

MINUTES OF THE TOWN OF POWNAL
DEVELOPMENT REVIEW BOARD PUBLIC HEARING
March 17, 2021
POWNAL, VERMONT

Board Present: Syd Smithers (SS) (Chair), Mike Slattery (MS) (Vice-Chair), Matt Gardner (MG), John Bushee (JB), Karl Strohmaier (KS)

Board Absent: Cindy Legge (CL), David Dence, Jr. (DD), Scott Wells (SW)(alt.), Jim Winchester (JW) (alt.)

Others present: Megan Albert (Administrative Assistant) Ryan Downey, L.S., Sabin Willett, Sally Dodge, Jon Binhammer.

Participation in the public hearing via Zoom.

1. Call Meeting to Order:

Syd Smithers called the meeting to order at 7:09pm.

2. Applications for Two Rural Residential 2 Lot Subdivisions and one Boundary Line Adjustment:

- a. Cleeland Corporation % William Dodge of P.O. Box 190 Burlington, VT 05402 has submitted an application for a (Rural Residential 2 Lot Subdivision) **Permit Number #21-002**, for the property located at 549 Cedar Hill Road Pownal, VT 05261. Ryan Downey presents the application.

Ryan Downey: I was hired to identify the properties Cleeland Corporation owns. There are 3 separate tracts of land with multiple parcels on them. In this first tract of land there are 120.49 acres, Cedar Hill Road, Quarry Hill, existing drilled wells and house. There are 3 abutting land owners. We want to subdivide the property to conserve the farm land and deed the other land to new owners. The farm land will be conserved by an easement to be held by Vermont Land Trust. There will be no visible changes by subdividing this land.

Syd Smithers: Are you asking to present all three of these permits separately?

Ryan Downey: Yes, we hope for each of these permits to have their own hearing.

Syd Smithers: Ryan has explained to me the definition of subdivision according to the Vermont State Statute which governs these applications. The definition is as follows:

“Subdivide” means to divide land by sale, gift, lease, mortgage foreclosure, court-ordered partition, or filing of a plat, plan or deed in the town records where the act of division creased one or more lots. Subdivision shall be deemed to have occurred on the conveyance of the first lot or the filing of a plat, plan or deed in the town records, whichever first occurs. A

subdivision of land shall also be deemed to have taken place when a lot is divided by a State or municipal highway, road, or right-of-way, or when a lot is divided by surface waters with a drainage area of greater than ten square miles.

Mike Slattery: I understand this is a minor subdivision. We need a public hearing for each permit. What is the procedure to approve these? Do we need another hearing for the other two applications?

SS: By filing 3 applications, each application is allowed to have their own hearings. These 3 permits were all warned for the same meeting. We can decide on all three of these during this hearing.

RD: We hope the vote will be after each application is reviewed.

Chairman asked if there were any further questions from the board about this permit application. There were none.

Chairman asked if there were any questions from the public about this permit application.

Sabin Willet: Lot 1b. What would the permitted use of lot 1b?

SS: That is not something we can discuss tonight.

MS: They would have to come before the board to change the use of this lot.

Karl Strohmaier moved to close the hearing on Permit Number #21-002. John Bushee seconded. Vote in favor 4-0-1.

- b.** Cleeland Corporation % William Dodge of P.O. Box 190 Burlington, VT 05402 has submitted an application for a (Rural Residential 2 Boundary Line Adjustment) **Permit Number #21-003**, for the property located at 320 Quarry Hill Road, Pownal, VT 05201. Ryan Downey presents the application.

RD: This application is for Lot 2 and Lot 4b. Lot 2 is old farm land. Lot 4b has a house and guest house on 38.45 acres. We're looking for a boundary line adjustment. We want to use the creek as the boundary line between these lots. That change will take about 4 acres from Lot 4b, but does not change anything on either lot.

SS: This is a boundary line adjustment.

RD: Many towns authorized their Zoning Administrator to approve boundary line adjustments. Can Mike Gardner speak on this?

Mike Gardner: I'm happy to sign off on this if this is okay with the board.

Karl Strohmaier: If the stream moves, does the line move?

RD: In Vermont law, if the stream moves over time, the boundary moves with the stream. If it moved due to a natural disaster, it would not.

Chairman asked if there were any further questions from the board about this permit application. There were none.

Chairman asked if there were any questions from the public about this permit application.

Sally Dodge: Does anyone know the name of this stream?

Mike Slattery moved to close the hearing on Permit Number #21-003. Karl Strohmaier seconded. Vote in favor 4-0-1.

- c. Cleeland Corporation % William Dodge of P.O. Box 190 Burlington, VT 05402 has submitted an application for a (Rural Residential 2 Lot Subdivision) **Permit Number #21-004**, for the property located at Quarry Hill Road Pownal, VT 05201. Ryan Downey presented the application.

RD: We hope to create Lot 4a1 and Lot 4a2 from Lot 4. Nothing will happen with Lot 3. This is all farm land. Lot 4a1 would be a 25.92 acre lot and Lot 4a2 a 37.4 acre lot. Lot 4a2 will be added to the Nature Conservancy lands.

Chairman asked if there were any further questions from the board about this permit application. There were none.

Chairman asked if there were any questions from the public about this permit application.

Sabin Willett: Is the line between the lots essentially the tree line?

RD: Yes.

SW: Will Lot 5 continue to exist unchanged?

RD: That is correct.

John Binhammer: I'm here representing the Vermont Nature Conservancy. We are pleased to be a part of this presentation and happy to answer any questions about this. We hope for the public to be able to use this land which will connect to other Conservancy land the north.

Mike Slattery moved to close the hearing on Permit Number #21-004. Karl Strohmaier seconded. Vote in favor 4-0-1.

3. Adjourn:

Karl Strohmaier moved to adjourn the public hearing at 8:00pm. John Bushee seconded. Motion carried 4-0-1.

Respectfully submitted,

Megan Albert