

Morristown/Morrisville Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of 11 December 2019

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

Members Absent: None

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests: Laura Nepvue, Norm Nepvue, David Nepvue, Richard "Buckwheat" Lowe, Bob Heanue, Samantha Dunn of Housing VT, Architect Andrea Murray, Architect Sam Ostrow, Engineer Tyler Mumley, Jim Lovinsky of Lamoille Housing Partnership, Town Administrator Dan Lindley, Lyndon Burkholder, Tom & Christy Snipp, Asa & Caleb Magoon

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:02 PM.

Hearing: 26 Hutchins St, §630 CU & §500 SPA, 24-unit multi-family apt. building (LHP)

The Board opened the hearing for a request by Lamoille Housing Partnership & Housing Vermont for §630 Conditional Use (due to §207 Historic Preservation & §450 Parking requirements) and §500 Site Plan Approval to construct a 24-unit multi-family use apartment building at 26 Hutchins Street, Parcel 21-179 in the Central Business Zone, on land owned by the June & JB McKinley Family Trust. Jim Lovinsky of Lamoille Housing Partnership, Samantha Dunn of Housing VT, Architects Andrea Murray and Sam Ostrow, and Engineer Tyler Mumley presented the project to the Board. Mr. Lovinsky said there was a dire need for new housing, especially affordable housing, in Morrisville due to the 1.5% vacancy rate for apartments. Architects Andrea Murray and Sam Ostrow detailed the design for the proposed 24-unit, 4 ½ story all-electric building that would be served by Village water and sewer. The building would be similar to the size of the existing (Caplan's) building at 52 Portland Street, with the new building proposed at 46.9 feet tall, with approximately 21,000 ft² of living space, and with an apartment break-down as follows: (4) 2-bedrooms, (12) 1-bedrooms, and (8) studio apartments (28 total beds). Ms. Murray said the building's ground floor on Hutchins Street was designed with the windows and ceiling height of a typical Vermont commercial storefront to comply with the spirit of the Town's zoning that required §630 Conditional Use approval for downtown buildings with only residential use on the ground floor. Member Trudell said he needs to see a rendering of the building in order to grant that kind of an exception. Upon a question about parking availability by Christy Snipp, with only two-spaces proposed on site, Town Administrator Dan Lindley asked the DRB Members to continue the hearing until January 22nd which would allow the Selectboard to come to an agreement with the applicant regarding improvements that would be made to the municipal parking lot to accommodate this project. Chair Nolan asked if there was a plan to improve the proposed off-site access that would allow residents to walk out of the north / garden-level of the building west out to Portland Street. Ms. Dunn said that the gravel surface to the west of the proposed on-site concrete sidewalk was on the adjacent United Way property, but it could be upgraded with permission. Member Wilson said this walkway would need good lighting. Mr. Lovinsky said that he would work with the United Way to upgrade the lighting and walkway surface area within this right-of-way area in order to provide pedestrian access to the rear of the proposed building out to Portland Street. Member Trudell moved to recess the hearing until 6:00pm on 22 January 2020. A vote of 7-0 affirmed the motion.

Hearing: 30 Almeron Dr, §630 CU & §500 SPA, home business for firewood (Fitzgerald)

