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**MORRISTOWN/MORRISVILLE  
DEVELOPMENT REVIEW BOARD  
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**Minutes of October 25, 2007**

Members Present: Gary Nolan, David Silverman, Theresa Breault, Karyn Allen, Jean Wickart, Paul Trudell

Members Absent: Carl Fortune

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Chairman Gary Nolan called the meeting to order at 7:30PM. On a motion by Theresa, seconded by David, minutes of the September 27, 2007 meeting were approved.

**WARNED HEARING: CCS DEVELOPMENT CORP, PRELIMINARY PLAT  
APPROVAL, 5-LOT SUBDIVISION, VT ROUTE 15 EAST & HOULE AVE**

Gary recused himself from hearing this application as he was not present at the initial hearing on September 13<sup>th</sup>. David assumed the chair and reviewed the application, to be considered under sections 214, 740, 780, and 800-860 of the zoning and subdivision bylaws. David noted that this is the resumption of a hearing first held on September 13<sup>th</sup> that was recessed in order for the board to conduct a site walk of the subject property. The site walk, attended by three members and the ZA, took place on September 22<sup>nd</sup>. Theresa administered the sworn oath to Ray and Chris Chauvin, representing the applicant, and Dereck Woolridge, project engineer.

Theresa asked whether the access from Houle Avenue, just below VT Route 15, would be likely to impact the residents along Houle Avenue. Chris Chauvin replied that it was likely that most traffic to and from the proposed subdivision would come off Route 15 and would not proceed down Houle Avenue past the existing homes there.

Paul asked how long the internal road would be; Chris said it would be approximately 600-700' long.

Jean asked how water and wastewater disposal would be handled. Dereck Woolridge said the plan would be to hook onto the municipal water system and to have an on-site wastewater disposal system. He said they had investigated the possibility of hooking onto the municipal sewer line that presently extends to the adjoining Price Chopper property, but did not at this time plan to do so.

Jean inquired about potential tenants for the commercial subdivision. Chris said there were no firm commitments at this time, although there had been a number of inquiries from potential tenants. He added that CCS might initially build commercial structures for lease on one or two of the lots and consider selling the other lots to others to develop or could do so themselves, depending on prospective tenants' requirements.

Paul moved to grant preliminary plat approval of the application as presented with standard subdivision conditions. Jean seconded the motion and it passed unanimously.

The ZA advised that he had notified all interested parties that, upon preliminary plat approval this evening, the applicant would be prepared to present plans for final plat approval at the next meeting on November 8, 2007.

**WARNED HEARING: GERTRUDE LEPINE, CONDITIONAL USE APPROVAL, 100-FOOT WIND TURBINE TOWER, 4693 MUD CITY LOOP**

Gary reviewed the application, to be considered under sections 263s and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicant Gert Lepine, John Rubino, Kevin Lane, Henry Glowiak, and Wayne Wheeler.

Gert Lepine explained how she, like many others, was interested in ways to reduce her electric bill and to help the environment. She investigated her farm's suitability for wind power and determined a 10Kw wind turbine mounted on a 100-foot tall mast tower located behind what she called the MacArthur barn would provide a significant amount of electric power for the farm.

The system would be net-metered, so that any excess power generated would be sold back into the commercial power grid. She said the size and type of system was the same as the one the Board had recently reviewed and approved on the Tomlinson property on Stagecoach Road.

Noting that the main objections to the Tomlinson wind tower were about its possible visual impact, Jean asked how visible this tower would be to surrounding residents. Gert said most of the lower portion of the tower would be blocked from view of those on Mud City Loop by the barn. The nearest neighbor, George Robson, told her he had no objections to the tower.

John Rubino, who does not live in the immediate area, read a letter in support of this and other similar projects as a way that individual property owners could positively impact the environment and reduce their energy costs.

Henry Glowiak, who lives outside Morristown but has a business in the village, said he sees cell phone towers as a greater threat to the visual environment than wind towers and supports wind towers for individual property owners as a means to conserve energy resources and protect the environment. He doesn't think this tower will adversely impact the visual environment of the Mud City Loop area.

Kevin Lane, a nearby resident, said he can see the Lepine farm from his house and enjoys the view there, but would be happy to see a wind turbine generating clean energy from this site. He noted this type of project is entirely consistent with the policies and recommendations in the Energy chapter of the Town Plan.

Gary read a letter from adjoining property owners John and Richela Fusco supporting the concept of small-scale renewable, clean energy but opposing systems and structures which would have a visual impact on the surrounding landscape. The letter acknowledged that they would not

likely be able to see the proposed tower from their home and that one such tower by itself did not constitute a major issue, but expressed the concern that this and other similar projects would lead to a proliferation of such towers that would mar the countryside.

