

DRAFT
Poultney Development Review Board
Meeting Minutes
Wednesday, March 22, 2017 – 6:00PM
Poultney High School Gymnasium

Vice-Chairman Ernie DeMatties called the meeting to order at 6:15pm, providing additional time for the change of venue. Members in attendance included Patricia McCoy and Jaime Lee. Chairman Mark Teetor joined the meeting by phone. Others in attendance included Zoning Administrator Paul Donaldson, Applicant Leonard Knappmiller, Kim Elnicki, and Authorized Agents for the Applicant: Attorney Karl Anderson and real estate consultant Mark Thibeault.

Purpose: Site Plan Review, including (i) two permitted uses subject to review by the Development Review Board (Retail Store, i.e. “Dollar General” site and Light Industrial); (ii) proposed college directed facility (Green Mountain College “REED” program); (iii) sign placement; and (iv) building removal, on lands owned by Poultney Properties, LLC, located at 53, 55, 57 and 61 Beaman Street (Route 30) (formerly “VEMAS” property). Application also includes requests for variances. Applicant: Poultney Properties, LLC. The property is located in the Village Industrial Zoning District.

Ernie DeMatties introduced the matter before the public and announced that the meeting will only extend until 8pm, at which time if necessary the Board will recess the meeting until 6pm on April 19th to be held in the same venue and warned in several locations around town.

Mr. DeMatties inquired over the phone with Mr. Teetor whether Mr. Teetor consented to Mr. DeMatties to preside over the meeting as Vice-Chair of the Board. Mr. Teetor did consent, thus Mr. DeMatties will conduct the meeting.

One party, adjoining property owners Slate Quarry Park, did not receive due notice for the hearing. A representative from that group, Kerri O. Furlani, was asked whether they would waive the legal notice requirement so that the hearing may proceed. Kerri. O. Furlani so waived.

The applicant’s representative Karl Anderson (attorney) presented Leonard Knappmiller, Principal of Poultney Properties LLC, Kim Elnicki, and Mark Thibeault, real estate consultant. Mr. Anderson described the application and presented the maps on a projector. All materials had been previously distributed to the Board and included the following:

- 1) Site and Location Plan and Legend prepared by Forcier Aldrich & Associates, Project No. 05067, dated August, 2014;

- 2) Preliminary Site Plan, Dollar General, depicting proposed lighting and location of sign;
- 3) Birdseye view of property depicting proposed location of REED Woodworking;
- 4) Space Plan showing layout of proposed Dollar General;
- 5) Sketch of proposed signs.

Additionally, Karl Anderson testified that a 6' fence would be installed on the westerly property line to block cars' headlights from neighboring residences.

Two signs will be located on the property; one mounted to the building and one a standalone outside of the right of way of Beaman Street. The standalone sign will include front and back, each side at 32 sq ft.

Ernie DeMatties requested that the Applicants further describe the other proposals that were submitted along with the Retail Use. The Applicant described the REED Workshop (an intensive wood workshop operated by Green Mountain College students), an existing woodworking shop that would be maintained at its present use, a vacant use, and the removal of a historic building.

Mr. DeMatties reiterated a number of conditional use requirements, and Attorney Anderson advised he did not think those applied to the pending application. Mr. Donaldson stated that the applicant submitted an Applicant's Agent Consent, and identified the matter as a Conditional Use; Attorney Anderson took exception to calling it a conditional use application.

Attorney Anderson stated that he did not believe the DRB had jurisdiction over the REED program or the other tenant because the applicant views them as industrial uses. Mr. Donaldson clarified for Attorney Anderson that Mr. Donaldson, Attorney Anderson, and the applicant, that when the applicant and Attorney Anderson personally delivered the proposed application in three sections, Mr. Donaldson advised them he was going to group them together as one application as the proposals were on one lot, and needed to be considered as a whole, and that is why the entire matter was referred to the DRB.

One of the proposed uses, the existing woodworking shop, was questioned by members of the public in attendance. Neighbor Steve Betit spoke about the progress on this property and noted it was not being used nor should it be considered as a business. The applicant could not state with any affirmation the nature of the business conducted by the proposed current "woodworker." Attorney Anderson stated that the applicant received the rent, and that was about all the applicant knew for sure about the nature of the tenant's business.

Pattie McCoy requested clarification on the proposed parking lot and building lighting.

Jaime Lee pointed to language in the Unified Bylaws (*Article II: Establishment of Zoning Districts and Zoning Map, Section 201: Establishment of Zoning Districts, C. VC - Village Commercial, Pg. 7*) and Town Plan (*4.0 Future Land Use, 4.6 Industrial District, Pg. 15*) that further defined the purposes of the Village Industrial district, and asked whether any supporting industrial uses are being proposed for the property. Mr. Anderson described the REED Workshop (an intensive wood workshop operated by Green Mountain College students), which is proposed for one of the buildings on the lot. Jaime Lee further noted that College Owned and Directed Facilities are prohibited from this zoning district, as per the Unified Bylaws Table of Uses (*Article III, Pg. 13*).

