

Morrisville/Morristown Development Review Board
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Meeting Minutes of 14 December 2022

Members Present: Donnie Blake (Alternate), Susanna Burnham, Melissa LeBlanc, Gary Nolan (Chair), Laura Streets, Paul Trudell, Mary Ann Wilson, & Chris Wiltshire

Members Absent: Christy Snipp (Alternate)

Staff: Zoning Administrator Todd Thomas

Guests: Approximately 30 members of the public attended the meeting. The meeting sign-in sheet included the following names: Conservation Commission Co-Chair Ron Stancliff, Planning Council Chair Etienne Hancock, Nancy Pritchard, JT Vize, Alexa Hildreth, Tom Cloutier, Barry Russo, Lenny Wing, Damon Lee, Isaac Spaulding, Hilary Warner, Jessica Moore, & Dody Day

Call to Order: Chair Nolan called the meeting to order at approximately 6:05 PM.

Minutes: Member Wiltshire moved to the 11/9/22 minutes. A vote of 7-0 affirmed the motion.

Hearing: Site Plan & C.U. Approval to edit permit for 611 LaPorte Road (CM Real Estate)
Engineer Tyler Mumley appeared before the Board on behalf of property owner CM Real Estate LLC seeking §630 Conditional Use & §500 Site Plan Approval to strike Condition #8 of Permit 2020-053 that required a ground floor commercial use at 661 LaPorte Road, which is located on Parcel 07007-2 in the Commercial Zone. Member Trudell recused himself from this application because he was the architect of record for this newly constructed apartment building. Alternate Board Member Blake filled the open seat for the hearing. Mr. Mumley said that his client had initially been unable to rent the apartment in question commercially, so it was later rented residentially instead. Member Streets and Member LeBlanc said that the Zoning Bylaws and the DRB approval for this project required the ground floor commercial space to exist. Mr. Mumley said that the original request for this building was for a 9-unit residential only structure, and the commercial use of 1 of the ground-floor apartments, which the Board required conditionally in Deliberative Session, did not work given the architectural design of the building being fully residential. Member Blake opined that the apartment should not have been rented residentially before coming back to the Board with this permit relief request. Member Wiltshire moved to grant the applicant's request to strike condition 8 of Permit 2020-053 (which required the ground floor commercial use). The motion failed to carry by a vote of 0-7. Mr. Thomas was instructed to send a letter to the property owner noting that the residential use of this apartment must be vacated by 1 April 2023 otherwise municipal tickets of \$200 will be issued daily.

Hearing: Non-Conforming & Conditional Use at 324 VT Made Acres (Lamoille Kennels)
Engineer Tyler Mumley, Betsy Cass, and Jason McArthur appeared before the Board on behalf of property owner Lamoille Kennels Inc. seeking §630 Conditional Use in the Rural Residential Agricultural Zone under §435 Expansion of Non-Conforming Use to construct a new building on Parcel 08057 at 324 Vermont Made Acres for a maker / co-working space. Mr. Thomas clarified that §500 Site Plan Approval will be requested by the applicants at a future hearing if this Conditional Use request is granted. Member Wilson recused herself from this hearing because she was an abutter to the project. Alternate Board Member Blake filled the open seat for this hearing. Betsy Cass explained how a maker / coworking space would work in the to-be-constructed building, with group classes, memberships, individually rented time, and children's summer camps being likely revenue sources for the business. However, other retail sales of goods and merchandise to the public would not happen on site. Ms. Cass said that she hopes this

new business will be a great creative outlet for the community. Jason McArthur said the outdoor camps would also be a good use of the adjacent capped landfill land. Board members discussed specifics of permitting an Expansion of a Non-Conforming Use. It was decided that hours of operation limitations for a business in a residential zone would be dealt with during the future Site Plan Approval. Neighboring property owner Ed Wilson stated his support for the project. Mr. Thomas noted he received 4 letters from other property owners / organizations supporting this project. Member LeBlanc moved to approve an Expansion of a Non-Conforming Use, and Conditional Use approval for the project as requested. A vote of 7-0 affirmed the motion.

Hearing: Conservation Subdivision Final Plat approval for 8 house lots (165 Beacon Hill)

