

Development Review Board – Hearings Olanksy/Wellsmith LLC

January 6, 2021 7pm via Zoom

Present:

DRB Members: Syd Smithers (SS), Mike Slattery (MS), Karl Strohmaier(KS), Jim Winchester (JW), Cindy Legge (CL), John Bushee (JB), Matt Gardner (MattG), ZA Michael Gardner (MG), Rebecca Dragon Recording Secretary (RD)

Public: Jim Bayliss (JimB), Jared Bayliss (JaredB), John Monopoli (JM), Randy Bates (RB), Jim Boutin (Jim Boutin), Justin Olanksy (JO), PhilipWells (PW), and Dana Smith (DS)

Call to order at 7:02

Approval of Agenda:

Olanksy Minor Subdivision, Change of Use Wellsmith LLC, Other Business

MS moves to approve the agenda, **KS** seconds, unanimous approval.

OLANSKY MINOR SUBDIVISION:

SS: embarrassed to inform that the Town of Pownal neglected to file the application for the subdivision in the time permitted by our statutes and bylaws, and therefore causing the permit to be “deemed approved”. Therefore we do not need a public hearing as there is no action that we can take being the permit is deemed approved. Any possible action was usurped by the failure to respond to the application. The application was filed in October. Opens discussion.

JM: has wetlands on his property and also has a “beaver problem” and wants to know how the subdivision will affect this. Wonders if his concerns are still relevant given the permit was already deemed approved.

SS: The DRB does not have jurisdiction over beaver intrusions.

JM: Reiterates concern over wetlands in relation to placement of septic and water. Map is confusing.

Septic is not going anywhere near Mr. Monopoli’s property line. Discussion over driveway placement in relation to pond. Mr. Olanksy arranges with Mr. Monopoli to connect so he can walk the property with him and show him where he is planning to build.

Jim Boutin: Already spoke to Mr. Olanksy and his concerns regarding the subdivision were addressed to satisfaction by him. Expresses concern over how the permit was approved through inaction, and asks why that happened.

SS: Lost track of the application, and wasn't handled in a timely manner.

Jim Boutin: It is unacceptable. Can this be prevented in the future?

SS: Confident that working with the ZA, the HO and the Board Assistant towards better coordination we can prevent this happening again. Considering implementing a system where all applications will get placed on a calendar. **RD** is working on a system and will present to the Selectboard.

MG: Takes full responsibility as Zoning Administrator for this mistake.

WELLSMITH LLC CHANGE OF USE HEARING:

Philip and Dana Wells

“Wellsmith LLC (Dana Smith and Philip Wells) 1396 Mt. Anthony Rd., Pownal, VT, has submitted an application for a (Change of Use/Commercial and new deck) **Permit Number # 20-00029**, for property located on 2643 Route 7 in the Town of Pownal.

The Town of Pownal Development Review Board will hold a Public Hearing on this application on **Wednesday, January 6, 2021 to immediately follow the previously scheduled hearing at 7pm** at The Town of Pownal Town Clerks Office, 467 Center Street Pownal, Vermont (and via zoom as above). A copy of this application and additional information may be obtained at the Town Office.”

SS: Invites applicant to describe the application.

DS: Commercially zoned property, but original use is residential. Would like to put a restaurant on the first floor and an apartment on the second floor. Also a permit for a deck and dock off of the north side of the building that will help with deliveries when the restaurant is open. Also a wheelchair ramp to be ADA compliant. Proposed number of seats in-door 37, seasonal outdoor seating of 11. Beer and wine, no hard liquor. No live entertainment.

SS: Parking regulations require 250 square feet for every three seats in the restaurant. Asks if they have a compliant parking plan.

DS: The civil engineer has planned for 15 spaces at 250 SQF and one ADA compliant handicapped spot for a van.

MS: Asks for clarification on the parking spaces. Dana clarifies and reaffirms 16 parking spaces including one that is ADA accessible.

