

Morristown/Morrisville Development Review Board
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Meeting Minutes of November 13, 2014

Members Present: John Gloss, Susanna Guthmann, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire.

Members Absent: Karyn Allen, Brian Irwin & Theresa Breault (Alternate)

Staff: Todd Thomas, Zoning Administrator

Guests for the Valley Ridge Properties, 25 Lily Lane hearing: Nick Lizotte for the applicant Valley Ridge Properties LLC

Guests for the Vermont Asbestos Group, 87 Old Creamery Road hearing: Kevin Amyot for the Vermont Asbestos Group & Allen Van Anda for Lost Nation Brewing

Guests for the Newton subdivision, 87 Pinewood Estates hearing: Allen Newton

Guests for the MW&L subdivision of the Trombley Hill Industrial Park hearing: Neighboring property owner Deb Dewey and Craig Myotte for Morrisville Water & Light.

Call to Order & Minutes: Approval of the 11 September 2014 meeting minutes was tabled due to attendance and the meeting began at approximately 6:30PM.

Hearing: Valley Ridge Properties, 25 Lily Lane, §500 SPA & §630 CU

Nick Lizotte appeared before the Board on behalf of applicant and landowner Valley Ridge Properties LLC. Valley Ridge was requesting an after-the-fact §630 Conditional Use & §500 Site Development Plan Approval permit for the five existing dwelling units at 25 Lily Lane in the §250 Medium Density Residential Zone on parcel 08-021 under the Dwelling Unit, Multi-Family use. Zoning Administrator Thomas told the board that the Listers' card for the property shows four apartments and that the zoning file only has a permit for two apartments. Mr. Thomas said that approval of the existing conditions on this property via this permit would correct the zoning files, the Listers' files, as well as make the property legally marketable for the owner. Mr. Thomas added that no new development was being proposed by this permit and that the applicant was simply seeking to obtain a permit for the existing Dwelling Unit Multi-family use. Mr. Thomas added that the applicant has ample land under zoning for the existing apartments, as well as ample parking – as demonstrated on the submitted site plan. Member Trudell moved to grant the requested after-the-fact Conditional Use and Site Plan Approval permit for the application. The motion was affirmed by a vote of 5 to 0.

Hearing: Vermont Asbestos Group, 87 Old Creamery Road, §500 SPA & §630 CU

Kevin Amyot appeared before the Board on behalf of applicant and landowner Vermont Asbestos Group Inc. The Vermont Asbestos Group was requesting an after-the-fact §630 Conditional Use & §500 Site Development Plan Approval on behalf of its tenant Lost Nation Brewing to permit the existing Restaurant use and the existing Fence use (an 8 foot tall chain-link running along the southern edge of the parking area) on parcel 21-102 at 87 Old Creamery Road in the §230 Industrial Zone. Chair Nolan began the hearing discussion by noting that he works for the H.A. Manosh Company and not the Vermont Asbestos Group, but that given his company's connection with VAG, he would recuse himself from the discussion if requested by

anyone. Member Nolan said that not having received a request for him to recuse himself, he felt he could act fairly on the subject application and decided to stay on the board for the hearing. Allen Van Anda, representing his company Lost Nation Brewing, explained that his Restaurant use consisted of 40 indoor seats and 60 outside seats, with the outdoor seat being located under cover, but remaining seasonal. Mr. Thomas noted that the genesis of this hearing was regarding a zoning complaint he received about the new 8 foot tall chain-link fence that runs for approximately 172 feet along the side property line. Mr. Thomas said that an 8 foot tall fence cannot be constructed without first receiving a Conditional Use approval by this Board. Mr. Van Anda asked to be put on the record as to not having made this complaint. Mr. Thomas agreed that the complaint did not come from Mr. Van Anda. Mr. Thomas added that he advertised the Conditional Use request for a Restaurant use along with the Fence use because it made sense to review both permit requests at the same hearing. Mr. Amyot said he did not know that a fence of 8 feet in height was problematic and if he did, he would have installed a fence that was 6 feet in height. Member Trudell moved to grant Conditional Use and Site Plan Approval for the Fence use and for the Restaurant use, with a restaurant having a maximum capacity of 96 seats. Member Gloss said that applicants should be requesting permits prior to construction and should not be asking for after-the-fact permits. The Board by consensus agreed with this statement. Member Trudell's motion was affirmed by a vote of 5 to 0.

