

Morrisville/Morristown Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of 9 November 2022

Members Present: Donnie Blake (Alternate), Susanna Burnham, Melissa LeBlanc, Gary Nolan (Chair), Laura Streets, Christy Snipp (Alt), Paul Trudell, Mary Ann Wilson, & Chris Wiltshire

Members Absent:

Staff: Zoning Administrator Todd Thomas

Guests: Approximately 100 members of the public attending the meeting. The meeting sign-in sheets, with 50 guest names thereon, are attached to the minutes that are stored in the Town's Land Records.

Call to Order: Chair Nolan, after explaining decorum expectations for the large crowd in attendance, and noting the audience handout that explained the DRB process, called the meeting to order at approximately 6:00 PM.

Minutes: Member Wilson moved to approve the October 12th meeting minutes. A vote of 6-0-1 affirmed the motion with Member Trudell abstaining.

Hearing: Site Plan Approval, sidewalk deletion at 528 Washington Hwy (Copley Hospital)

Applicant/landowner Copley Hospital Inc. appeared before the Board seeking §206 Design Criteria and §500 Site Plan Approval to not construct the sidewalk required by the Zoning Administrator as part of Zoning Permit 2022-133 on Parcel 24009 at 528 Washington Highway in the Hospital Zone. On behalf of the hospital, Engineer Mumley and Facilities Manager Mark Sutton said that this sidewalk segment in question provided little utility and encouraged pedestrians to unsafely walk in the road where the sidewalk terminates to the north. They explained that the sidewalk on the opposite side of the hospital's driveway provides a safer and more optimal route for pedestrians. Member Streets disagreed and said that the people will always walk the shortest distance between 2 points, and that few people would take the longer sidewalk route through the parking lot. Member LeBlanc agreed and expressed concern about pedestrians having to traverse 3 parking lot curb cuts on the proposed alternate pedestrian route. Member Streets added said that she found the existing sidewalk and parking situation at the hospital to be confusing, and even burdensome for people with mobility issues. Member Burnham said that the sidewalk segment should be replaced, and that it should also be extended so it provides a safe pedestrian pathway from the hospital's main entrance to the physical therapy entrance. Zoning Administrator Thomas noted an abutter letter in the meeting packet from Carol Chanania. Member Wiltshire moved to continue this discussion in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the Deliberative Session discussion, Member Streets moved to direct the hospital to adhere to the condition on Permit 2022-133 as written (restoring the sidewalk segment in question). A vote of 7-0 affirmed the motion.

Hearing: Site Plan Approval, new multi-family building at 15 Park St. (5 Park LLC)

Denise Trombley, Peter Jones, Architect Paul Trudell, and Engineer Tyler Mumley appeared before the Board on behalf of applicants/landowners 5 Park LLC requesting §206 Design Criteria and §500 Site Plan Approval in the Central Business Zone to allow for the construction of a 21-unit apartment building that will be located on Parcel 21-191 to the rear of the existing governor's mansion and have an address of 15 Park Street. Member Trudell recused himself from the application because he is the architect of record for the proposed building. Alternate DRB Member Christy Snipp took his seat for this hearing. Member Burnham recused herself

from the application because she was the prior owner of this property. Alternate DRB Member Donnie Blake took her seat for this hearing. Engineer Mumley led the Board, and a large audience, through the site plan for the proposed 21-unit apartment building, which would be sprinkled and served by underground utilities. He explained the garage that is accessory to the existing 6-unit (5 residential & 1 commercial) apartment building will be razed to make room for an expanded parking area. This parking area, which would serve both buildings, would contain 21 total parking spaces. Member Snipp said that not enough parking is being provided as the Zoning Bylaws require 1 parking space per residential dwelling unit. Engineer Mumley said that there was enough parking availability in the park & ride lot next to the library to make up for any actual parking shortfall. Member Snipp clarified that a parking waiver request was not warned with this application. Mr. Thomas said that only 3 overnight parking spaces were typically available in this park & ride lot anyway (and not the 6 waiver spaces requested). Member Blake said that the proposed wooden gate enclosure proposed around the dumpsters would fail, and it should be replaced with chain-link fencing with plastic mesh for screening. Member Streets decried the lack of green space proposed. Engineer Mumley responded that this application was filed under the 2021 Zoning Bylaws, and not the new 2022 Zoning Bylaws that require 24 ft² of greens space per dwelling-unit. Regardless, he opined that the setbacks created by the 10-foot building around the new building create enough lawn area to comply with the 24 ft² of green space needed per dwelling unit under the new 2022 Zoning Bylaws. Representatives from Interested Parties Morristown Centennial Library, Riverside Cemetery, United Community Church, Stones Throw LLC, and Michael and Jennifer Isabell expressed various concerns about the proposed development including: overflow parking, stormwater, increased traffic, the capacity of the receiving intersection, privacy fencing, survey discrepancies, Town Plan compliance, lack of historical architecture, fire safety, loss of sunlight on abutting properties, and year-round public access to the main cemetery gate. Mr. Thomas added that he spoke with the Fire Chief earlier in the day who asked for better ladder truck access to the north (cemetery) side of the building. Chair Nolan noted that nearly all of these aforementioned Interested Parties submitted project comment letters that were included in the meeting packet for this meeting.