Jaime Lee pointed to language in the Unified Bylaws regarding signage (*Section 1102: Regulations, C*), limiting sign size to 35 sq. ft., inclusive of front and back. The Applicant noted that the proposed sign will require a variance or waiver from the Board.

Interested Person Testimony

CB Hall spoke on behalf of Concerned Citizens of Poultney. Mr. Hall presented testimony for the group that is against the proposed Dollar General. In addition, Mr. Hall submitted written material as to why the group is against the proposed project. Mr. Hall asked the applicant about light mitigation in the parking lot. The Applicant responded that fences are proposed to minimize glare from headlights in parking area, and that overhead lights will be shielded.

Mr. Hall asked about hours of operation. The Applicant responded that typical hours of operation for Dollar General retail stores are from 9am to 10pm and from 10am to 9pm on Sundays, but could not confirm those hours, citing that they may fluctuate with market demand.

On the phone, Board Chairman Mark Teetor asked about noise issues from existing HVAC or proposed refrigeration units. The Applicant responded that the HVAC unit on the roof will continue to be used, but had no information on refrigerator noise at this time and will investigate ahead of the next meeting.

Gene Sumner, neighboring property owner, asked questions regarding the headlights of vehicles exiting the parking lot, and how the business intends to contribute to the community, citing the employment opportunities provided by previous industrial uses on the property. Mr. Sumner also expressed great concern with the proposed loss of the barn on the property, and that the character of the lot will be substantially changed for the detriment.

Neal Vreeland, neighboring property owner, asked the Applicant to confirm operating hours. The Applicant reiterated the hours previously provided and that those were only estimates given past practices.

Mr. Vreeland asked about the square footage of each of the buildings on the lot. Applicant responded that the proposed Dollar General retail square footage would be 10,000 sq. ft., the REED workshop 6,300 sq ft, and no information on the other woodshop.

Mr. Vreeland asked how many people would be utilizing the REED workshop and at what hours. Applicant responded that they did not know.

Mr. Vreeland asked about the total area of all buildings. Applicant responded roughly 32,000 sq. ft.

Mr. Vreeland pointed out that the entrance to the property was less than 75 feet away from the intersection of Beaman and Church Streets; the Applicant agreed with this.

Mr. Vreeland inquired about the size of the lot, and the Applicant agreed that it was less than 2 acres total.

Mr. Vreeland asked how many parking spaces would be provided on the property. Applicant responded that there would be 41 spots in front, 6 or 7 unimproved additional parking in the back.

Mr. Vreeland asked how many square feet would accommodate the loading area. The Applicants responded that they did not know.

Mr. Vreeland stated that as an interested party he still had the right to provide testimony to the board, and reserved his right to do so, and to ask additional questions of the applicant as the matter progresses.

Melanie Lincoln Potter provided testimony regarding the character of the changes and the negative impact it would have on the area. Ms. Potter discussed whether the proposal had been thoroughly thought through considering the Applicant's inability to answer basic questions regarding the lighting, the parking and mitigation to surrounding property owners.

Mr. Hall again asked questions of the Applicant regarding the proposed project, and stated that the Dollar General is a corporate entity concerned only with its own profit, and not something that would be in keeping with the community.

Gary Kupferer, Esq., representing the Town of Poultney and Poultney Selectboard, asked the applicants to clarify whether they were asking the Board to consider the Dollar General specifically or a Retail Use generally. The Applicants responded that there was no firm agreement with Dollar General at this time, and they're asking the Board to consider a Retail Use generally.

Attorney Kupferer asked about the preexisting lighting. The Applicants responded that they will get more detailed information at the next hearing. Attorney Kupferer questioned the location of the proposed standalone sign, and what impact it would have on the signage presently along Beaman Street directing the public to Green Mountain College, and other points of interest in the town. The applicant was unable to answer those questions.

Attorney Kupferer also inquired about the proposed hours of operations and hours of delivery. The applicant was unable to give definite times for either inquires, and stated they did not believe they had to provide the Board with set hours of operation. Attorney Kupferer inquired about the traffic patterns coming and leaving the property.

Steve Fesmire asked how many people the Dollar General would employ. The Applicant responded that up to 12 employees would be employed, and most of the time the store would be run by one manager and one employee. Mr. Fesmire suggested that the applicant find a tenant more suited for the location, and that the town should strive for something better than a Dollar General.

Paul Donaldson stated that, having heard no objections to the contrary, the Board considers all members of the public who addressed the board and the applicant to be interested parties as defined by VT statutes. Neither the Applicant, nor its agents raised any objection to this.

Jaime Lee made a motion to recess the hearing and reconvene on April 19th at 6pm. Pattie McCoy seconded the motion. Oral vote unanimous, motion carried.