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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of October 12, 2006

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

Members Absent: none

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 Jean, minutes of the September 28, 2006 meeting were approved.

WARNED HEARING: SEAN FOLLEY, PRELIMINARY PLAT APPROVAL, 4-LOT SUBDIVISION, 5059 RANDOLPH ROAD

Gary introduced the application, to be reviewed under sections 264, 730-780 and 810 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Sean and Carole Folley and John Grenier of Charles Greiner Consulting Engineers, representing the applicant. There were no interested parties present.

The applicant is seeking approval to subdivide two adjoining parcels totaling 144 acres he owns (#16-134 & 16-135) along Randolph Road into four lots. Lots 1 and 2, 14.4 and 5.2 acres respectively, are each proposed for a single-family home. Lot 3, 88.3 acres, includes the applicant's existing single-family home. Lot 4, 36.1 acres, would remain undeveloped.

Lots 1 and 2 would be accessed by the existing driveway off Randolph Road serving the existing residence, with underground utility lines already within the driveway right-of-way. Each of the new home lots would have its own drilled well and on-site wastewater disposal system. No water or waste water systems are proposed for Lot 4.

The ZA noted that the area behind the existing home lies within a designated deer wintering yard, but that no development is proposed within that area.

The applicant stated that covenants for the new lots would prohibit any further subdivision of the land.

David noted that if or when Lot 4 were to be developed, the shared driveway would have to be brought up to town road standards as a private road.

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David moved to approve the application with standard conditions and the additional condition that if a home were to be constructed on Lot 4 the shared driveway must be brought up to town road standards. Paul seconded the motion and it passed unanimously.

WARNED HEARING: BARRY COFFIN, CONDITIONAL USE, HOME BUSINESS, 456 JERSEY HEIGHTS (VT ROUTE 100)

Gary introduced the application, to be reviewed under sections 258, 450, 460, and 632-636 of the zoning and subdivision bylaws. Karyn recused herself due to the fact the applicant owns the apartment where she resides, which is on the property that is the subject of this application. Theresa administered the sworn oath to the applicant, Barry Coffin, Tina Coffin, and Bob Coffin, adjoining property owners Bob Heanue and Susan Decolaines, and tenants Matt and Karyn Allen.

Barry described his business. He repairs home electronics items such as TVs, VCRs and stereos and proposes to perform custom installations of such items in clients' homes. Barry amended the application at the hearing to delete a proposed showroom for custom system installations, saying he could provide clients brochures on how such installations could be done. While he sells some home electronics items at his current location, he plans to drop that from his business because he can't compete with large chain retailers. There would not be any retail sales in the proposed home business. The business would operate from 9:00am to 5:30pm Tuesday through Saturday. Besides himself, Barry's father and wife are employed by the business; there are no other employees.

The business would be conducted within a detached garage. The garage, which had previously been a barn, is 20x31, approximately 630 square feet. This is 23% of the total area (2680 square feet) of both Barry's residence and the garage, excluding the separate rental apartment. Barry plans to add gravel to the driveway adjacent to the barn to create four parking spaces and to widen the existing driveway entrance on the east side of the lot to two car widths to provide safer entry and exit from the property. He would replace the two garage doors with a single entryway door. He also proposes to install an unlit sign, not to exceed six square feet, at the driveway entrance.

Barry described the typical amount of traffic at the business, saying he might have anywhere between 3-8 customers a day either dropping off or picking up items for repair. He has parts deliveries 2-3 times a week.

Karyn raised the concern that the proposed sign might obscure her view when exiting from her driveway, which is separate from the proposed business' driveway. Barry said it would be located ten feet back from the roadway, so it should not block her view in any way.

Bob Heanue said he was concerned about additional traffic in and out of the property onto Route 100. He felt that large UPS trucks would not have room to get in and out. Barry replied that he only has parts deliveries, no large items requiring tractor-trailers. Bob also asked if the police chief had signed off on the project review sheet; the ZA presented the chief's signed form.

Bob said he felt that replacing the garage doors with the entryway Barry proposes would give the structure a commercial look that would be out of character with the area. Paul suggested modifying the proposal to retain the existing garage door frames or doors to keep the barn look.

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Susan Decolaines said she had objected to the proposed showroom, but was satisfied that this element of the business had been eliminated. She said she would like to see some trees planted along the proposed parking area to screen it from her property next door.

