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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD**

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Minutes of December 13, 2001

Members Present: Gary Nolan, Theresa Breault, Mary Brainard, Paul Trudell, Carol Jennings, Sam Guy (only for Union Bank hearing)

Members Absent: Jean Wickart, David Silverman

Recorder: Mark Leonard, Zoning Administrator

Guests: Kimberly DeGowin, Charles Lambert, Mike Morrow, Brian Kellogg, Ken Harvey, Stephen Lambert, Donald Blake, Mary Waterman, Roberta Goddard, William Van De Kamp

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Theresa made a motion to approve the minutes of November 8, 2001, as written.
Mary seconded the motion and it passed unanimously.

WARNED HEARING, CONDITIONAL USE, UNION BANK, PORTLAND STREET

Paul recused himself from this hearing as his firm is doing the design work on the proposed project. Sam Guy replaced Paul for this hearing. Theresa administered the sworn oath to Stephen Lambert who was representing Union Bank.

Gary opened the hearing by reviewing the application. Paul presented the proposed project. Union Bank is proposing to connect its offices on Portland Street and the former Renaud property, which the bank recently purchased, on the corner of Portland Street and Main Street. An underground passageway between the basements of the two buildings and an overhead passageway above the alley to the second floor of the buildings would be constructed.

Stephen Lambert stated the bank planned to use the basement of the former Renaud building for storage and the second floor for offices. The existing tenants on the ground floor will remain, except the barbershop is relocating, and the second floor tenants will be displaced. There will be no increase in the number of bank employees at this location due to the expansion and no increase in the parking requirements.

Mary made a motion to approve the application as presented; Theresa seconded the motion. The motion, with standard conditions, was approved unanimously.

WARNED HEARING, CONDITIONAL USE AND SITE PLAN REVIEW, KA HARVEY MANUFACTURED HOUSING INC, ADDITION TO EXISTING STORAGE BUILDING, LEPPER RD

Gary opened the hearing by reviewing the application. He stated that a site walk at the proposed location was conducted on Dec 8, 2001 with the Applicant, Zoning Administrator, Theresa, Paul, and himself present. Theresa administered the sworn oath to Ken Harvey.

Ken Harvey presented the proposed project. 20'x40' additions would be placed on both ends of an existing 30'x40' storage building. The building is used to store construction materials and equipment. The addition would allow him to move materials which are currently stored on the ground around the site inside. Access to the expanded building would be the same as currently exists and no increase in traffic or employees is anticipated. Ken has received an amended Act 250 Land Use Permit from the State of Vermont for this project.

Theresa made a motion to approve the application as presented; Carol seconded the motion. The motion, with standard conditions, was approved unanimously.

WARNED HEARING, CONDITIONAL USE AND SITE PLAN REVIEW, LAMOILLE REGIONAL SOLID WASTE MANAGEMENT DISTRICT (LRSWMD), RECYCLING STATION, TROMBLEY HILL RD

Gary opened the hearing by reviewing the application. He stated that a site walk at the proposed location was conducted on Dec 8, 2001 with the Applicant, Zoning Administrator, Theresa, Paul, and himself present. Theresa administered the sworn oath to all interested parties.

Mike Morrow, representing LRSWMD, presented the proposed project. A recycling station and trash pick-up location would be established on a 26 acre lot owned by Morrisville Water & Light. The station would be on the east side of the parcel, with access from Trombley Hill Rd. There would be a single driveway with a gate which will be locked when the site is closed. The site would operate between the hours of 9am and 2:30pm on Saturdays. Mike estimates that 15 vehicles per hour will access the site during these hours.

Recycling materials would be collected and stored in locked containers that would be emptied periodically when full. Trash would be collected and removed from the site at the close of operating hours. An 8x10 barn shed would provide office space for attendants. The site would be unlit as it will only operate during daylight hours.

Donny Blake asked if there would only be one entry and exit point for the site and whether it would be screened from view by existing trees. Mike Morrow replied that there would only be a single entry/exit point and that the site would not be visible from the road.

Mary Waterman expressed concern about increased traffic. There are already traffic problems at the intersection of Center Rd and Route 15, the primary access route to the site, and the intersections of Frazier Rd and Center Rd with Trombley Hill Rd are hazardous due to limited visibility. Further, the road can be hazardous when wet or icy, a fact which may be unfamiliar to non-residents of the area. She questioned the need for the station, given that there is a similar facility available nearby on Garfield Rd and further away in Hyde Park. She asked if other sites had been considered and if there were any wetland impacts.

