

TOWN OF MONTGOMERY, VERMONT

MONTGOMERY DEVELOPMENT REVIEW BOARD UNAPPROVED MINUTES

Thursday, June 17, 2021

Members present: *Parma Jewett: Chair, Lynda Cluba: Clerk, Suzanne Wilson, Wendy Howard, John Kuryloski: Alternate, Mark Brouillette (absent)*

Applicants: *Abram Barnard and Walter Knight*

Zoning Administrator: *Ellen Fox*

Visitors: *Interested parties, Abutting property owners: Robert and Diane Gendron, Wendell Hughes and Amanda Chapple, Michaela and Michael Ledden and Melinda Swearingen.*

Other visitors: Brent Godin: Constable, Jacqueline Kaufman, Lynn Locher and Edward Deptula (by phone).

1. **DRB Hearing** - The Chairman called the meeting to order at 6:04 pm. Parma explained the process of how the meeting will be conducted. The hearing is recorded and all who speak must first state their name and be recognized by the Chair. She gave the oath to all present at the hearing. All confirmed.

The **Application is for a Conditional Use Permit to build a food service area on the existing footprint; construction of a Volleyball court, Bocce court and parking for an outdoor recreation area. Community outdoor cinema showing films one evening every two weeks and possible 3 day film festival once a year.**

The property is identified as a 16.5 acre Parcel # N118.041B, located at 312 Main St in the Village 1 and Village 2 Zoning District as written in the Town of Montgomery Zoning Regulations; Amended and updated November 2018. Parma asked if any board member felt they had any conflict of interest. No response. She explained that according to our Zoning ByLaws, any outdoor recreation projects require conditional use for the V1 and V2 districts.

Evidence submitted by the Zoning Administrator noted as A1 includes: Application to DRB received on 5/28/2021, a copy of the Notice of Public Hearing posted in 4 places, identifying the applicants and 23 abutting property owners. Notice was also posted on the town website, and printed in the St. Albans Messenger. Two photos of the property from VGIS mapping, identifying the proposed development of the property. Also, a copy of an Agency of Natural Resources map which includes the Montgomery Center parcels and property lines with an overlay of the town's Zoning Districts.

Evidence submitted by the Applicants noted as A2 includes: All previous building permits and applications to the DRB for development and use of the property by the previous owners. A Land Use Permit issued by District 6, Environmental Commission on 5/29/2007 to previous owners with approval of a commercial building and associated activities for an excavating and landscaping business with conditions. Also, an email from Ed Pierce responding to the Zoning Administrator on 6/11/2021 informing her the project does not require a letter of intent from VTrans unless the project goes through a site plan review or work is proposed within the state highway right of way.

Applicants wish to create an outdoor recreation area including an eatery (food truck) with ice cream stand and athletic courts; they would like a volleyball court and bocce ball court with an outdoor movie screen. The

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drawing indicates where the proposed building, athletic courts and parking area would be located. Last year they had some movies and a food truck on the property. They hope to create an environment for adults and youth alike. The current building would be an ice cream stand which will not meet their needs as it is too small.

Parma asked if any Board members had questions.

Sue Wilson asked that the proposed building not exceed 40'X50' as indicated on their drawings. Mr. Knight explained that the building would house the ice cream stand, bathrooms and also a shaded area for the food truck to pull in. He also stated there is a septic approximately 10 ft behind the building and water is available to the property. Films would be shown on the back of the building. There would be 2 bathrooms, one for food service and one for the public. Lynda asked about a dog park shown on the drawing. Applicant explained that would be up for interpretation as many walk their dogs on the property already. Parma stated that the property will have 3 times the parking than any other place in town. She asked if there would be a roof over the Bocce court? They have not applied for any building permits to date, only waiting to see if the project is approved. She asked about the noise level and what time the movies would end? Applicants responded that most movies usually end around 9:30 pm but sometimes could go later due to the time of dusk. They would be showing movies every other week and asked to have a condition stating the movies could continue until 11 pm on some dates. She asked about the driveway. Applicants responded that when the greenhouse comes down the driveway is wide enough to accommodate ingress and egress of cars. She also asked if they have considered setbacks? Yes, and there will be more than 20 ft on all sides of the property. She asks if the project could affect the wetlands? They stated they will not affect the wetlands as there will be no concrete used for the athletic courts. They feel erosion control has been addressed in the Land Use permit approved in 2007 by the previous owners. Sue asked if they will put up any barriers between homes and the athletic courts? They stated they plan on planting a privacy screen to protect abutting property owners. They plan on talking to the new property owners on the West side and comply with their request for either shrubs or fences.

