MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

November 11, 2010 Meeting Minutes

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

Members Absent: Karyn Allen, Brian Irwin, Jean Wickart & Chris Wiltshire

Recorder: Todd Thomas, Zoning Administrator (ZA)

Guests: See attached sign-in sheets

Member Nolan called the meeting to order at 7:35 PM. Due to Member attendance, it was decided that the October 14, 2010 meeting minutes should be left for the Board to approve at the December 9, 2010 meeting.

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

Applicant Jason Lutz appeared before the Board seeking 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. Mr. Lutz told the Board that he was not looking to conduct any retail business or construct the furniture on the property. He said that he was simply seeking to permission for a sign so passerbys could inquire about his lawn furniture. Mr. Lutz confirmed that he manufactures and assembles his furniture in Elmore. When question by Member Trudell, Mr. Lutz said that he currently had six display chairs and a table on the front lawn of 456 Jersey Heights. Member Breault confirmed that the chairs are hand-made and are usually built via special order. Chair Nolan read emails submitted to the Zoning Administrator into the record from Robert Heanue at 406 Jersey Heights and Susan DeColaines & Bill Swanson at 426 Jersey Heights. Mr. Heanue was opposed to the zoning request; Ms. DeColaines and Mr. Swanson were in favor of it. Bill Thomas of 453 Jersey Heights said that the proposed use at the site compounds a bad traffic location. Member Trudell questioned if a business was actually taking place on site and suggested that the applicant may just need a sign permit. Member Stancliff said that he thought the tables and chairs constituted an outside display, which is not allowed by either the Home Occupation or Home Business uses. Chair Nolan suggested recessing the hearing until later in the meeting in order to allow more time to determine what zoning should be applied.

When the discussion resumed, Member Trudell suggested asking the Vermont League and Cities and Town (VLCT) to offer an opinion on the application. The Board agreed to this approach by consensus. It was decided to recess the hearing until December 9, 2010 provided VLCT thought a Home Business or Home Occupation permit needed to be granted for the proposed use. However, if VLCT opined that such a permit was not necessary, the Board instructed ZA Thomas to issue a sign permit to Mr. Lutz and inform him that no other permits were necessary for the proposed use. The motion was affirmed by a vote of 4-0.

WARNED HEARING: Bobby Roberts, 5597 Randolph Road Deer Yard CU

Applicant Bobby Roberts appeared before the Board seeking to permit a Dwelling Unit, Single-Family use at 5597 Randolph Road in the §260 RR/A zone on a lot requiring a §630 Conditional

Use allowance due to a §340 Environmental Protection Area (Deer Yard) located therein. ZA Thomas explained that the CU hearing was required because he did not have the ability to grant permits for residential uses on lots that contain deer yards. He added that a Dwelling Unit, Single-Family use permit was issued in error on this lot by the Zoning Administrator in 2007. Chair Nolan confirmed with ZA Thomas that this 2007 permitted had since expired and that a new permit was necessary. Mr. Roberts explained that he had been in contact with the Agency of Natural Resources regarding the deer yard. He provided an email from Wildlife Biologist John Austin that stated under what conditions the Agency of Natural Resources would approve the single family home use on the lot, including that the lot is not subdivided and that no new clearing of soft wood occur without Agency of Natural Resources prior approval. Mr. Roberts said that these conditions were acceptable to him. Member Trudell moved to conditionally approve the project provided that the conditions in Mr. Austin's letter were included in the Board's conditional approval, in addition to requiring that these conditions were restated in the property deed. The motion was affirmed by a vote of 4-0.

RECESSED HEARING: Vermont Slate & Copper, 289 Harrel St Addition CU & SDPA

Brian and Sandy Stearns appeared before the Board representing Vermont Slate & Copper Services Inc.'s application for §500 Site Development Plan Approval and a §630 Conditional Use allowance for a 13,500sf addition to the existing Alpine SnowGuards business at 289 Harrel Street in the §230 Industrial District zone under uses Manufacturing and Commercial Use. Ms. Stearns said that the proposed addition would be located on top of the existing leach field and that 21 parking spaces would be added to the property to service the new addition. Ms. Stearns and the Board discussed the proposed sewer line expansion to the property that was making the addition possible. Chair Nolan said that he wanted any sewer connection to be from an 8 inch line and not a service line. Member Trudell asked about lighting and landscaping proposed with the addition. It was discussed that the Bylaw required down shielded lighting fixtures. Ms. Stearns agreed to install all lighting to be in compliance with the Bylaw and also agreed to put the lights on a timer so they did not remain on overnight. Mr. Stearns said that landscaping would be added to the front of the property once the infrastructure was completed. Member Trudell said that landscaping along Harrel Street to shield the new parking lot should be a condition of approval. Member Trudell moved to conditionally approve the project provided that all lighting is shielded and the new parking lot is adequately screened from Harrel Street once all related site and infrastructure work is complete. The motion was affirmed by a vote of 4-0.

The meeting adjourned at approximately 9:20 PM.

Respectfully submitted,
Todd Thomas, ZA

Minutes approved on: December 9, 2010