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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of November 11, 2004

Members Present: Gary Nolan, David Silverman, Carl Fortune, Paul Trudell, Jean Wickart

Members Absent: Carol Jennings, Theresa Breault

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: Bill Kules, Rebecca Lebovich, Marie Marcoux, Andrea Marcoux, Dianne Nicholls, Brian Benoit, Sharon Dietz

Chairman Gary Nolan called the meeting to order at 7:30 PM. David moved to approve the minutes of October 28, 2004. Paul seconded the motion and it passed unanimously.

WARNED HEARING: SUSAN ENGLERT, LOT LINE ADJUSTMENT & SETBACK VARIANCE, 80 GEORGE STREET

Gary introduced the application, to be reviewed under sections 254, 650 and 795 of the zoning and subdivision bylaws. Gary administered the sworn oath to Marie Marcoux, Andrea Marcoux,, Dianne Nicholls, and Bill Kules (of Little River Surveying, representing the applicant)

The ZA gave a brief summary of the issues that brought this application forward. Susan Englert purchased the property at 80 George Street from Alan and Lori Spaulding in May 2001. The Spauldings had applied for and been granted zoning permits in 1993 and 2000 to replace a mobile home and add a deck, respectively, on this property. On these permit applications, the Spauldings had indicated that the proposed structures would comply with the applicable property line setbacks(15' rear and 10' side). Adjoining property owners had been notified of these permits at the time they were issued and no objections or appeals were filed with either permit. Adjoining property owner Marie Marcoux had a survey of her property done in November 2003 that showed the deck erected by the Spauldings lies partially on the Nicholls property and that a corner of the mobile home lies partially on her property. The current owner (Englert), who was unaware of this discrepancy when purchasing the Spaulding property, was sent a Notice of Violation of the zoning bylaws for the setback violations in February 2004. This application seeks to adjust the property lines to comply with the setback requirements where possible and obtain a variance for the setback where compliance is not possible.

Bill Kules presented a plan to redraw the rear boundary of the Englert property so that the deck and adjoining land is fifteen feet (15') from the new boundary with the Nicholls property.

Dianne Nicholls said the proposed adjustment was acceptable to her.

The distance between the corner of the Englert mobile home encroaching onto the Marcoux property and the closest point of the Marcoux house is approximately sixteen feet, making it impossible to redraw the boundary between the two lots so that each complies with the ten foot side setback. Steep terrain around the opposite sides of the Englert house precludes the possibility of relocating the structure off of the Marcoux lot as it presently exists.

Bill Kules proposed redrawing the Marcoux-Englert property line so that a twenty square foot area of the Marcoux property around the encroaching portion of the Englert house would be sold to Englert to get her house off the Marcoux property. This would result in an adjusted property line with a three-foot setback from the Englert house. Bill said that his client had offered to swap this amount of land with an equal amount along the common driveway between the two properties.

Marie Marcoux said she did not want to sell any more of her property than absolutely necessary to place the mobile home outside of her lot and was not interested in swapping any of her property for Englert's. She said she could accept a redrawn boundary line that provided only a one-foot setback between the Englert house and the property boundary. She also indicated that once these adjustments and transactions had been made, she intended to erect a fence along the new property line to clearly delineate the boundary.

Marie sought clarification that by approving the proposed lot line adjustment, the Board was not obliging her to sell or otherwise transfer any portion of her lot, only that it was approving the proposal subject to an agreement between the parties. Gary confirmed that this was the case. The ZA also explained that until the situation was corrected, the Englert property remained in violation of the bylaws, making it unlikely that she could sell or refinance it.

David moved to approve the lot line adjustments as described and to grant a variance for the side setback requirement. Paul seconded the motion and it passed unanimously.

WARNED HEARING: REBECCA LEBOVICH, CONDITIONAL USE, BED & BREAKFAST, 103 MAPLE STREET

Gary introduced the application, to be reviewed under sections 253, 500 and 630 of the zoning and subdivision bylaws. Gary administered the sworn oath to Rebecca Lebovich and Lorrie Johnson (adjoining property owner).