David suggested that, as with the Tomlinson application, the Board should conduct a site visit at the proposed tower location. Theresa moved, and Paul seconded, to recess the hearing until November 8<sup>th</sup>, with a site walk of the property to be conducted on November 3<sup>rd</sup> at 9 AM. The motion passed unanimously.

**WARNED HEARING: LOTUS ENTERPRISES (dba SNAP FITNESS), CONDITIONAL USE APPROVAL, CHANGE OF USE, 735 BROOKLYN STREET**

Gary reviewed the application, to be considered under sections 213g and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to August Wahler, representing the applicant.

August Wahler proposes to convert the showroom area (approximately 2800sf) of the former Catamount auto dealership located on the corner of Stafford Avenue and Brooklyn Street into a fitness center. The facility would be accessible to patrons on a 24/7 basis, with access via a key code. He estimated the peak usage might involve 10-14 users at a given time. He expects most activity to take place during day and evening hours, with less than 2% of the expected use during the overnight period. There would be several trainers and staff on hand during the day, but the facility would be unattended in the evening and night. He noted there is sufficient on-site parking for the expected staff and peak-time users.

He does not propose any additional plumbing systems impacting the existing on-site wastewater disposal system or any exterior building changes. Theresa asked if there would be any new exterior lighting. August said no, only a new sign.

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

**WARNED HEARING: RICHARD & MURIEL SYLVESTER, SIDE SETBACK WAIVER, 38 RANDOLPH ROAD**

Gary reviewed the application, to be considered under section 259 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicants.

The Sylvesters own a small (0.2 acres) lot on Randolph Road containing a single-family home. They wish to construct an attached two-car garage on the north side of the lot. There is 28 feet from the end of the existing residential structure to the northern property line. The proposed garage would be 19 feet wide, leaving nine feet to the property line.

The lot is located in the Low Density Residential (LDR) zoning district, where side setbacks are ten feet from the property boundary line. The Sylvesters are requesting a 10% (one foot) waiver of the side setback requirement. They stated that their next-door neighbor had no objections to the proposal.

Theresa moved to approve the waiver request for up to the maximum 15% (1.5 feet in this instance) allowable limit. Jean seconded the motion and it passed unanimously.

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## WARNED HEARING: WAYNE WHEELER, CONDITIONAL USE APPROVAL, HOME BUSINESS (LANDSCAPING CONTRACTOR), 645 WALTON ROAD

Gary reviewed the application, to be considered under sections 263a, 460, and 632-636 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicant Wayne Wheeler and his wife Joelle.

The ZA advised the Board that in a previous hearing regarding a different property, the applicant submitted information that stated he conducts a landscaping business from his home at 645 Walton Road. A search of permit records revealed that there was no approval for such a business at this location.

Wayne Wheeler described the home business, which he said he had operated from his home without complaints since 2003. The business, Down to Earth Landscaping, provides landscaping (planting, mowing, tree-trimming, stone work, etc) and snowplowing services to clients in Morristown and Stowe. He has a small (150 square foot) home office for the business within the house, with his wife maintaining the business records.

The home business worksheet submitted with the application states that he has three employees and three vehicles. The ZA noted that the business has ten vehicles (6 trucks, 3 equipment trailers, and one agricultural vehicle) registered. Wayne explained the discrepancy, saying he thought the worksheet asked about only those vehicles on the premises. He keeps some vehicles and equipment in a wooded area next to his house, out of view of the road and surrounding homes, when they are not at a job site. The rest are left at various job sites or are taken home by employees. He also said he has a varying number of employees, depending on the season and workload, but that none operate on the premises.

Theresa asked if any repair work on vehicles or equipment is done at his home. Wayne said he contracts all repair and maintenance work to an individual at another location.

David asked if any equipment or materials are stored outside. Wayne said he has an equipment storage building on the side of his house so none is left outside.

Gary read an email from adjoining property owners Philip and Karen Valente into the record. The email stated they had no objections to the home business, provided that there was no storage of tractors, trailers, or other heavy equipment on the Wheeler property.

Jean moved to approve the application with the condition that no more than three trucks, trailers, or heavy equipment (tractors, backhoes, etc) be kept on the premises. Theresa seconded the motion and it passed unanimously.

The meeting adjourned at 9:15 PM.

Respectfully submitted,  
Mark Leonard, Recorder

Minutes approved on: 11/8/07 TB/SW