KS: Asks how many parking spaces for the tenant. How many employees? How much parking for both tenant

DS: 2 spots are reserved by the garage, already existing for the tenants. Near the back of the building (off of Pettit Drive) for 2-3 employee vehicles. Max five employees at a time. Vermont Transit came and did a survey, and received verbal confirmation from her that this parking layout is acceptable to the State.

JB: Will the dock be set back from Pettit Drive?

DS: It would be 15 feet minimum from the Drive. The property has a deeded easement to use Pettit Drive.

JimB: Asks his son Jared to speak on his behalf.

JaredB: Do the applicants intend to pave the parking lot? If not there is concern about run-off. They are the property to the east of the site.

DS: Will be a gravel parking lot. Run-off is not something they have considered.

SS: States that the area is known to be wet, and there is a chance of displacing water/run-off with building a parking lot. Says the applicants need to have a means to address the concern.

DS: Says this definitely can be addressed.

JaredB: Concern over “vagueness” of application. Mentions desire to expand including a catering portion to the business. How would this affect the foot and vehicle traffic? Also some language offering to plow for access in the easement. Mentions wanting to do charitable events, would like more specifics on these concerns.

DS: The possibility of expansion means another application, which could be years. She just wanted to give an idea of what they wanted to do and share the vision. They want to promote their community and build the community in Pownal. Wanted to share the vision instead of just the zoning.

MS: appreciates the extra information and thanks Dana for it

JaredB: Being the most adjacent abutters there is a concern with an outdoor deck causing a problem with privacy. Concern of smell of commercial kitchen and smoker. How will these impact the value of their property?

DS: Rebuilding the porch on the side of house closest to Route 7, will not be on side of house adjacent to Bayliss property. States that they are zoned for this kind of use. Smokers are similar to woodburning stoves. No one will near their house, nothing is being developed back there.

SS: If there is a concern about headlights, the DRB can condition the use to prevent light pollution.

JimB: Doesn't feel the trees are enough to provide blockage. Mentions willows that "sit in water" for part of the year. Also concerned about privacy in regards to swimming in their pool with their grandchildren. Doesn't think there is enough blockage.

SS: suggests a site visit

MS: doesn't believe a site visit is necessary

MG: Deck is not on the easterly side (adjacent to Bayliss property).

DS: Dock and smoker would be north side, only for employees. Outdoor seating on the South side facing Route 7.

MG: parking lot appears to be 96 feet from the Bayliss property line, then flares wider as it goes South

RB: Neighbor to the South side. His mother lives in the house. Parking lot is 24 feet from her property line. The headlights will be pointed towards his mothers house. Concern over lighting and privacy.

DS: Intends to put a privacy fence to block light to South neighbor. 6-8 feet.

RB: Also concerned about drainage due to the parking lot. Asks about hours of operation.

DS: Lunch and Dinner three days a week to start, closing around 9:00.

MG: In the bylaw is there a curfew for hours of operation for restaurants?

SS: Nothing in the bylaws but the DRB can set the conditions.

CL: Asks where the smoker would be located.

DS: North side of the building by Pettit Drive.

JB: Doesn't see the possibility for expansion. Wants to see a drawing regarding drainage before he would vote on that.

SS: Is existing well being retained for non-potable water, why not fill it?

DS: Wants to keep it. It is still functional and capped. It could be used for landscaping.

SS: could be used for a sprinkler system

MS: Summarized concerns: drainage, headlights, traffic...suggests continuing the meeting to get more information on these concerns.

JimB: Not uncommon to be ankle deep in water where it drains. Can't mow that area until late spring.

CL: Perhaps a trench would help

JimB: Has a pond with a stream about 300 feet away.

MS: agrees to site visit, socially distanced

SS: Suggests Saturday afternoon, January 9 at 2 pm.

Hearing is continued to Saturday January 9, 2021 at 2pm

MS moves to continue hearing until that time. KS seconds. Unanimous approval.

MS moves to adjourn. KS second. Unanimous approval.

ADJOURN

