

Morristown/Morrisville Development Review Board
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Meeting Minutes of 28 October 2020

Members Present: Susanna Burnham, Melissa LeBlanc, Gary Nolan (Chair), Laura Streets, Paul Trudell, Mary Ann Wilson, and Chris Wiltshire

Members Absent:

Staff: Todd Thomas, Zoning Administrator

Guests: Christina Plazek, Prudy Newton, Kevin Newton, Melissa Rose, Shawn Arnold, Bonnie Tallman, Damon Brink, Ed Wilson, Thea Alvin, Engineer Tyler Mumley, Todd Shonio, Brent Miller, Jennifer Andrews, Elizabeth Moeykens

Call to Order: Chair Nolan called the meeting to order at approximately 6:00 PM.

Minutes: Member Trudell moved to approve the July 29th meeting minutes. A vote of 5-0-2 affirmed the motion, with Members LeBlanc and Nolan abstaining.

Hearing: SaVida Health \$500 Site Plan Approval at 31 Lower Main St (Demars Properties)

Under §402, the Zoning Administrator referred SaVida Health to the Board to obtain a permit for its existing opioid addiction clinic in the old post office, which is owned by Demars Properties LLC, and located at 31 Lower Main St, Parcel 21-018, in the Central Business Zone. Christina Plazek appeared before the Board representing SaVida Health, seeking \$500 Site Plan Approval. Zoning Administrator said that this application had been in the queue since the summer, but it did not make sense to call a hearing for a lone applicant, and for an existing business. Ms. Plazek said that SaVida opened its branch in Morrisville almost a year ago, and it currently has about 80 patients, and the practice could grow to approximately 120 patients before outgrowing its existing space. She added while SaVida Health is currently only open 2.5 days a week, it hopes to expand its hours to Monday through Friday from 8am to 4pm. Member LeBlanc clarified that Health Care Facility uses are indeed allowed in the downtown. Mr. Thomas said that they were actually permitted uses therein. Ms. Plazek said that SaVida is not a typical health care facility because no medications are held or dispensed on site. Upon a question from Member LeBlanc, Ms. Plazek said that there had been no incidents of EMS or Morristown Police needing to be called to the business since it opened. Member Burnham moved to approve the project as proposed with hours of operation limits from 8am to 4pm Monday through Friday. A vote of 7-0 affirmed the motion.

Hearing: §204.4 Waiver Accessory Apt. waiver at 89 Pinewood Estates (Prudy Newton)

Applicant/landowner Prudy Newton appeared before the Board, accompanied by her sister Melissa Rose, and her son Kevin Newton, requesting a §204.4 Waiver of 25% to increase the size of a proposed Accessory Apartment within the house she plans to build on vacant Parcel 08-195-1, which is located at 89 Pinewood Estates in the Rural Residential Agricultural Zone. Ms. Newton explained that with the recent passing of her husband, her existing home was too large, and had too many memories. She was therefore looking to build a new home on the vacant lot next door that included an accessory apartment so her sister could live on the property with her. Melissa Rose spoke to how the proposed home was designed to meet the zoning bylaw's waiver criteria: one structure instead of two, only one septic system, etc. Mr. Thomas noted comments received from abutters Chris Chauvin, Rebecca and Brent Ballard that expressed no reservations regarding the application. Abutting property owners in attendance, Shawn Arnold and Bonnie Tallman, said they supported the project. Member Wiltshire said he wanted to review the zoning

regulations related to this application with the Board in Deliberative Session, and he made a motion to do so. A vote of 7-0 affirmed the motion. After a lengthy Deliberative Session discussion, Member LeBlanc moved to approve the waiver request as proposed. The motion failed to carry by a vote of 0-7. Mr. Thomas was instructed to inform the applicant that the Board felt it lacked the authority to grant a §204.4 Waiver for accessory apartment size, and that they would be willing to refund the hearing fee if Ms. Newton withdrew the application in writing. The Board also came to the conclusion that the waiver was warned incorrect for this application because the listed categories eligible to be waived were for land: lot sizes, setbacks, etc., (and not for the sizing of buildings, or accessory apartments in this instance). The Board also concluded it needed clarification on the 60% accessory apartment calculation because the zoning bylaws seem to focus on an existing residence, but the applicant, in this case, was building on a new residence that included an accessory apartment.