Parma asked if any abutting property owners had questions.

Mr. Gendron had concerns regarding water and paved surfaces. Applicants explained they have no plans for any paved surfaces. They are currently in contact with the Environmental Conservation Dept to figure out if there are any drainage issues. They will not be increasing any water use to the property. They stated the property will be under video surveillance. Mr. Gendron asked if it gets rowdy, how will that be addressed? The constable can be called, if need be, just as any other property in town.

Mr. Hughes asked how they will mitigate alcohol consumption? The response was they had not made a plan yet and they will not allow the property to be open to the public all the time. If there is a problem the property

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will be gated. He also asked what the hours of operation will be? The response was, workers will be on site by 9:30 am and will not be open to the public before 11am. They will close the athletic area by 10pm and movies will be once every other week with loud speakers. The speakers will be angled away from the town towards the back of the property or down to the ground. The speakers would be approximately 50 decibels not to exceed 100 decibels.

Mr. Ledden asked how far the volley ball court would be from his property line and how many courts would there be? Applicant responded that the athletic courts would be at least 37 ft from the property line and there would only be 2 courts. He explained that they are weather dependent so they would not operate in the winter. Parma asked Mrs. Ledden if she heard the speakers last year during the movie nights? She stated she did not. Mr. and Mrs. Gendron stated they also had not heard the speakers during the movie nights.

Ms. Swearingen stated she always appreciated the open field behind her property and the view. The sound hits the back hill and travels so she can here it. She is also concerned about more lighting in town at night. She feels the noise will change the nature of the town. She asked if there is a plan to bring in an IT tower. Response was no. Parma explained the Board can only comment on what is on the application.

Parma asked if any person from the public had any questions.

Mr. Deptula asked regarding storm water runoff? He wants the Board to apply a condition the applicants obtain a storm water permit or waiver. He also states the Selectboard should adopt a noise ordinance. The applicant explained the topography on the North side of the property does not flow on to the property and there will be no concrete. The pitch of the land is shallow so no accelerated water will affect the property. Act 250 in the past did deal with storm water runoff. Parma stated that the DRB cannot impose any Act 250 requirements as that is a state requirement.

Sue Wilson asked if there would be outdoor lighting at the athletic courts? Applicant stated there would be lighting that can be funneled down to certain areas. The lights will not be on 24/7 and can be set on a timer. Parma asked if they will be posting rules? The response was if they felt the need to. Parma then asks the Board if they felt a visit to the site was necessary. Board members declined. Discussion ended. Parma explained the minutes will be posted within 5 days and a decision will be made within 45 days and would be sent to the applicants and all who had party status at the hearing.

Sue Wilson made a motion and was seconded to go into deliberations at 7:25 pm. So moved 5-0. Sue made a motion and was seconded to exit deliberations at 8 pm.

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Parma made a motion and was seconded by Sue to approve the Application for Conditional Use with the conditions that apply. So moved. Parma – yes, Suzanne – yes, Wendy – yes, John – yes, Lynda – yes.

- 2. Approve Minutes – 3/25/2021 (Gagne and Starr)** Sue made a motion and was seconded to approve the minutes as written. So moved. 4-0, John abstained as he was not present at the meeting.
- 3. Other Business** – No other business was discussed.

Lynda made a motion and was seconded to adjourn at 8:10 pm. So moved 5-0.

Respectfully submitted,

Lynda Cluba, Clerk