Applicant/landowner Tyler Fitzgerald appeared before the Board seeking §630 Conditional Use & §500 Site Plan Approval to add the §415 Home Business use for firewood processing on parcel 13-145-1-2, located at 30 Almeron Drive in the Rural Residential Agricultural Zone. Randy Fitzgerald presented the home business request to the Board on behalf of his son Tyler who is the property owner. Mr. Randy Fitzgerald said that he has been processing firewood on Almeron Drive, which he described as a family-compound living situation, for nearly 20 years. He said his father-and-son business processes about 100 cords of firewood from the approximately 10 loads of logs he has delivered to Tyler's property each winter. Mr. Fitzgerald added that it takes his processor less than 20 minutes to process a cord of firewood, so his business is seasonal and limited in scope. He clarified that he delivers the processed firewood, and customers do not come to the property. Chair Nolan noted for the record that two anonymous letters had been received by the Zoning Administrator, both expressing opposition to the permitting of this home business. Mr. Fitzgerald offered to install a bigger muffler on his wood processor, while explaining that his processor is already much quieter than the chainsaw powered firewood processing home business that operates a few houses away (previously permitted by the Board). Member Wilson asked if Mr. Fitzgerald would willingly accept limits on his hours of operation. Zoning Administrator Thomas said that the Board has conditionally approved other firewood processing home businesses with hour limitations of 8:30am to 4:30pm Monday through Friday, and 9am to 2pm on Saturdays, with no Sunday or holiday business activity (holidays are when the Town Offices are closed). Member Wiltshire moved to approve the home business as presented with the aforementioned standard hours of operation limits used for other firewood processing Home Businesses. A vote of 7-0 affirmed the motion.

Hearing: 35 Portland St, §640 Appeal of zoning letter for feather-banner sign (Magoon)

Caleb Magoon appeared before the Board on behalf of Power Play Sports (dba Lamaille Valley Trading Company) under §640 Appeals. The appeal was of an October 28th zoning violation letter regarding §470 illegal temporary signage: the Jones black feather-banner sign that is projecting in front of 35 Portland St (property owned by Block House LLC) and located on parcel 21-034 in the Central Business Zone. Mr. Magoon made several claims to substantiate his appeal, including the following:

1. The feather-banner sign in question is not "animated" as described in the zoning violation letter because said animation is not mechanized;
2. If a feather-banner sign is considered animated, open flag signs and the United States flag should also be interpreted as animated and therefore prohibited by zoning;
3. There is a typo in the violation letter from the Zoning Administrator regarding the prohibition of animated signs. The correct citation should have referenced section 476c. Instead, section 473c was referenced in the zoning letter (a section that does not exist);
4. He was allowed and permitted for 4 signs (instead of the normally allowed 2 signs per business) because there were previously 2 businesses on the property;
5. His business, Power Play Sports, is located on a corner lot so it is allowed double the sign maximum per the zoning bylaw; and
6. His business is being singled out for enforcement, evidenced by nearby businesses such as River Bend Market, Chuck's Bikes, Sears, Madadashcar, etc., which he believes are all currently in violation of the sign bylaw.

Mr. Thomas responded that his directive from the Selectboard was to respond to complaints received about signs, not to drive around looking for violations. Mr. Thomas said he received a written complaint about the Jones black feather-banner sign in question, along with other verbal complaints. Mr. Thomas said that the driveway off Portland Street to the Union bank drive-through was not a street, per the definition in the zoning bylaw, so he did not interpret Power Play Sports as being located on a corner lot. Mr. Thomas added that he had never interpreted an open flag or the United States flag as a sign and he would certainly not prohibit them under zoning. Mr. Thomas said that Mr. Magoon did not seek the required zoning administrator approval before the Jones feather-banner sign was installed at 35 Portland Street. Mr. Thomas added that if a permit had been requested for this feather-banner sign, this situation could have been avoided, as he would have denied the request because he considered feather-banner signs to be temporary signage that were prohibited by the zoning bylaw. Mr. Thomas concluded his remarks by demonstrating that he has consistently interpreted feather-banner signs as prohibited by noting that other businesses, such as Miller's County Outfitters, Leo's Small Engines, and Xtreme Collision, had all been asked and complied with requests to remove feather banner signs from their properties. Planning Council Member Tom Snipp suggested that the Council should provide more detail in the zoning bylaw of what signs are allowed and what signs are considered temporary and thereby not allowed. Member Wiltshire moved to close the hearing and enter into Deliberative Session. A vote of 7-0 affirmed the motion. At the close of the Deliberative Session, Member LeBlanc moved to overturn the zoning violation letter due to the typo that incorrectly referenced the prohibition on animated signs as section 473c, instead of section 476c, of the zoning bylaw. A vote of 7-0 affirmed the motion.

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

