

Poultney Planning Commission
Public Hearing
Wednesday, March 23, 2022 – 6:00 pm
Poultney Fire House
55 Fire House Lane, Poultney, Vermont

Minutes

The Hearing was called to order at 6:00 pm. Members in attendance included Jaime Lee, Chair, Doug Langdon, Mary-Sue Reed, and Mark Teetor. Others in attendance included Paul Donaldson, Zoning Administrator, Jeff King, Selectboard Chair, Carol Bunce, Selectboard, and Sarah Pelkey, Economic Development Coordinator. Public in attendance included Rachel Maiori, William (Bill) Fast, Tim Farrell, Maggie Farrell, Candice Passehl, James Johnson, Mark Flynn, Kimberly Flynn, Andrea Austin, Jamie Austin, Daniel Norwood, Ben Thirkfield, Nic Stark, Dave Cooper, C.B. Hall, William DeForest, Laurie Provin, Ernie DeMatties, Tim Loomis, Pamela Burlingame, Diane Bargiel, Michael Lightfoot, Brendan Fast, Kerry O. Furlani, Adam Adeane, Pat Davenport and Mike Davenport.

1) Presentation

Chairperson Lee discussed the purpose of the hearing, the reasons for the update and presented a selection of slides showing the steps and the process involved and the changes in this “Band-Aid” to the bylaws.

2) Comment Already Received by Commission

Lee discussed the various public comments received from the Rutland Regional Planning Commission (RRPC). This included striking dated language in regard to Family Daycare and Group Home, so that the State definitions and associated regulations would take precedence. In addition, the RRPC had noted that State law requires that conditional use review be written in a manner that does not have the effect of prohibiting multiunit dwellings on the basis of character; relevant language was added to the proposed bylaws to honor this section of Vermont Statutes.

Correspondence from David Cooper, representative of Len Knapmiller and Poultney Properties LLC, expressed concerns regarding Section 1511, Lot Limitations, suggesting that the proposed restrictions would impede his client’s ability to utilize his property to its full potential. In addition, changing Retail Use from Site Plan Review to Conditional Use Review in the Village Industrial district seemed to contradict the purposes of this update as a “Band-Aid” update. The Commission subsequently struck these portions of the proposed language.

3) Public Comment

The floor was opened to comments from the public in attendance. James Johnson, town resident and business owner, questioned the meaning of “undue adverse effect”, and is there an opposite term. Lee explained that the Courts define this language for municipalities (ex. Quechee Gorge). He commented that phrases like “orderly growth” and “character” are highly subjective. Lee said that more descriptive details are provided in the newly proposed Conditional Use Review language of the Bylaw Update.

Mark Flynn, a town resident, inquired about the one principal business in a facility. What is allowed in the Journal Press Building which has multiple businesses? Lee explained that this building was thought of when we looked at the phrase “one principal building and one principal use”, which is why the language was subsequently struck. Flynn inquired if more buildings can be placed on a lot: that is not currently allowed.

Tim Loomis asked how the VEMAS property falls into this. Lee noted that the property (which has multiple buildings) precedes zoning restrictions, and is “grandfathered-in”.

Mark Flynn inquired about the marijuana sales recently approved by the voters and related businesses (laboratory, drying facilities, etc.). He expressed concern about the odors when we are trying to draw new businesses to town. Lee said this is not the time for these types of changes to the Bylaws, and the town has constitutional limitations, all of which need to be researched. Paul Donaldson (Town/Village Manager) noted that the town oversees only the retail cannabis operations, and the state oversees the laboratory, etc. operations.

David Cooper recalled that his client’s permit was denied because the DRB interpreted the Bylaws language to mean one use per property. He inquired if the Bylaws could list the allowed uses under “light industrial/retail”. Lee noted that this process was to provide a “Band-Aid” update to the By-Laws to allow for orderly growth and development of the former GMC parcel. The Planning Commission can consider such suggestions during the Bylaw Modernization updates. Cooper appreciated the rollback and asked that the Commission collaborate with his client. His client wants to maximize the use of his property and determine what use(s) make the best sense for the community. Lee strongly urged Mr. Cooper and his client work with Sarah Pelkey, Poultney’s Economic Development Coordinator, who similarly assisted with Regenerative Land Holdings.

Diane Bargiel clarified that the VEMAS permit was denied because the property was not zoned for retail. Lee noted that retail could be permitted under site plan review.

Donaldson asked if Table of Uses changes from site plan review to conditional were also being rolled back. Mark Teetor responded in the affirmative.

Bill Fast asked what happens if a building in the Village districts does not meet minimum parking requirements. Lee stated that the Commission, with the help of the RRPC is looking at parking studies and that the Bylaws offer flexibility for such properties located in Village districts. Jeff King reiterated this concern about the parking difficulties in the Village, and inquired about having exceptions. Teetor replied that there are already exceptions and allowances. Lee informed the audience that, for a Planned Unit Development (PUD), a proposed use can meet parking requirements in more innovative ways, rather than necessitating parking adjacent to each proposed use.

Answering a question from Mark Flynn, Lee noted that a copy of the presentation is available to the public on the Planning Commission website (PoultneyPlanning.com) along with the Bylaws and meeting information. Mr. Flynn also suggested to make finding meeting information made more visible on the town's website-easy and consistent.

Ben Thirkfield, a member of the Poultney Development Review Board, expressed gratitude for diligent, thorough, thoughtful and considerate work of the Planning Commission, noting that the proposed changes open up the possibilities to more easily interpret the intent and allow more flexibility in the decisions the DRB makes.

4) Recess

Lee recessed the meeting at 6:40 PM until 6:00 PM Friday, March 25, 2022, at the Poultney Fire House to ensure all statutory parties have the required 15 days to comment.

s/ Mary-Sue Reed, Jaime Lee