Hearing: §630 Cond. Use & §500 Site Plan for Go Baseball at (559 Harrel Street LLC)

Applicant Damon Brink appeared before the Board on behalf of Go Baseball LLC seeking §630 Conditional Use & §500 Site Plan Approval to add the Recreation Facility use to Parcel 22-036 at 559 Harrel Street in the Industrial Zone, which is owned by 559 Harrel Street LLC. Mr. Brink said that the proposed space inside the existing building that Go Baseball would be leasing was small, but it would be large enough for a batting cage and pitching tunnel. He said the space would be used by appointment only, for individual and small group coaching sessions. Mr. Thomas said that this application was in front of the Board only because the was the first time the Recreation Facility use was being added to this parcel, and that the Recreation Facility use was listed as Conditional in the Industrial Zone. After some discussion about hours of operation, it was decided that the facility would open on December 1st with hours of 7:30am to 9pm, seven days per week. Abutting property owner Ed Wilson said he was supportive of the application. Member Wiltshire moved to approve the application as proposed with hours of operation limits of 7:30am to 9pm, seven days a week. A vote of 7-0 affirmed the motion.

Hearing: §630 Cond. Use & §500 Site Plan for Home Business at 1626 LaPorte Rd (Alvin)

Applicant/landowner Thea Alvin appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval for a §415 Home Business permit that adds the Restaurant Use to Parcel 12-116-1, which is located at 1626 LaPorte Road in the Rural Residential Agricultural Zone. Ms. Alvin said that she is a professional stone mason, and that she has improved her property to the point where it functions as an art park, which she recently added an outdoor stone pizza oven to. She said that she plans to host a community art walk of her property monthly in the warm weather months where pizza slices would be available for sale. She said she would be making about 20 pizzas per night, and that she had ample parking available on her property for guests. She added that overflow parking, if needed, would be available across the street in neighbor Tyler Machia's field. Ms. Alvin and the Board discussed hours of operation for the proposed Home Business. It was decided that the business would operate only once a month, for a maximum of 7 times per year, and with hours of operations limits of 4pm to 9pm. Member Wiltshire moved to approve the application as proposed, provided that the Home Business is limited to 7 times per year and hours of operation of 4pm to 9pm.. A vote of 7-0 affirmed the motion.

Hearing: §750 Final Plat Approval for 2 subdivision lots at 5247 LaPorte Rd (Shonio)

Applicant/landowner Todd Shonio appeared before the Board requesting §750 Final Plat Approval at 5247 LaPorte Rd to subdivide 25.68 acre Parcel 16-097 to create two new house lots in the Rural Residential Agricultural Zone. Engineer Tyler Mumley said the new 4.3 acre lot would be for Mr. Shonio's son, and the new 7.7 acre lot would be reserved for a future house for Mr. Shonio, leaving 13.7 acres with Mr. Shonio's existing house. Both new lots would be accessed via a 20 foot wide right-of-way from Mr. Shonio's existing driveway. As such, Engineer Mumley said that an 1111 Access Permit from VTrans would not be necessary for the two new homes. Engineer Mumley added that the State wastewater permit for the subdivision was already in-hand, and underground power was currently being brought out to the house sites. Member Trudell moved to approve the subdivision as proposed. A vote of 7-0 affirmed the motion.

Hearing: §750 Final Plat Approval for a subdivision lot at 0 LaPorte Rd (Miller)

Engineer Tyler Mumley and Brent Miller appeared before the Board on behalf of applicant/landowner Sugar House Ridge Association / Lamoille Land Company who was requesting §750 Final Plat Approval in the Rural Residential Agricultural Zone to subdivide 115 acre Parcel 16-044 into a 74.4 acre parcel and a 41 acre parcel. The front 41 acres will be accessed directly from LaPorte Road. The rear 75 acres, Parcel 16-044-1, will be accessed via an existing 50 foot wide right-of-way at the terminus of Sugar House Lane. The isolated upland area located east of Lawrence Brook on the 74.4 acre parcel will be accessed via a 50 foot right-of-way through 41 acre Parcel 16-044. Engineer Mumley said that he was in receipt of a VTrans letter of intent for the existing Route 100 access to 41 acre Parcel 16-044. Abutting property owner Jennifer Andrews said that she would like to see the large wetland on the subject property protected as part of any development plan. Chair Nolan responded that the State is very aggressive at protecting wetlands, and noted that the subject property was already under Act 250 jurisdiction. Abutting property owner Elizabeth Moeykens asked how many houses could be built on this property if the proposed subdivision was approved. Mr. Thomas responded that only two primary houses would be possible under current zoning – one on each parcel. Member Trudell moved to approve the subdivision application as proposed. A vote of 7-0 affirmed the motion.

The meeting adjourned at 8:50 P.M. - Respectfully submitted by Zoning Administrator Thomas