Bob asked how far back from the adjoining property line the expanded parking area would be. Barry said it would be no closer than 50 feet, with most being farther due to the angle of the property line.

Gary read a letter from a tenant of the Decolaines property expressing concern that the additional traffic coming and going on the Coffin property might cause his dogs to bark more.

Bob asked how waste from the business would be disposed of. Barry said he generates little waste and that he reuses many component parts. What waste he does generate would be stored in containers inside the garage (no outside dumpster) and would be picked up by a trash removal company weekly.

Bob asked if any hazardous materials were used in the business. Barry said most electronic equipment has small amounts of solder, which may contain lead, and he uses solder in his repairs. He does not generate any waste that has to be handled separately as hazardous material; it is disposed of like any other household solid waste.

Jean moved to approve the application, subject to the following conditions: the proposed sign must be placed outside of the highway right-of-way and comply with all applicable sign regulations, that a minimum of four deciduous trees be planted and maintained along the parking area to provide screening from the adjoining Decolaines property, that any exterior renovations to the garage retain the structure's barn-like appearance, and that retail sales or product showrooms are explicitly prohibited. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS:

Representatives of Peebles Department Store and John Conner, contractor performing renovations to the former Ames/Kinney's space at Morrisville Plaza, came before the board to appeal a Notice of Violation issued by the ZA on October 2nd for commencing exterior additions to the existing structure without a zoning permit. Theresa swore in Zoning Administrator Mark Leonard, William Gee of Peebles, Ray Edwards of Store Planning Inc, John Conner of Conner Contracting Inc, and resident Amy Walker.

The ZA reviewed the issue to date. He said he had been contacted earlier this year by John Conner inquiring about any local permit requirements. He recalled telling Mr Conner that so long as all work proposed was interior renovation of existing space and that there was no change of use, no local zoning permit was required. As the renovations got underway in September, he observed a substantial addition to the building façade being constructed and also received several inquiries from the public about that addition. The public inquiries expressed concern that the additions appeared to significantly increase the height of the façade. The addition will increase the height of the façade by about ten (10) feet.

Based on his observation of the work underway, he issued the Notice of Violation and directed that work cease pending a warned public hearing for Conditional Use approval. He met with John Conner and explained what was required to bring the project into compliance. Mr Conner asked if he could continue work pending the hearing so that he could close in the

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building before colder weather set in. The ZA advised that any work without a valid permit was at the owner's risk; if the DRB ultimately rejected the request for Conditional Use approval, the addition might have to be removed.

John Conner reviewed an October 10, 2006 letter from Store Planning Inc, architects for the project, explaining their recollection of the permitting discussion. He recalled his earlier discussion with the ZA, saying that he understood that no permit was required. He proceeded on that basis.

Ray Edwards of Store Planning Inc said any confusion over local permit requirements was a misunderstanding, that there was no intent to avoid applying for the permit. He said that the store developer felt they had made good faith efforts to comply with the town zoning requirements as they understood them and that they did not regard the façade addition as an enlargement of the existing building. They further requested that the Board consider and grant their request for Conditional Use approval.

Property owner Peter Murphy explained that he is renovating the façade of the entire shopping center to improve its appearance. The renovations he's doing do not exceed the existing height of the façade, so no enlargement of the building is taking place. He added that he felt the Peebles façade, while adding some height to the overall structure, will be a definite visual improvement and that the store will be a benefit to the community.

Gary said he thinks the end result will be an improvement, but that the addition is clearly an enlargement of the structure, requiring Conditional Use review and approval. As this has not been warned, the board could not take it up at this time. He noted that the ZA, anticipating a requirement for such a hearing, had warned it for the next meeting on Oct 26th.

Amy Walker expressed her concern that the added height of the structure would block distant mountain views to the east and south of the shopping center.

Steve Bousquet said that as a business owner and resident, he feels the project will enhance the plaza and will improve the local economy. While he shares the concerns of others regarding balancing economic needs and aesthetic and environmental considerations, he believes this project, located on a fully developed commercial district, would not have an adverse impact on those considerations.

David moved to uphold the Notice of Violation and to require the applicant to obtain Conditional Use approval for the façade addition. Paul seconded the motion and it passed unanimously.

David advised the applicant that while no enforcement action on the violation would be taken pending the Conditional Use hearing, any work on the project was at the applicant's risk.

On a motion by Paul, seconded by Carl, the meeting adjourned at 9:20 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 10/24/06 DS/PT