Hearing: Newton subdivision, 87 Pinewood Est, §264.1 Waiver & §750 Final Plat Approval

Applicant & landowner Allen Newton appeared before the Board requesting §750 Final Plat approval to create a new subdivision lot from parcel 08-195 at 87 Pinewood Estates in the §260 Rural Residential Zone. It was noted that this requested subdivision approval also requires a §264.1 Waiver for Minimum Lot Size. Mr. Thomas said that the waiver request was the result of the zoning bylaws definition for Minimum Lot Size, which subtracted any road right-of-way area from the total lot size for zoning purposes. Mr. Newton said that his property has frontage on both Pinewood Estates and Needles Eye Road. Mr. Thomas said that the proposed subdivision plan shows that both house lots are well over 2 acres in size, but that the road right-of-way issue reduced each lot down to 1.92 acres for zoning purposes. Chair Nolan said that Mr. Newton's lot in Pinewood Estates had been in existence long before the Minimum Lot Size zoning requirements and should be grandfathered. Mr. Thomas said that he saw no harm in granting such a small waiver for 2.6% of the minimum lot size in this instance. Mr. Thomas noted that he had not received a wastewater permit for the new lot yet, but that he expected it within a matter of days. He advised that the receipt of a state wastewater permit for the new lot should be a condition of any subdivision approval. Member Wiltshire moved to approve the subdivision and requested waiver as presented, provided that a zoning permit is not issued for the house on the new subdivision lot until the State wastewater permit is received in the zoning office. A vote of 5 to 0 affirmed the motion.

Hearing: MW&L subdivision for Trombley Hill Industrial Park, §750 Final Plat Approval

Craig Myotte, the General Manager of Morrisville Water & Light, appeared before the Board on behalf of landowner Morrisville Water & Light (MW&L). MW&L was requesting §750 Final Plat approval for an eight lot subdivision of parcel 08-114, which has frontage on Center Road and Trombley Hill Road in the §280 Innovation Zone. It was also noted that the parcel contains a portion of the §300 Drinking Water Source Protection Area for Cadys Falls Water Co-op. Mr.

Thomas noted that proposed lots 5 and 8 will remain owned by the MW&L as they respectively house a water tank and electric substation. Member Trudell recused himself from the hearing because he is working on the architectural design for the Butternut Mountain Farms building on lot 3. Neighboring property owner Deb Dewey said that she is concerned about traffic and especially about the function of the intersection of Center Road and Vermont Route 15. Mr. Thomas explained that the under construction CVS Pharmacy proposed changes to this intersection that the town supported, but these improvements were denied by the State Agency of Transportation. Mr. Thomas also offered that the next big box store to be constructed on the CCS Property east side of Center Road was required to build an extension of Munson Avenue across the Langdell Farm parcel which should give eastbound traffic another option other than queuing at the Center Road intersection with Route 15. Chair Nolan said that the proposed Trombley Hill Industrial Park subdivision had been discussed at length during the preliminary plat process. He added that the preliminary plat decision and this decision should require that all utilities be underground for the lots within the subdivision. Member Wiltshire moved to approve the industrial park subdivision as proposed with the Board's standard conditions, including the condition that all utilities in the proposed subdivision lots be located underground. The motion was affirmed by a vote of 4 to 0.

The meeting adjourned at approximately 8:15 P.M.

Respectfully submitted by Todd Thomas, Zoning Administrator.

