

Morristown/Morrisville Development Review Board
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Meeting Minutes of October 22, 2015

Members Present: Karyn Allen, Theresa Breault (Alternate), John Gloss, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire

Members Absent: Brian Irwin & Susanna Guthmann

Staff: Todd Thomas, Zoning Administrator

Guests: Rick Swanson, Tim Heath-Swanson, Donna Merriman, Louise Chauvin, Liza Mugford, Leslie Chilton, Travis Cutler, Tom Hirschak, Terry Hirschak, Tracy Collier, Christine Johnson, Sonny Demars, Tom Younkman, Jim Jirchansky, Max Neil & Stephanie Capizzi

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:35 PM. Member Breault moved to approve the August 27th meeting minutes. The motion was affirmed by a vote of 3-0-3 with Member Members Nolan, Gloss & Wiltshire abstaining.

Hearing: Capstone homeless shelter at 197 Harrel Street (Demars) §630 CU & §500 SPA –
Capstone Community Action appeared before the board requesting §630 Conditional Use & §500 Site Development Plan Approval for a warming shelter with 12 beds for the homeless on parcel 21-215 owned by Demars Properties at 197 Harrel Street in the §230 Industrial Zone. Mr. Thomas opened the hearing by saying that he did not have a use in the Industrial Zone to properly advertise this hearing. Chair Nolan said that he lives on the same street as the proposed shelter, but feels he can act independently on the application. Regardless, he offered to recuse himself if requested (no such requests followed). Chair Nolan explained that there is no use allowance in the Industrial Zone for this kind of proposed residential use. Mr. Thomas explained that he could not legally permit any beds for a single-family home in the Industrial Zone because there is no residential use allowance, never mind 12 beds for the proposed shelter. Chair Nolan explained that when the decision was previously made to zone this area industrial, additional residential use was specifically excluded there from due to the need for more manufacturing in town. Chair Nolan said that he agreed that a shelter is needed and that he would welcome an application for it under the Group Home use in a different section of town. Member Gloss encouraged the applicant to work with our legislators regarding causes of homelessness and suggested the Home Share Vermont Program as an alternative to the shelter. Member Wiltshire moved to approve the application as proposed. The motion failed to carry by a vote of 0 to 6.

Hearing: Auction Facility at 704 Bridge St. by 704 Bridge St LLC §630 CU & §500 SPA –
Tom and Terry Hirschak appeared before the board on behalf of applicant/landowner 704 Bridge Street LLC requesting §630 Conditional Use & §500 Site Development Plan Approval for an Auction Facility Use within the existing Green Mountain Arena building on parcel 07-301-1 at 704 Bridge Street in the §215 Business Enterprise Zone. Mr. Hirschak said that he would like to use the existing arena facility as a home for his auction business. Mr. Hirschak explained that the auctions typically happen about once a month and that this facility, if approved for the requested auction use, would be used exactly like his existing facility on Cadys Falls Road. Planning Council Chair Paul Griswold asked about car auctions at the arena facility. Mr. Hirschak said that

they may sell a few cars there (especially ones that come with an estate), but they would very likely keep the car auctions at their existing facility in Williston. Mrs. Hirschak said that approximately 140 people typically attend a 250 car auction. Mr. Griswold said that he is concerned about large car auctions and available parking and asked the board to protect the area from large car auctions via conditions of approval limiting their size. Member Allen suggested capping the number of cars to be sold at on-site car auctions. Mr. Griswold asked if outside auctions would take place. Mr. Hirschak said that they would. Abutting property owner Travis Cutler said he was concerned about outdoor storage. Mr. Thomas said that outdoor storage was limited to six months per the underlying zoning. Mrs. Hirschak said that they had no intent to store things as long as six months because an auction business does not make money that way. Member Wiltshire asked about hours of operation. Mrs. Hirschak responded that the hours of operation would be from 8 AM to 7 PM weekdays with an occasional Saturday auction with no Sunday activity. Member Allen asked if the parking lot will be paved and if there would be any new lighting. Mr. Hirschak answered no to both questions. Member Wiltshire moved to go into Deliberative Session. The motion was affirmed by vote of 6 to 0. With the board returning to open session, Member Wiltshire moved to approve the project with the following conditions:

1. Hours of operation shall be limited to Monday through Saturday from 8 AM to 7 PM.
2. Dedicated car auctions shall have a limit of 100 cars per auction.
3. Due to the newly gated entrance, the applicant shall extend the existing walking trail network within the conservation easement out to Bridge Street on both sides of the peninsula. Said new trails connecting Bridge Street to the existing trail network shall be within the conservation easement or on applicant's unencumbered property. Both Bridge Street entrances to the new trail system shall have a marked trailhead. The continued upkeep of these new trails and trailheads shall be a condition of this auction facility permit.
4. Any addition to the Green Mountain Arena building or additional development on the property shall require village water and sewer infrastructure brought to the property at the applicant's sole expense. When said infrastructure is brought to the property both the new development and the existing Green Mountain Arena building shall be connected thereto. Failure of the existing septic system that serves the arena shall also be cause for the required expansion of Village water and sewer services to serve the property.
5. Any addition to the Green Mountain Arena building or additional development on the property shall require a sidewalk to be brought to the property from the then existing terminus of the sidewalk on the east along the north side of Bridge Street to the arena's driveway, all at the applicant's sole expense.
6. Prior to pouring the concrete for the second floor of the Green Mountain Arena building, the applicant shall reappear before the board for site plan review to examine the need for parking expansion and other impacts of the development of the 2nd floor of the arena, which may or may not include a sidewalk extension and connection to village water and sewer services.

The motion was affirmed by vote of 6 to 0.

The meeting adjourned at approximately 8:50 P.M.

Respectfully submitted by Todd Thomas, Zoning Administrator.