

MINUTES OF THE TOWN OF POWNAL
DEVELOPMENT REVIEW BOARD
March 3, 2021
POWNAL, VERMONT

Board Present: Syd Smithers (SS) (Chair), Mike Slattery (MS) (Vice-Chair), Matt Gardner (MG), Cindy Legge (CL), John Bushee (JB), Karl Strohmaier (KS)
Board Absent: David Dence, Jr. (DD), Scott Wells (SW)(alt.), Jim Winchester (JW)(alt.)
Others present: John Dupras, Dana Smith, Randy Bates, Jenny Dewar, Jim Bayliss, Stacy Boxer, Megan Albert (Administrative Assistant)

1. Call Meeting to Order:

Syd Smithers called the meeting to order at 7:00pm.

2. Approval of Agenda:

Mike Slattery moved to accept the agenda for March 3, 2021. Cindy Legge seconded. Motion carried 5-0-0.

3. Approval of Minutes:

A. Minutes of site-visit on January 9th, 2021:

Mike Slattery moved to accept the minutes for January 9th, 2021 with an amendment. Cindy Legge seconded. Motion carried 5-0-0.

4. Continuance- Change of Use Hearing for Wellsmith LLC:

Syd Smithers: John Dupras put together information for the application. He is here to present this.

John Dupras: The stormwater drainage of the plat is to replicate current conditions by creating a pond or detention basin to collect and temper runoff. All sediment, sand, etc. will end up in this pond or detention basin.

SS: Does the post-development rate of flow have to be no more than the pre-development?

JD: Yes.

SS: Will the parking lot be gravel?

JD: Yes, that is still the plan. Dana is also working on approval from the Agency of Transportation. She has a letter of intent to approve the entrance on Route 7. They need to see all other permits before they will approve this.

JD; Abutters expressed concern about access, privacy and lighting. There is a fence around the property. Access to dumpster, gas, etc. is from one entrance.

SS: Are there any questions from the board?

John Bushee: Do they have a permit for the curbcut from the state?

SS: They do have a letter of intent which states that it is not a permit. The State of Vermont will not approve the permit application until all other local permits are approved.

Cindy Legge: The deck that was already torn off is going to be replaced on the south side? Does this have to be done within one year from when it was taken off? I thought I heard this at the site-visit.

SS: That was my statement. I thought the removed deck was on the West side which would encroach into the setback, but it will be on the South side. It does not need to be built within one year.

Chairman Syd Smithers asked the board for any further comments. There were none.

5. Public Comment:

Chairman Syd Smithers asked the public for any comments and questions.

Randy Bates: My mom lives to the south. I think we will be fine with everything here in the plans.

Jim Bayliss: I live to the east. We did not get a copy of the drainage plans. I'm concerned about if it will impede the drainage that leads to our willows. In regards to deeds, ours states no commercial trucks are allowed on Petit Drive. Is everyone's deed the same? Also, I question the lighting being angled down enough not to affect our backyard.

SS: The easement for this property includes a right of way for Petit Drive, at least for the entrance of their property, from Route 7 to the east.

JB: I'm questioning access down Petit Drive. My deed says no commercial trucks.

SS: Their deed does not say that. You should consult with your counsel about this.

JB: What are the plans for diverting light from our house other than a chainlink fence?

John Dupras: There will be a 6ft chainlink fence with a black fabric over the fence. All the lights are going to be angled down and away. They are not high powered lights.

(John Dupras presents the exact fence and lighting being used for diversion from the Bayliss property)

JB: The lights are pointed down, but our house is at a lower grade. Are they only lighting the pavement of the parking lot?

JD: The rim of the shade is horizontal, not intrusive.

Stacey Boxer: Is there town sewer on this property? Well?

Dana: Yes.

SS: They are drilling a new well.

SS: Are there particular regulations needed before drilling the new well in regards to public drinking water supply accommodations in Vermont?

JD: A transient non-community well. This project meets those standards.

Jenny Dewar: Thank you to the DRB for all the work you put into this. I'm excited for this project and to have food here in Pownal.

JB: I'm not sure there is a view, what people are going to see. I'm not crazy about it.

Mike Slattery: This is an appropriate use of property in the village zone. They also promise to be good neighbors and have presented those plans. I am very much in favor of this.

Chairman Syd Smithers closed the public comment portion of the public hearing.

6. Continuance- Change of Use Hearing, continued:

MS: I think they have done a great job with their plans. I would entertain a motion to approve this application.

Cindy Legge: They have done an exceptionally great job with this project as well as keeping the neighbors happy. I think this is a great effort. It looks good to me.

John Bushee: Everything is intact. It has met all of the questions we had last meeting. I would say that I would second the motion.

SS: I call for a motion to approve application for the permit for a restaurant with an upstairs apartment with the following conditions:

- Final permit from AOT for curbcut
- Comply with the special conditions imposed by the AOT for cubcut
- No expansion without further application.
- Require all lighting be shielded and downward directed as to not impact offside areas
- Require that the pond/detention basin be maintained on a regular basis.
- Restrictions on hours of operation: 11am-9pm

MS: I am in favor of these conditions. Can we attach those tonight and approve it? Megan will be recording this. We can attach the recorded conditions in the minutes to the application.

Karl Strohmeier: What's your opinion Syd?

SS: I think Megan and I can work on writing this up.

MS; They are on the record.

CL: I think the conditions are good.

JB: Can we have a review of this later on? In a 6 month period?

SS: If they don't comply with the permit they get, we can ask the Zoning Administrator to see what he can do, but they still have to comply with the conditions.

Mike Slattery moved to approve the permit with the following conditions:

- Final permit from the Agency of Transportation for curbcut
- Comply with the special conditions imposed by the Agency of Transportation for curbcut

- No expansion without further application.
- Require all lighting be shielded and downward directed as to not impact offside areas
- Require that the pond/detention basin be maintained on a regular basis.
- Restrictions on hours of operation: 11am-9pm

John Bushee seconded. Motion carried 6-0-1.

7. Adjourn:

Karl Strohmaier moved to adjourn the meeting at 8:45pm. Cindy Legge seconded. Motion carried 5-0-0.

Respectfully submitted,

Megan Albert