Architect Trudell then led the Board through the proposed architectural plans for the building. The 90x53 building would be 3-stories high and approximately 34 feet in height. Mr. Trudell explained that the building, other than the vinyl siding, complied with the §207 Historic Preservation Criteria in the 2022 Zoning Bylaws even though the application fell under the old less stringent 2021 Zoning Bylaws. He added that the proposed asphalt shingle roof, with a 5/12 pitch, would prevent snow slides towards close-by property lines. Member Streets moved to continue the discussion in Deliberative Session. Engineer Mumley asked the Board to recess the hearing to allow for changes in the proposed development instead of entering into Deliberative Session. The Board declined to act on Mr. Mumley's request, and a vote of 7-0 affirmed Member Streets motion. At the conclusion of the Deliberative Session discussion, Member LeBlanc moved to approve the project as proposed. The motion failed to carry by a vote of 0-7. Mr. Thomas was instructed to relate to the applicant that any new submittal of this project will fall under the new 2022 Zoning Bylaws, and the Board expects to see the following changes made to the proposal:

1. Snow storage shall not be allowed in front of the cemetery entrance gate.
2. Required parking minimums for the development (at 1 parking space per unit) must be

- accommodated on-site. A parking waiver will not be considered with a new application.
3. The applicant's architect and engineer shall work with the Fire Chief to provide the needed ladder truck access between the north side of the building and the adjacent cemetery.
 4. The proposed dumpster location shall be moved further from the library (perhaps behind the governor's mansion), and the plans shall be updated to note that trash, recycling, and compost will be stored in this metal fenced enclosure (with plastic screening mesh).
 5. A fence shall be added to the site plan along full-length of the common property line between the library and the subject property.
 6. A lighting plan for the project shall accompany any development application.
 7. The proposed architecture shall be enhanced to provide the outdoor space required by §206(g) of the 2022 Zoning Bylaws, which is a combination of private or common porch, deck, or lawn space. The Board determined that the 10 feet of lawn buffer shown around the north, west, and south sides of the building, which is required by the building code, does not satisfy §206(g) of the 2022 Zoning Bylaws because it is not a combination as required.

Hearing: Conditional Use & Site Plan, new multi-family bldg at 485 Jersey Hts. (Jennison)
Engineer Tyler Mumley, on behalf of applicant/owner Wyatt Jennison, appeared before the Board seeking §206 Design Criteria, §207 Historic Preservation Criteria, §630 Conditional Use, and §500 Site Plan Approval in the High Density Residential Zone to add the multi-family use to Parcel 07-001-1 to allow for the construction of a 9-unit apartment building that will located to the rear of the existing single-family home and have an address of 32 Audy Lane. Member Trudell recused himself from the application because he is the architect of record for the proposed building. Alternate DRB Member Donnie Blake took his seat for this hearing. Engineer Mumley began the hearing by detailing the proposed access to the new 9-unit apartment building, which included the closure of the existing curb cuts on Jersey Heights and Audy Lane and the creation of a new curb cut further down Audy Lane to a proposed 16-space parking lot that would serve the existing single-family home and the new apartment building. Mr. Mumley noted that legal access issues still needed to be worked out regarding Audy Lane, but his client was prepared to pave the road (20-feet wide) from Jersey Heights to the southern extent of his property line. After a comment from Audy Lane resident Al Morrison, Mr. Mumley explained that a new driveway on the west side of the existing single-family home could be created to access the identical parking lot and building footprint layout. Chair Nolan noted that Mr. Morrison had also submitted a project comment letter that was included in the Board's meeting packet. Mr. Thomas explained that the Board was not the correct arbiter of property rights or access to road rights-of-ways, and he would simply condition any permit approval to accommodate either access scenario (with the potential for a Jersey heights driveway location being an administratively approved site plan change). Member Wilson asked about the proposed propane tank. Mr. Mumley said it would be located underground as required. Various condo owners from the Jersey Heights condo development, including Interested Party Lee Lebier, asked for fencing along common property lines. Interested Parties Jason McArthur and Elizabeth Cass of 511 Jersey Heights made the same fencing request. Interested Party Joseph Plaus asked for better screening or fencing of the parking lot towards Audy Lane. Mr. Mumley said the applicant would be amendable to accommodating these requests.

