

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

December 9, 2010 Meeting Minutes

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Paul Trudell, Ron Stancliff & Chris Wiltshire

Members Absent: Brian Irwin & Jean Wickart

Recorder: Todd Thomas, Zoning Administrator (ZA)

Guests: Rhoda Bedell, Bill Thomas & Leon Whitcomb

Member Nolan called the meeting to order at 7:30 PM. Member Breault moved to approve the October 14, 2010 & November 11, 2010 as-revised meeting minutes. The motion was affirmed by a vote of 6-0.

RECESSED HEARING: Jason Lutz, 456 Jersey Heights Home Business CU

The Board continued the recessed hearing on applicant Jason Lutz's request for a §630 Conditional Use allowance at 456 Jersey Heights in the §255 LDR zone under use Home Business for the construction and sale of handcrafted furniture. Chair Nolan read an email submitted to the Zoning Administrator into the record from Robert Heanue at 406 Jersey Heights dated December 8, 2010. Chair Nolan also read an email from the Zoning Administrator dated November 16, 2010 stating the opinion of the Vermont League of Cities and Towns (VLCT) on the application. The Board agreed with the VLCT opinion, but decided that there was no business being conducted on the premises and that the requested permit could therefore not be granted. Member Wiltshire moved to approve the application. The motion failed to carry by a vote of 0-6.

WARNED HEARING: Ray Belanger, Final Plat Approval, 4 Lot Subdivision Belanger Ln

The Board discussed applicant Ray Belanger's request for Final Plat Approval for a Major 4-Lot Subdivision (3 new buildings lots) on the right-of-way of the previously approved Belanger Lane subdivision. Chair Nolan said that the application was to be reviewed under §260 Rural Residential with Agricultural Use District / §264.2 Specific Requirements & §750 Review and Approval of Final Plat. Chair Nolan read an email from Jim Pease of the Vermont Department of Environment and Conservation dated December 9, 2010 regarding the project's potential need for a state stormwater discharge permit. ZA Thomas noted that Members of the Board conducted a site walk on the property on August 26, 2010. The Board discussed that the three new residential lots proposed would be serviced by the existing roadway and that no future expansion of the roadway was currently planned. Resident Leon Whitcomb appeared before the Board and presented various photos and maps and claimed that the existing subdivision is flooding his property on Miller Bridge Road via the Ryder Brook continuously overflowing its banks. Mr. Whitcomb explained how the applicant had "plowed out" the existing on-site wetlands when the subdivision was originally built, which he believes severely exacerbated flooding issues. Mr. Whitcomb also said that the applicant had intentionally breached the dam on the drainage basin that was built to quell flooding issues after the original subdivision was built. Mr. Whitcomb read from a letter dated December 9, 2010 which he subsequently

submitted to the Board, asking that Final Plat Approval be postponed until the Board conducted a site walk of his property. The Board discussed conditioning the local subdivision permit on the receipt of all needed state permits. Member Stancliff questioned if the existing subdivision road was constructed to comply with the Town of Morristown Road Policy as required by its conditional approval. Member Trudell moved to recess the hearing and reconvene immediately in Deliberative Session.

In Deliberative Session, the Board discussed conditioning the approval so an engineer would be required to confirm in writing that the existing road is constructed to meet Town standards and that the new development will not exacerbate any off-site flooding issues before any zoning permits are issued for the house sites. Member Trudell moved to grant Final Plat approval for the subdivision provided that the aforementioned conditions discussed by the Board were added to the draft decision. The motion was affirmed by a vote of 6-0.

The meeting adjourned at approximately 9:15 PM.

Respectfully submitted,
Todd Thomas, ZA

^{3/10/11}
~~Minutes approved on: January 13, 2010~~