Rebecca Lebovich proposes to convert a portion of her home at 103 Maple Street into a bed & breakfast-type business. She had renovated and added onto the existing structure in 1999. At that time, she stated in her permit application that the enlarged structure would be a single family residence. She now proposes to set up temporary lodging accommodations in each of the four guest suites that had been added. These four rooms would accommodate a maximum of eight persons (two per room). She might serve a breakfast meal to guests but had not made that determination at this point, noting that each room had a kitchenette. Ms Lebovich noted that the site has off-street parking for approximately 20 vehicles. The building also has a great room that can accommodate up to 50 people.

Lorrie Johnson said she didn't have a problem with the property being used as a B&B, but was concerned that it might also be used as a venue for large events such as weddings. This

could pose parking problems and possibly noise and traffic issues. Gary read a letter from adjoiner Wendy Andres expressing similar concerns.

David noted that the proposed business was defined as a temporary lodging facilities in the bylaws. Under that definition, it would be limited to activities serving its guests and that special events such as weddings or other occasions would not be authorized. He expressed an interest in reviewing the previous permit applications.

David moved to recess the hearing to a deliberative session. Carl seconded the motion and it passed unanimously.

WARNED HEARING: BRIAN BENOIT, THREE-LOT SUBDIVISION, WALTON RD

Gary introduced the application, to be reviewed under sections 264, 300, 740, 770, and 800 of the zoning and subdivision bylaws. Gary administered the sworn oath to Brian Benoit.

Brian Benoit presented his proposal to subdivide a 15.5 acre lot currently owned by Matthew Parisi into three lots: Lot 1 with 2.69 acres, Lot 2 with 4.3 acres, and Lot 3 with 8.51 acres. The property is accessed from Walton Road via an established 50' right-of-way across the adjoining Palombi property.

Each lot would be permitted for a single-family residence. Each lot would have its own drilled well. All three lots would be served by on-site sewage disposal systems, with the primary leachfields for all three lots and replacement leachfields for lots 1 and 2 located on Lot 2 by easement. The replacement leachfield site for lot 3 is located on that lot.

A portion of the Morristown Corners Water Co-Operative groundwater source protection area (SPA) lies across the western edges of lots 1 and 3. The SPA boundaries are depicted on the preliminary plat plan. No home sites or sewage disposal facilities are located within the SPA. The Co-op's water line crosses the proposed lot 1 by easement.

David moved to approve the application as presented with standard subdivision conditions. Jean seconded the motion and it passed unanimously.

WARNED HEARING: SHARON DIETZ & ROBERT ROLLINS, LOT LINE ADJUSTMENT, 82 LOWER MAIN STREET

Gary introduced the application, to be reviewed under sections 254, 650 and 795 of the zoning and subdivision bylaws. Gary administered the sworn oath to Sharon Dietz.

Sharon Dietz owns a 1770 square foot parcel at 82 Lower Main Street. Robert Rollins owns a 0.4-acre adjoining parcel at 72 Lower Main Street in the Village of Morrisville. Sharon wishes to purchase approximately 2000 square feet of the Rollins property behind her lot.

The Dietz property is a pre-existing non-conforming lot that does not meet the minimum 10,000 square foot lot size for the Central Business District in which it is located. The proposed lot line change will increase the size of the Dietz property, but it will remain a non-conforming lot. The Rollins property will be reduced from approximately 17,400 square feet to 15,400 and will continue to meet all dimensional requirements of the Zoning and Subdivision Bylaws.

David moved to approve the application as presented. Paul seconded the motion and it passed unanimously.

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The board met in deliberative session on the Powershift conditional use application for an antenna on an existing utility pole. Three members and the ZA had conducted a site walk of the subject property on October 30, 2004. Paul moved to approve the application with the condition that the applicant paint and maintain the equipment gray to blend in to the surrounding features. Jean seconded the motion and it passed unanimously.

On a motion by David, seconded by Carl, the meeting adjourned at 8:50 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 12/9/04 (DS/CF)