

Morristown/Morrisville Development Review Board
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Meeting Minutes of 9 December 2020

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

Members Absent:

Staff: Todd Thomas, Zoning Administrator

Guests: Engineer Tyler Mumley, Jennifer Andrews, Conservation Commission Chair Ron Stancliff, Graham Mink, Newton Wells, Matt Hall, Grant Weiler, Kristi McFarlane, Loni Ravin, Tom Paine, Susan Wickart, Judy and John Kaiser

Call to Order: Chair Nolan called the meeting to order, electronically via Zoom, at approximately 6:02 PM.

Minutes: Member Trudell moved to approve the October 28th meeting minutes. A vote of 7-0 affirmed the motion.

Hearing: §630 Cond. Use & §500 Site Plan, Village garage reuse, 361 Maple St (Mink Prop)

Graham Mink appeared before the Board, on behalf of Applicant Mink Properties LLC, who was seeking §630 Conditional Use, and §500 Site Plan Approval for a §437 Change of Non-Conforming Use for a private entity, instead of the existing Community Facility use, to operate a plowing, equipment storage, and property maintenance operation, in the old Village Garage, located on Parcel 23-238 at 361 Maple Street in the Medium Density Residential Zone. Mr. Mink, who has the old Village garage on Maple Street under purchase-and-sale, said that he planned to use the garage in the same manner as the Town has used the property in recent years. Mr. Mink explained that that the traffic to and from the village garage, under his ownership, would be greatly reduced from the traffic levels when the Town owned the property. He clarified that he would not be offering salt or sand sales on this property. Member Burnham expressed concern that the northeast corner of the property was poorly screened from the adjacent residential uses on Stone Street. Mr. Mink said that he would be willing to do some planting at the edge of the Stone Street right-of-way for screening purposes. Mr. Mink also said that he planned to bury the existing propane tanks to improve the appearance of the property. Chair Nolan opined that the existing curb cut on to the property was too wide. Mr. Mink agreed and said he would be willing to reduce it. It was decided that the curb cut to the north of the utility pole that split the existing driveway would be closed off as a condition of project approval. Member Trudell asked for a maple tree to be planted on both sides of the reduced width driveway, Mr. Mink responded that he was amendable to this request as well. Upon a question about noise, Mr. Mink said he plows his properties with smaller trucks than the Town does, so his trucks are not required to have back up alarms. Upon a concern expressed by Member LeBlanc, it was agreed that any new non-residential buildings in excess of 500 ft² in size constructed on this property would require additional DRB approval. Member Trudell moved to approve the application with the aforementioned conditions of approval. A vote of 7-0 affirmed the motion.

Hearing: §750 Final Plat Approval for subdivision lot at 5184 LaPorte Rd (Hall)

Applicant/landowner Matt Hall, and his engineer Tyler Mumley, appeared before the Board requesting §750 Final Plat at 5184 LaPorte Road to subdivide 69 acre Parcel 16-026 to create a new 10 acre house lot in the Rural Residential Agricultural Zone that will access LaPorte Road

via a 50 foot wide right-of-way over the adjacent property owned by Tom Paine. Loni Ravin said that she was concerned that the new driveway could negatively impact UVM's existing deeded access to the adjacent Molly's Bog property. Conservation Commission Chair Ron Stancliff asked that the subdivision not be acted upon until this Molly's Bog issue, and other environmental protections, are clarified. Adjacent property owner Tom Paine said the right-of-way to Molly's Bog is located on his property, not the adjacent property owned by Matt Hall. Chair Nolan said that there is no development proposed by this application, and that the creation of a lot line would not be impacted by concerns of what happens if an existing right-of-way is crossed by another new driveway right-of-way. Engineer Mumley suggested a condition of subdivision approval that simply ensured that a legal right-of-way was in place prior to a permit issuing for a house on the new lot. Member Wilshire moved to approve the proposed subdivision with Engineer Mumley's suggested right-of-way condition. A vote of 7-0 affirmed the motion.

Hearing: §750 Final Plat Approval for subdivision lot at Ryder Brook Rd (Wells)

Applicant/landowner Newton Wells, and his engineer Tyler Mumley, appeared before the Board requesting §750 Final Plat Approval to subdivide 4.3 acre Parcel 12-074-1 to create a new house lot in the Rural Residential Agricultural Zone that will access LaPorte Rd via Ryder Brook Rd. Engineer Mumley explained that the recently reconfigured 4.3 acre lot (via Lot Line Change Permit 2020-109) is being split into two approximately equally sized lots. It was clarified that both new lots / houses would be located out behind the new solar farm installation. Member Trudell moved to approve the subdivision as proposed. A vote of 7-0 affirmed the motion.

Hearing: §630 Cond. Use & §500 Site Plan, Home Business at 559 Cadys Falls Rd (Kaiser)

Applicants/landowners John & Judy Kaiser appeared before the Board requesting §630 Conditional Use, §415 Home Business, and §500 Site Plan Approval to add the Motor Vehicle Sales & Repair use to Parcel 07-191-1 at 559 Cadys Falls Road in the Rural Residential Agricultural Zone. Mr. Kaiser clarified that no vehicle sales were planned as part of his Home Business request. He added that he wanted to only do clean and higher-tech car repair work in his existing garage at 559 Cadys Falls Road, such as collision avoidance laser recalibration. Neighboring property owner Susan Wickart said that she would be amenable to her neighbor's home business request, provided that it was not saleable to a future buyer. Chair Nolan said that permits run with the land. Mr. Kaiser said he would be willing to have this Home Business permit terminate, by permit condition, with his ownership of the land, or within 7 years. Member Trudell complimented Mr. Kaiser regarding the appearance of his existing auto repair business in Hyde Park Village, and asked if the noise would be similar if his business was allowed to relocate to Cadys Falls Road. Mr. Kaiser said that an air-gun would be used at the new location. He added that there would be no more than 3 to 4 customer cars on the property at any time, and no junk cars will be allowed. Member Trudell asked if the Home Business definition specifically prohibited motor vehicle repair and sales uses. Member Wiltshire moved to continue this discussion in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the Deliberative Session discussion, the Board determined that the proposed use was a motor vehicle repair and sales use that was not allowed via the Home Business use. Member LeBlanc moved to approve the application as presented. The motion failed to carry by a vote of 0-7.

The meeting adjourned at 7:30 P.M. - Respectfully submitted by Zoning Administrator Thomas