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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of October 10, 2002

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

Members Absent: Carol Jennings

Recorder: Mark Leonard, Zoning Administrator

Guests: Daniel Donza, Jodi Clark, Nancy Donahue Laidman, Garret Hirchak, Penelope Gall, Paul Bergeron, David Peatman

Gary Nolan, Chair, called the meeting to order at 7:30 PM.

Theresa moved to approve the minutes of September 26, 2002. Carl seconded the motion and it passed unanimously.

WARNED HEARING: DANIEL DONZA, ANNUAL PERMIT REVIEW, 525 STERLING VALLEY RD

Gary opened the hearing and gave an overview of the permit. The permit will be reviewed under Sections 260 and 630-635 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Daniel Donza. A site walk of the property, attended by four board members, was conducted on September 26, 2002.

Mr Donza was granted a Conditional Use permit in July 2001 to rebuild and renovate various buildings on his property at 525 Sterling Valley Road. One of the conditions imposed on this permit was that it would be reviewed at the six-month and one, three, and five year points to determine if all other conditions have been complied with.

Mr Donza stated that all but a few conditions have been met. He is still awaiting some trees to be planted within the next 30-60 days. The light at the top of an exterior stairway on one building, required under VT Labor & Industry rules for rental housing, will be installed within the coming week, and installation of a cupola on one building may need to be delayed until next spring. The light will be on a motion sensor so that it will only come on for a short period when activated. He said he would contact the Zoning Administrator for an inspection of the first two items when they were done.

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David suggested allowing Mr Donza to have until June 1, 2003 to complete the installation of the cupola.

Penelope Gall, adjoining property owner, stated that she was mostly satisfied with Mr Donza's compliance with the conditions of the permit. She is still concerned about noise from his tenants and hoped that the trees still to be planted would help screen that out. Mr Donza said he would work with Ms Gall on the number, size, and location of the trees to be planted.

Mr Donza also stated that it was difficult for him to keep track of when these periodic reviews were due and that if he were to pass on, his heirs might not be aware of this requirement and might cause this permit to be in violation if not reviewed. He asked if it were possible for the town (through the ZA) to notify him in advance of when the reviews were due. While the standard condition imposing periodic reviews states it is the applicant's responsibility to schedule these reviews when due, the board agreed that it would be more practical to have the ZA track such reviews and notify applicants when their reviews were coming up.

WARNED HEARING: GARRET HIRCHAK, ANNUAL PERMIT REVIEW, 2107 CADYS FALLS RD

Gary opened the hearing and gave an overview of the permit. The permit will be reviewed under Sections 260 and 630-635 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Garret Hirchak.

Mr Hirchak was granted a Conditional Use permit in September 2001 to convert a barn at 2107 Cadys Falls Road into a 150-unit mini-storage facility, along with continued use an the existing bulk propane tank. Mini-storage units were an allowable use under the zoning bylaws in effect at the time of Mr Hirchak's application.

Mr Hirchak stated that he has cleaned out the floor space and has covered approximately one third of the floor area with concrete. Several garage doors are scheduled to be installed within the next 30-60 days. He has several units rented out at this time. The bulk storage propane tank is not currently being used commercially. He stated that he has complied with all conditions on his state land use (Act 250) permit.

No problems or complaints from adjoining property owners were identified.

WARNED HEARING: NANCY DONAHUE/JODI CLARK, LOT LINE ADJUSTMENT, 1685 ELMORE RD

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 260, 500, and 795 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Nancy Donahue and Jodi Clark.

The hearing was warned as a lot line adjustment to transfer approximately 18 acres from Nancy Donahue's 20 acre parcel to the adjoining property of Jodi Clark. At the hearing, both applicants stated that they now wished instead to subdivide the Donahue property into two separate lots of approximately two and eighteen acres.

Gary explained that a subdivision application required a pre-application review and a warned public hearing.

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David moved to accept the lot line adjustment application as meeting the requirement for a subdivision pre-application review and that it complied with the Town Plan for land development. Paul seconded the motion and it passed unanimously.

OTHER BUSINESS:

Paul Bergeron, accompanied by surveyor David Peatman, came before the board to determine how to proceed with an amendment to a previously approved subdivision permit. Mr Bergeron had been granted a permit in November 2001 to subdivide a 110-acre parcel on Mud City Loop into five 10 acre lots and one 60 acre lot. That permit had been opposed by a number of adjoining or adjacent property owners and had been appealed to Environmental Court. The appeal was dropped before it went to trial.

Mr Bergeron is now proposing to modify the previously approved subdivision to create two 50 acre lots and one 10 acre lot. He would put in place deed restrictions prohibiting the subdivision of the two larger lots.

Gary stated that amending the original subdivision permit would require a warned hearing in order to allow the interested parties to that permit to be heard on the modified plan. The ZA advised that under new state rules, a separate state subdivision permit would also be required.

Mr Bergeron and his surveyor will schedule the permit amendment hearing as soon as possible.

On a motion by Theresa, seconded by Paul, the meeting was adjourned at 9:00 PM.

Respectfully submitted,

Mark Leonard, Recorder