Architect Paul Trudell led the Board through the renderings for the proposed apartment building, which has an approximate footprint of 2,500 ft². He said the building materials would fully comply with §207 Historic Preservation standards, with wood composite siding facing Audy Lane and vinyl siding on the other 3 facades. Mr. Trudell added that the building also complies with the front porch requirement. Member Wiltshire moved to continue the discussion in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the Deliberative Session discussion, Member Wiltshire moved to approve the project as proposed with the Board's standard conditions, a condition that accommodates the question about legal road access, plus additional fencing along the full west and south property lines, and additional screening or fencing, per the Zoning Administrator's approval, to protect Audy Lane from views for the proposed parking lot. A vote of 7-0 affirmed the motion.

Hearing: Appeal of Zoning Permit 2022-150 for a single-family home (Ring)

Under §640 Appeals, David Ring appeared before the Board regarding his appeal of Zoning Permit 2022-150 in the Medium Density Residential Zone, which allowed for the construction of a new single-family home at 69 Union Street that is located on Parcel 23-135 and owned by 69 Union Street LLC. Mr. Ring began the hearing by discussing where he lives at 139 Union Street, and the ownership thereof. The Board discussed if Mr. Ring qualified as an Interested Party per 24 VSA Section §4465. At the request of the Board, Mr. Thomas described how the Interested Party list was created for each project by the Town's mapping software. Chair Nolan noted that the trust that owned 139 Union Street did not appear on said computer generated Interested Party list because this property was located too far away from 69 Union Street. Member LeBlanc moved to grant David Ring Interested Party Status for the requested appeal of a permit for a single-family home at 69 Union Street. The motion failed to carry by a vote of 0-7, which dismissed the appeal due to Mr. Ring's lack of standing.

The meeting adjourned at 11:00 P.M. - Respectfully submitted by Zoning Administrator Thomas

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Please Sign In

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Print Name	Hearing # that you are interested in (1, 2, 3, or 4)	Mailing Address	Email Address
Todd Thomas	#2	43 Portland Street, Morrisville	tthomas@morristownvt.org
DAVE CAMPBELL	Building Apts	313 Pinecroft Esj	dave.morris@comcast.net
David Briggs	Park Shred	1698 Randolph Rd	davidbricksford@vlink.net
STUDY KUNTON	#2	87 Pinewood Est	prudynewton@cphar.com
DANKE GOREY		P.O. Box 982-NRSL	
MARK SUTTON	#1	588 Washington Hwy.	MSUTTON@CNSI.org
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DANIEL TRAMBLEY	#3		
PETER JONES	#2		
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Lee Spontoni	4	141 Sutter St	
Jennie Smith	Park 5A	90 Bliss Hill Rd	maillie.smith@comcast.net
Pat Modzelowski	#3	543 Magoon Rd	MORRISVILLE, VT
DAVE GOODWIN	#3	" "	" "
AL MORESON	#3	109 Avey Lane	
Leah Bronner	2 + 3	47 B4 Jersey Lane	lbronner@pshift.com
GARY BRIGGS	2 + 3	76 Brockton St	
LINDA BRIGGS	2 + 3	" "	

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Print Name	Hearing # that you are interested in (1, 2, 3, or 4)	Mailing Address	Email Address
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LEE LABRE	3	2507 Mad City Loop	
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Betsy Cass	3	511 Jersey Heights	
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