Mike Morrow reiterated that there would only be a few vehicles accessing the site at any given time and that the hours were limited to a short period on Saturdays. He said that when the previous recycling station on Munson Ave. was obliged to close due to costs, the Morristown Selectboard requested that LRSWMD establish another site within the town. Two other locations had been considered but were denied by the Development Review Board. He stated that he knew of no wetland impacts at the proposed site.

Kim DeGowan echoed previous concerns about traffic and raised concern about potential impacts to groundwater sources due to trash and recycling materials. She felt that these would adversely impact the groundwater and would attract vermin.

Charles Lambert also expressed concern about trash; not so much at the site but rather from persons transporting it to the site. He noted that there is a working horse farm nearby along the route to the site and a domestic deer pen as well and that trash falling from vehicles enroute to the site could find its way to these animals. He also felt that the site could become a gathering place for loiterers, increasing the potential for vandalism and other unlawful activities in the neighborhood.

Brian Kellogg, who manages another LRSWMD site and has over ten years experience in the business, said he had not encountered any problems with rodents or birds or other vermin during that time at similar operations. He stated that LRSWMD employees police up the site even when it's closed to ensure that there is no trash there or along the access roads to the site.

Mike Morrow also responded that no trash would be kept at the site and that the recycling materials are required to be clean to be accepted and are stored in sealed containers until they're picked up. He addressed the security concern by restating that the site would be locked when closed and that any unlawful activity was a law enforcement issue.

Gary read a letter into the record from Ralph and Suzanne Campbell opposing the application for the same reasons that had been raised at the hearing.

Theresa made a motion to recess the hearing to deliberative session following the completion of other business on the agenda. Mary seconded the motion and it passed unanimously.

ZONING ADMINISTRATOR'S REPORT

ZA introduced Roberta Goddard, real estate agent representing several landowners with lots in the area known as the 'Norvert Subdivision' off Route 100 in the vicinity of Ryder Brook Rd. He recapped the history of the subdivision, going back to its approval by the Morristown Board of Adjustment and State of Vermont District Environmental Commission in 1979. ZA sought guidance from the board on issuing building permits in this subdivision due to conflicting information on the status of the subdivision access road over the past two decades. Upon review of all available records addressing the question of the access road, the board concluded that there was no impediment to granting residential zoning permits for these lots provided they were otherwise in accordance with the zoning bylaws and with the explicit understanding that the road shall remain a private road.

ZA informed the board of actions he had taken regarding zoning violations at the Audet property on Cadys Falls Rd. He informed them that an appeal of the board's decision approving the Bergeron subdivision application had been filed with the Vermont Environmental Court. The board members expressed the opinion that this was a matter to be resolved between the two parties involved and that the town should not become a party to the appeal. He also identified a zoning violation at Genesis ElderCare for a fence that had been constructed without a permit. ZA will contact the operators of the facility and inform them of the requirement to file for a hearing before the board for a conditional use permit.

ZA asked board members if they were agreeable to receiving information from him via email rather than paper copies, saving time and money. He proposed to email minutes, agendas, notices of decisions, and other documents to the members for their review. Paper documents would still be maintained for official records. Members agreed to try this method.

ZA presented a mylar plat of the previously approved Shonio/Percy lot line change. Gary signed the mylar.

The board went into deliberative session at 8:55pm to consider the LRSWMD application. Following deliberations, Paul made a motion to approve the application with conditions. Theresa seconded the motion. The motion was approved with four members in favor and one opposed. Approval of the application is subject to the following conditions:

1. Applicant must provide a final site plan containing all information required by Section 502 of the bylaws prior to commencing any development of the site.
2. Any wetlands or public community ground water source protection areas (as identified in Section 301 of the bylaws) will be specifically identified on the final site plan and will be shielded by a 50' buffer zone from any development
3. The site will be a minimum of 100' from Trombley Hill Rd and will be shielded by existing trees so as to not be visible from the road.
4. No development is permitted within 50' of the north bank of the knoll on which the site is proposed.
5. The site will have only one access point to the road. The access road will be securely locked by means of a pole gate when the site is not open for operation.
6. The applicant will use standard erosion control methods to minimize any runoff from the site and access road.
7. Applicant will obtain any other permits (e.g., access, signs) as may be required by the bylaws or town ordinances.

8. This permit will be reviewed at public hearings after one, three, and five years following approval of the permit. The Applicant is responsible for contacting the Zoning Administrator prior to these intervals to schedule the review hearings.

The board came out of deliberative session at 9:20pm. Gary made a motion to adjourn; Paul seconded the motion and it passed unanimously. The meeting was adjourned at 9:23 PM

Respectfully submitted,

Mark Leonard, Recorder