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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of November 13, 2008

Members Present: Gary Nolan, Ron Stancliff, Karyn Allen, Paul Trudell, Theresa Breault,

Members Absent: Jean Wickart, David Silverman

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 Ron, minutes of the October 9, 2008 meetings were approved as presented.

WARNED HEARING: LEONARD WING, CONDITIONAL USE, PRIVATE AIRSTRIP, 902 STANCLIFF ROAD

Gary introduced the application, to be reviewed under sections 263, 495 and 632-635 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Leonard Wing and interested parties Carl Stewart and Jim Grover.

Leonard explained that he is seeking approval to operate his own airplane off a grass strip in his backyard. The plane, which he built from a kit, requires only 150 feet for takeoffs and landings; the grass strip would be 250 feet long. The site plan shows a portion of the strip extending onto the adjoining Gaffney property. He provided letters from adjoining property owners showing there were no objections to his use of his land for this purpose.

Leonard said there is no hangar space available at the Morrisville airport, which is located approximately two miles from his property. He has separately applied for and received a zoning permit for a hangar next to his house. He noted that the plane has a muffler to reduce noise, which he said was similar to a lawn mower.

The private use airstrip will require separate review and approval by the Vermont Agency of Transportation (VAOT) and Federal Aviation Administration (FAA). Leonard said these agencies will evaluate his plan relative to the Morrisville airport and ensure that he does not conflict with flight operations there. He explained that he would only take off and land to the west on clear weather days. He estimated that he would fly about 100 times a year. He does not expect to operate the plane early in the morning.

The ZA reported that the police, fire, and rescue departments had signed off on the application.

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Jim Grover, who lives nearby on Green Mountain Drive, expressed concern with Leonard's original plan to use a piece of common land in the Gray Farm subdivision for his airstrip. Jim believed this would pose a hazard to planes operating at the Morrisville airport. He is satisfied that the proposal as currently presented does not pose such a hazard.

Carl Stewart, a resident of the Gray Farm subdivision, said he and his wife Marcia are concerned about safety of the proposed flight operations and wondered whether he, as a nearby property owner, might be liable for any damages or injuries that could occur if the plane were to crash on his property. He asked if Leonard had proof of liability insurance. Leonard said any property owner (other than himself) would not be liable for any damages resulting from his airplane, any more than they would be if any other third party incurred damages on their property.

Paul asked if there would be any markings or lighting for the strip. Leonard said there would not. Paul noted that the ends of the airstrip are less than 200 feet from adjoining properties, as required under the zoning bylaw (section 496e). Leonard said he felt the letters from the affected adjoiners effectively extend the setback to the edge of those properties.

Paul moved to recess the hearing to a deliberative session. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: JOSEPH GARBELY, FINAL PLAT APPROVAL, 3-LOT SUBDIVISION, 932 MUD CITY LOOP

Gary introduced the application, to be reviewed under sections 264, 750, 770, and 790, of the zoning & subdivision bylaws. He noted that preliminary plat approval had been granted on October 9, 2008. Theresa administered the sworn oath to applicant Joseph Garbely and neighbors Gert Lepine, Thomas McHugh, and Karen Cleary.

The ZA reviewed conditions adopted for the preliminary plat approval: lot boundaries between Lot 1 and Lot 2 to be adjusted to reflect a minimum of two acres exclusive of any right-of-way; the establishment and maintenance of a 25-foot wide 'no clearing' buffer area along the common lot boundaries with the adjoining Cleary property; and no development allowed within the identified Class 3 wetland.

Joe Garbely presented a revised site plan that increased the area of Lot 1 and decreased Lot 2 to provide a minimum of two acres, exclusive of rights-of-way, on both lots. Lot 1 is now 2.6 acres and Lot 2 is 3.1 acres.

The ZA asked Joe how the boundary along the Cleary property is delineated. Joe said it is marked with pins and stakes. Gary recommended blazing trees along the boundary to further delineate the property line. Karen Cleary asked if Joe would walk the property line with her some time; he agreed.

Karyn asked if the 25-foot no-clearing zone should be depicted on the final plat survey. The ZA advised that this is not a required item on final plats and that the no-clearing restriction would be clearly stated in the deeds for the proposed lots.

Gert Lepine asked what the green line on the site plan was. The ZA said it is the boundary of the Class 3 wetlands, as identified by Wheeler Environmental Services. Gert said that when the property was previously subdivided some 18 years ago, state officials said there were significant wetlands issues and that the 10-acre parcel was only suitable for one house site.

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Roy Marble, who had been involved in the earlier subdivision project, said that rules and conditions in place at that time were more restrictive than they are today. Under the water and wastewater standards adopted by the state in 2006, many parcels of land that were previously undevelopable could now be safely developed. He noted that septic design standards and technology are much improved from those of 18 years ago. He said the Water Resources Board had required a specific building envelope for only one single-family home on the 10-acre parcel being created in 1990 because that was the property owner's intention at the time.

Joe Garbely said a state water & wastewater (WW) permit approving the location of wells and septic disposal areas for the three proposed lots was pending.

Ron moved to grant final plat approval for the proposal, with the previously adopted conditions. Paul seconded the motion and it passed unanimously. Gary signed the mylar copy of the final survey plat for recording.

WARNED HEARING: THEODORE BARNETT & ROY MARBLE, PRELIMINARY PLAT APPROVAL, 1-LOT SUBDIVISION, CARPENTIER FARM ROAD

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, and 810-970 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Roy Marble and adjoining property owner David Stevens.

Roy explained that Ted Barnett owns two adjoining parcels (tax map #13-021-15, identified as Lot D and #13-021-16, identified as Lot E), in a previously approved subdivision on Carpentier Farm Road. Roy owns an adjacent 28.19-acre parcel (#13-021, identified as Lot F). The parcels are currently undeveloped.

They propose to further subdivide Lots D and E to create a new 2.93-acre parcel (Lot G). A 0.46-acre portion of Lot D will transfer to Lot F to provide a wastewater disposal area for Lot F. Lot D will decrease in area from 3.37 acres to 2.2 acres. Lot E will decrease from 4.68 acres to 2.19 acres. Lot F will increase from 28.19 acres to 28.91 acres.

All lots will be served by individual drilled wells and on- or off-site septic systems. Off-site systems on adjacent lots will have deeded easements for use and maintenance. WW-5-4713 has been issued by the Agency of Natural Resources for the reconfigured parcels. Access to the new Lot G would be by the existing driveway to Lot E.

Paul moved to grant preliminary plat approval for the proposal. Karyn seconded the motion and it passed unanimously.

The Board met in deliberative session on the Wing conditional use application. On a motion by Paul, seconded by Theresa, the Board unanimously voted to recess the hearing pending receipt of legal opinion from the Town's attorney regarding the 200-foot setback requirement.

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 12/11/08