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**MORRISTOWN/MORRISVILLE  
DEVELOPMENT REVIEW BOARD  
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## **Minutes of December 11, 2008**

Members Present: Gary Nolan, Ron Stancliff, Paul Trudell, Theresa Breault, Jean Wickart, David Silverman, Chris Wiltshire (alternate)

Members Absent: Karyn Allen

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Paul, minutes of the November 13, 2008 meetings were approved as presented.

### **WARNED HEARING: JEWISH COMMUNITY OF GREATER STOWE (JCOGS), CONDITIONAL USE & SITE PLAN APPROVAL, PRIVATE CEMETERY, 3400 LAPORTE ROAD**

Gary introduced the application, to be reviewed under sections 263, 500, 630-636, & 795 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Richard Jacobs and Steven Lichtenstein, representing the applicant, Ernie Rusky, representing current property owner and co-applicant North Country Animal League (NCAL), and interested parties Wilhelm Jaremczuk and Martha Ansley, representing adjoining property owner JD Associates LP (doing business as Farm Resort & Golf Course). David disclosed that he has a business relationship with the applicant; there were no objections to his participation in this hearing.

Steven Lichtenstein described JCOGS' plans to create a cemetery for the burial of members of the Jewish community in the Stowe area on approximately four acres of open land along Laporte Road (VTRoute 100), between NCAL's animal shelter and the Farm Resort. JCOGS proposes to purchase approximately nine acres of a 10-acre parcel (#12-080) NCAL owns adjacent to the animal shelter. The balance of the parcel, approximately five acres, lies across Lawrence Brook and is located in either a flood zone or wetland. There would be no development within this portion of the property. NCAL would retain the remaining acre, to be joined with parcel #12-079, containing the shelter's leachfield and a fenced exercise enclosure, along with an easement to use a walking path around the cemetery.

Steven said the congregation has about 200 members, some of whom are second-home owners in the Stowe area while others are year-round residents. Based on a comparison with the

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Jewish congregation in Burlington, a much larger congregation, he estimated that there might be up to 5-6 burials annually in this cemetery. He stated that they would engage the local police for traffic control should there be a large funeral. Access to the site would be directly from Laporte Road; a state highway access permit is pending local zoning approval.

Responding to written questions from joiners William & Ann Danforth, Steven explained that the cemetery would look the same as other existing cemeteries in the area. Interment would be below ground (approximately 4-5 feet); there would be no aboveground structures. Headstones and other memorial would not exceed four feet above ground level. JCOGS plans to add some landscaping, but has not developed the landscaping plan pending receipt of all necessary permits and approvals.

Martha Ansley, representing the Farm Resort, read a statement objecting to the proposal, saying a cemetery would have a negative impact on the resort and possibly devalue the property. She said tourists and guests might be put off by seeing a cemetery next to where they had come for recreation and relaxation. She said the Town bylaws do not allow cemeteries within this zoning district and disputed the applicants' contention that it qualifies as a religious institution.

Paul asked if there were any evidence or documentation to support the claim that a cemetery would adversely affect a tourist or recreation business; Ms Ansley said she was not aware of any.

Steve Berson, a member of the JGOGS congregation, stated that existing vegetation along Lawrence Brook and the distance from the Farm Resort motel to the cemetery would provide natural screening of the site from the resort's guests. He noted that the only visible indication of the cemetery would be the headstones and grave markers, which would be hard to see from a distance (when not completely obscured by snow). He added that the cemetery would preserve the property as open green space, consistent with the Town Plan.

Ernie Rusky recalled the Farm Resort's vigorous objections to NCAL's plans for the animal shelter, which they cited as having the potential to negatively impact their business, and asked if those concerns had come to pass in the years the shelter has operated. Ms Ansley said they have come to accept NCAL as a good neighbor, adding that their concerns about noise had been incorporated in the conditions of approval for the animal shelter.

Steve Lichtenstein expressed JCOGS' belief that the cemetery could be allowed within this zoning district and said the cemetery would preserve this open plot of land that might otherwise be developed for more obtrusive uses.

David moved to recess the hearing to a deliberative session following the remainder of the public hearings. Jean seconded the motion and it passed unanimously.

## **WARNED HEARING: ROBERT HOULE, CONDITIONAL USE APPROVAL, CHANGE OF USE (RESIDENTIAL TO COMMERCIAL), 23 DUNCAN ROAD**

Gary introduced the application, to be reviewed under sections 213, 500, and 630-636 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Robert Houle; there were no interested parties present.

Robert Houle identified the site, being on the corner of Duncan Road and Brooklyn Street, formerly owned by Fred Latour. He described his plans to renovate the former single-

family residence into two office spaces. Access to the site is on Duncan Road, off Brooklyn Street.

Chris asked about parking. Robert identified two existing spaces in front of the building and plans to add four more on the side and rear of the building. He added that he owns the adjoining property, which is also used for offices, and both properties share the same access.

David said he thinks the project will be an improvement of the property, but would like to see a more detailed site plan, including parking spaces. He moved to approve the application as presented, with the condition that the applicant provide such a plan. Theresa seconded the motion and it passed unanimously.

**WARNED HEARING (RECESSED): ROBERT HEANUE, PRELIMINARY PLAT APPROVAL, 6-LOT SUBDIVISION**

Gary introduced the application, a resumption of the hearing recessed on October 9, 2008, to be reviewed under sections 263, 500, 630-636, & 795 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Bernie Chenette, Andres Torizzo, and Robert Alexander, representing the applicant, and adjoining property owners William Swanson & Susan DeColaines, John & Virginia Burgess, and Michael Alexander.

