wedding and rent out during the week when no weddings are taking place.

John Schwanda stated he didn't want to see is the Sansom's convert the Carriage house and an ordinance comes along and says you can only have a one short term rental at a time. The carriage house rental every night but the house only in connection with a wedding. Christine commented that we have to work with what we have for current ordinances. We cannot predict the future and the outcome of future ordinances. The Sansom's will be taking their chances.

Gabe stated since the carriage house is not a viable consideration at this time, do we want to have that conversation now. Planning Board should focus on pairing up the house/barn with wedding venue. If and when they want to do the short-term rental with the carriage house, we can cross that bridge at that time. John B. and Christine were in an agreement with this. The primary goal is that the Sansom's can offer a package deal that comes with barn and the farm house. John S. responded in reality that when the farm

house is not being used by wedding guests, it could start immediately as a short-term rental like other people are doing in town.

Second aspect is the creation of a lot for the Sansom's to build on out back.

The proposal is using the Backlot Ordinance. John B. stated that the backlot would fall under the CEO and the deck would be the issue. There is a 50' right of way (ROW) for backlot ordinances and the deck would need to be removed as it is in the row.

Discussion pursued regarding if this would have to come to the planning board due to the 5-year rule. Heidi explained the chain of events that occurred. When the Curry's Spring 2018 split occurred, the split could have fallen under to 2 categories: conveyance to an abutter or their homestead exemption due to the fact they had owned the parent lot for 20 years and never split a lot. The conveyance for the private road to the abutter did not trigger anything. When the Curry's broke off their lot off at the end of farmview in the fall of 2020, that was their single lot split that triggered the 5-year rule (before another single lot can be broken off). It appears the backlot ordinance you don't have to wait the 5 years to do backlot. Tony believes the 5-year rule does apply. Heidi's understanding is if it split again it within a 5-year period that is a 3 lot and would be a subdivision. The issue is not if Kate & Tress can split, but the process by which it is able to be happen (i.e., CEO or planning board). Tony suggested that it might be wise to check with town's attorney regarding this issue.

John Schwanda remarked because the split will be from Kate & Tress to Kate & Tress if that is considered family, then a split to a family member can be done as long as the family member keeps the property for 5 years. In this case the property is owned by K & T Enterprises which is in reality Kate & Tress. How does that play into the dynamics?

Discussion on the driveway on the backlot coming off the parking area. Concerns of emergency vehicles able to reach the house when there is a wedding taking place, as well as passing lanes and turn arounds.

Peaslee Project: John Schwanda indicated he is a hired consultant to come to the planning board. He did not do the survey. Rubin Wheeler did the survey and will continue. John S. stated that Mr. Wheeler is not familiar with Pownal or dealing with planning boards and prefer not to do meetings. The plan that was submitted was from Mr. Wheeler.

John S. stated technically they could create 4 lots without getting planning board approval. The house is going to be kept with parents (lot of record), one lot to Neil Jr. both of them do not count. The sale of other two lots would be considered a two-lot split. The lot lines are shown but could change without planning board approval. The applicant is coming to the planning board for approval of the road. Applicant had the wetlands delineated in the area of the road and where the driveways might go for the lots. Road length was discussed. John S. played around with the road, shortening, moving the hammerhead and using cul-de-sacs and he could not come up with anything that would really change the impact on the wetlands for the road and each of the driveways. The total amount is only half of what is allowed to impact with the permit by rule. Mr. Wheeler concerned was about driveway to lot B coming off the turn around itself.

Matt A. asked if Mark Cense did the wetlands delineation for the whole lot or just a portion of it. John S did not now but thought he just did the front section where the road is and the driveways. Matt A. indicated that it was not clear what the scope of the delineation was and we do not want any building taking place on a lot that has not been delineated yet. John S. stated by state law says for a subdivision you have to delineated the wetlands. This is not technically a subdivision. If the planning board is actually only approving the road, does it then become the CEO job to ensure the buildings are not in the wetlands or that the lots have net residual acreage. Mr. Peaslee has hired an engineer (Terradyne) for the road.

Tony stated for the planning board to consider if the road is done only by planning board separately with no lots laid out, the planning board is probably constrained to 600 feet length. If the applicant wants to make the road longer it seems to him that the lot lines would have to be delineated and have to come before the planning board so the arguments could be made why the waiver for the road to be more than 600'.

Planning Board will need to see a complete plan, entire property to be delineated so that we are weighing all the considerations in order to approve a road and a waiver. Additional documents would include a road maintenance agreement to be drawn up and also a road profile is needed to show culverts and meets incline and decline regulations. John B. read a comment from Matt St. Cyr as he was not able to be at the meeting. He would like the town to hire a consultant to confirm the wetlands studies that were done as it is very wet at the back of the property. The client would pay for the consultant. Will need environmental survey to confirm what is on the plan.

Christine made a motion to adjourn the Special Planning Board Meeting, Gabe seconded. So, moved and approved. Meeting adjourned at 7:57 pm

Respectfully Submitted,

Christine Watson

Christine Watson
Planning Board Secretary
2-17-21 Approved