Engineer Tyler Mumley and developer Damon Lee appeared before the Board on behalf of landowner 165 Beacon Hill LLC who was seeking §750 Final Plat Approval for a §510 Conservation Subdivision in the Low Density Residential Zone that creates 8 new house lots and a 5-acre open space offset area from a portion of 34.39 acre Parcel 13021-11-1, with the development being served by 2 new development roads that access Beacon Hill. Mr. Thomas instructed that this application must be heard under the 2021 version of the Zoning & Subdivision Bylaws. Member LeBlanc recused herself from this hearing because she was an abutter to this project. Alternate Board Member Blake filled the open seat for this hearing. Mr. Mumley walked the Board through the proposed conservation subdivision, which included 5-acres of permanently protected open space, 2 new 16-foot wide private roads, and 8 new approximately ¼ acre house lots (that rely on the allowed density bonus for conservation subdivisions located inside the village). The new house lots on Hilltop Lane would have addresses of 25, 39, 51, 67, 81, 89 & 101. Lot 8 on Morey Farm Road would have an address of #85. On-site wells and multiple on-site communal septic systems would support this new housing development. Mr. Mumley also spoke to the 5-acres of open space proposed to the east and south of the Hilltop Lane house lots that would be permanently protected via the approval of this conservation subdivision. Member Wilshire asked about public trail access and the location of the trails in the dedicated open space area. Mr. Mumley said that the trail network was not laid out yet. Member Wilson asked if any parking would be created at the two trailheads for the general public. Mr. Mumley agreed to a condition of approval that allows the Zoning Administrator to, at any point in the future, direct the developer (or later the homeowners association) to create modest public parking at the trailheads if the need ever arises. Mr. Thomas noted that the Board should allow the construction of the conservation subdivision to be phased. It was decided by the consensus of the Board that Hilltop Lane could be built first and that Morey Farm Road could be built later (after the houses on Hilltop were constructed). Abutting property owner Isaac Spalding said he was concerned about trespassing from the new open space area onto his adjacent property, especially since he uses wildlife kill traps in this area. Developer Damon Lee said the open space, other than the addition of natural walking paths, will largely be left in its existing forested nature (selective clearing only). After a brief Board discussion, it was the consensus of the Board that some sort of minimal identification (like the informal blazing of trees) should be required along the Spalding property line, with this area clearly noted as out-of-bounds on the open space map at the trailheads. JT Vize of 277 Ward Pond Road asked for open space to be located along the back of his family's property. It was decided that development was unlikely to take place near the Vize property due to a large wetland area almost directly to its south. Resident Hillary Warner asked for gravel paths to be constructed for walkability and

connectivity as a condition of approval that would connect this subdivision to both Ward Pond Road and Cottage Street (via a right-of-way to this property that comes out across from Jersey Way). Chair Nolan said that although he valued walkability, and this project is technically located in the village, he did not think its rural location supported the requested walking paths to other neighborhoods (as it is safe to walk alongside the existing roads in this area). Member Trudell moved to approve the project with standard conservation subdivision conditions, and additional conditions regarding trailhead parking being created if needed, and allowing for 25, 39, 51, 67, 81, 89 & 101 Hilltop Lane houses being built prior to the construction of the northerly extension of Morey Farm Road. A vote of 7-0 affirmed the motion.

Hearing: Site Plan & C.U. Approval for duplexes at 154 & 162 Maple St (SSM Properties)

Engineer Tyler Mumley appeared before the Board on behalf of landowner SSM Properties LLC who was requesting §630 Conditional Use and §500 Site Plan Approval in the Medium Density Residential Zone to add the Dwelling Unit Two-Family use to Parcels 23202 & 23202-1 at 166 Maple Street for the construction of a duplex on each lot. Mr. Mumley explained that an administrative subdivision of this parcel was pending. Mr. Thomas said he would approve the subdivision of Parcel 23-202 on January 6th. Mr. Mumley then explained the proposed project, which included two 60x30 duplexes being constructed in place of where 166 Maple Street was razed over this summer, with the new duplexes having addresses of 154 & 162 Maple Street. 8 parking spots would be created for the new dwelling units, with each apartment being allocated 1 garage parking space. Abutting property owner Sheila Darrah said she was not happy about the proposed project and requested a fence be constructed as a condition of approval from the northwest corner of the northerly duplex back to the ravine to the west. Jessica Moore of 141 Maple Street said she does not like how the proposed duplex designs offer nothing but garage doors at ground level facing Maple Street and her newly purchased house. Board Member Trudell said the 2 proposed building foundations should be slightly staggered to avoid creating a walling-off effect from the road. Other abutting property owners Lisa Baranyay and David Coddair expressed their displeasure with the architecture for the proposed duplexes, especially the 4 garage doors facing Maple Street. Members Burnham, Streets, and LeBlanc questioned if the proposed project would negatively impact the historic character of the area per §632.2 of the Bylaws. Engineer Mumley responded that the impact of the project would have to be both adverse and undue for the Board to make such a determination. Member Wiltshire moved to discuss this application further in Deliberative Session. A vote of 7-0 affirmed the motion.

At the conclusion of the Deliberative Session discussion, Member Wilson moved to recess the hearing until February 28th to allow time for the administrative subdivision of this parcel to be approved, and to direct the applicant to revise the architecture so it does not detract from the character of the surrounding historic homes. A vote of 5-2 affirmed the motion. Mr. Thomas said he would send out recess notices to the applicant and abutting property owners next week.

*****Please note the recessed hearing on this application for the construction of new duplexes at 154 & 162 Maple Street will resume at 6:00 PM on Wednesday February 22 (not the 28th as stated in the above motion) as it was determined later that a public meeting room was not available to the DRB on Tuesday February 28th).*****

The meeting adjourned at 9:30 P.M. - Respectfully submitted by Zoning Administrator Thomas

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