Bernie Chenette, project engineer, reviewed changes to the previously presented site plans and provided updated details on the road profile and stormwater detention pond. He noted that the average road grade was 12% and that the first 50 feet or so of the roadway at the intersection with Jersey Heights (Route 100) was mostly flat. He said that concerns about home sites being too close to the top of the riverbank would likely result in several being shifted, which would also cause the road cul-de-sac being realigned slightly. This might reduce the amount of ledge blasting that would be required.

Bernie said that in response to concerns raised by adjoiner William Swanson he had met on the site with Jim Ryan of the ANR Watershed Management Section to review the proposed home sites relative to the river embankment. As a result of this meeting, he said he would be moving several building envelopes and establishing a 'no-build' zone within twenty-five (25) feet of the edge of the bank when he brings the plan back for final plat approval.

Consulting Traffic Engineer Robert Alexander reviewed his report on potential traffic impacts of the proposed development. He concluded that the additional traffic generated by the proposed five additional residential units could be absorbed into the traffic flow without undue adverse impact. He noted that the Town has plans and funding to extend the existing sidewalk along Jersey Heights from A Street to B Street, approximately six hundred feet from the proposed entrance to the subdivision, enhancing pedestrian access and safety in the area, and that the currently programmed 2012 start of the Route 100 alternate truck route would reduce traffic, especially heavy truck traffic, in the vicinity of this project.

Bob addressed concerns of neighbors regarding existing and future traffic safety conditions at the planned development road intersection with Jersey Heights, noting that this location has not been identified by the VT Agency of Transportation (AOT) as a 'high accident' location. He said sight distance from the road intersection going north toward the village was 500 feet; it was 235 feet in the southerly direction, which he expects to increase to over 300 feet

once the grading for the project is complete. He noted that these figures are based on the posted 25 mph speed limit.

Paul T asked about traffic volume. Bob said it was about 7600 vehicles per day, with a peak of 866 during the evening peak hour. David asked if there was sufficient traffic flow spacing for vehicles to enter and exit the development during this peak hour. Bob said that using standard traffic planning factors there was.

Adjoining property owner Mike Alexander (no relation) disputed the adequacy and accuracy of the traffic spacing data based on his own experience living at this location and as a driver's education instructor. He said few people observe the posted speed limit in this area. Bob responded that national traffic studies (not specifically for this location) suggest that 15% of motorists do not comply with posted speed limits. He stood by AOT's reported accident figures, which were based on the period from January 2003 to December 2007.

David S asked the neighbors in attendance if they had been involved in or witnessed an accident in this area. Bill Swanson said one of his tenants had been rear-ended while attempting to turn off Jersey Heights onto his property. John Burgess said he had witnessed an accident in front of his home.

John Burgess asked Bob what the evening peak hour count going north was; Bob replied 546 vehicles. Using the 15% non-compliance figure cited previously, John said this would mean 50-75 vehicles would be exceeding the posted speed limit during the evening peak hour. He questioned several other data points in the reports and asked about the methodology of the standards used in the report.

Virginia Burgess said she has requested stricter speed limit enforcement at several town meetings. She suggested the DRB request enforcement data from the Morristown Police Department to help evaluate the traffic safety impacts of this proposal.

Turning to storm water (SW) discharge and erosion control, Andres Torizzo of Watershed Consulting Associates reviewed the SW plan and explained the operating concept for the SW detention pond. He said the project does not disturb over one acre of land, so a state operational SW permit would not be required. A construction general SW permit is required to control erosion during the construction phase of the project.

Mike Alexander said he remained concerned about road salt from the development road running off onto his property, harming vegetation, as well as possible pollutants flowing onto his property. Andres said snow would be piled up along the roadway swale and would flow into the storm water drains when it melts. He said this would result in less storm water discharge onto the Alexander property than is currently the case. Paul T said it appeared that the way the road would be constructed would create a barrier to storm water flow onto the Alexander property.

John Burgess posed a number of questions regarding the capacity and drainage rate of the proposed SW detention pond.

Bernie Chenette said the applicant plans to engage a forestry consultant to develop a plan to selectively clear trees along the riverbank to enhance views. He will leave all existing trees and vegetation within the ten (10) foot property line setback undisturbed, but is opposed to any requirement to add any new landscaping or screening.

David moved to recess the hearing to a deliberative session following the remainder of the public hearings. Paul seconded the motion and it passed unanimously.

Following the conclusion of the public hearings, the Board discussed the proposed changes to subdivision review and approval requirements in the email sent by the ZA on behalf of the Planning Commission (copy attached). They preferred the option to delegate final plat approval authority for minor (3 or fewer lots) subdivisions to the ZA.

The Board met in deliberative session on the Leonard Wing private airstrip conditional use application and the JCOGS cemetery conditional use application. The Board reviewed and discussed the legal opinion it had received on private airstrip setback requirements under the bylaws and the testimony and material submitted with the JCOGS application. The Board then came out of deliberative session.

Theresa moved, and David seconded, to approve the Leonard Wing application. The motion failed on a vote of 0 in favor, 6 opposed.

On a motion by David, seconded by Ron, the Board unanimously approved the JCOGS cemetery application, with the conditions that no monuments, head stones, or other grave markers be higher than four feet above the ground and that the applicant submit a landscaping plan for the Board's review.

Owing to the length of the meeting and the substantial amount of material and testimony to consider, the Board voted to defer the deliberative session on the Heanue application until December 17<sup>th</sup> at 6:30 PM.

The meeting adjourned at 10:15 PM.

Respectfully submitted,  
Mark Leonard, Recorder

Minutes approved on: 1/8/09