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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of October 9, 2008

Members Present: Gary Nolan, Ron Stancliff, Karyn Allen, Paul Trudell, Theresa Breault, Jean Wickart, Chris Wiltshire (alternate)

Members Absent: David Silverman

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Jean, minutes of the August 28, 2008 meetings were approved as presented.

WARNED HEARING: LOUIS FERRIS, CONDITIONAL USE, EXPANSION OF NON-CONFORMING USE (DRIVE-UP SERVICE WINDOW), 387 BROOKLYN STREET

Gary introduced the application, to be reviewed under sections 223, 435 and 632-635 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Louis Ferris. There were no other interested parties present.

Louis explained that he has an option to purchase the property at 387 Brooklyn Street, the drive-up restaurant/refreshment stand formerly operated as Munchy's. He has been in talks with potential tenants and all have indicated a desire to have a drive-up service window. He proposes to construct a 10x16 addition on the dining room end of the current structure that would provide this service area. The addition would result in the loss of two parking spaces, leaving 20 spaces on the premises.

Paul asked about traffic flow in and out of the property and how this might be affected by the service window. Louis said patrons currently enter and exit both from Brooklyn Street and Wilkins Street, although most typically enter from Brooklyn Street. He said that with the drive-up service window, the logical flow would be one-way entering on Brooklyn and exiting on Wilkins.

Paul moved to approve the application as presented, with the condition that a one-way traffic flow, with vehicles entering the property from Brooklyn Street and exiting onto Wilkins Street, be established and clearly marked. Jean seconded the motion and it passed unanimously.

WARNED HEARING: JOSEPH GARBELY, PRELIMINARY PLAT APPROVAL, 3-LOT SUBDIVISION, 932 MUD CITY LOOP

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, and 810 of the zoning & subdivision bylaws. He noted that this is a continuation of a hearing that was recessed on February 28, 2008 pending a site walk, which was conducted on May 3, 2008. Theresa administered the sworn oath to applicant Joseph Garbely and neighbors Gert Lepine, KC Colt, Ernie Patnoe, Thomas McHugh, Ted Wasserman, and Karen Cleary.

Joe Garbely reviewed changes to the site plan originally presented that were made to protect Class 3 wetlands and to ensure required isolation distances from wells and springs on adjoining properties were met. Proposed lot boundaries for Lots 2 and 3 were adjusted to place the intended home sites in a line behind the existing home on Lot 1, to be served by a common driveway using the existing curb cut.

Ron asked if there would be any development within the identified wetlands. Joe said there would be none. Ron felt a specific condition prohibiting any development within the wetlands should be included in any approval.

Paul said that it did not appear that the acreage for Lot 1 (2.1 acres) excluded the right-of-way, as required. He suggested that the boundary line between Lots 1 and 2 be adjusted for final plat approval to reflect that each lot is at least two acres in size, exclusive of any right-of-way.

Adjoining property owner Karen Cleary asked several questions: is the abandoned dug well shown on Lot 2 used or proposed to be used? Are there any provisions for preserving trees along the common boundary with her property to provide some measure of privacy? Has the Agency of Natural resources (ANR) commented on the wetlands issue?

Gary said the board could consider establishing a 'no clearing' buffer zone along the property line setback.

Joe said the wetlands identified on the site plan were delineated by Wheeler Environmental and did not indicate any Class 2 wetlands (which are subject to specific zoning protections); he did not have a written report of their findings. Nonetheless, he has specifically excluded the wetlands from any planned development and is more than willing to accept a specific condition prohibiting such development. He verified that the abandoned well is, in fact, abandoned with no plans for its use on the proposed Lot 2. A drilled well site, with appropriate isolation shield, for Lot 2 is show on the site plan.

Adjoining property owner Gert Lepine asked for information on the proposed on-site wastewater disposal system. Joe explained that Lots 2 and 3 would each have their own mound disposal area located on the upper part of Lot 3, with wastewater to be pumped up to the mounds from each house, a distance of approximately 240 feet.

Gert reviewed some of the background of this particular lot, noting that it had been subdivided off the Walton farm some 20 years ago. She felt that the lot was too wet for development and didn't want to see the land ruined.

Gary noted that with new and improved water and wastewater systems and recently updated state standards for them, many sites which previously may have been unsuitable for development can now be safely developed without impairing downslope water supplies.

Paul moved to grant preliminary plat approval with the following conditions: the lot boundaries between Lot 1 and Lot 2 would be adjusted to reflect a minimum of two acres exclusive of any right-of-way; the establishment and maintenance of a 25-foot wide 'no clearing' buffer area along the common lot boundaries with the adjoining Cleary property; and no development allowed within the identified Class 3 wetland. Karyn seconded the motion and it passed unanimously.

WARNED HEARING: ROBERT HEANUE, PRELIMINARY PLAT APPROVAL, 6-LOT SUBDIVISION, 406 JERSEY HEIGHTS

Gary introduced the application, to be reviewed under sections 259, 730, 740, 780, and 810-970 of the zoning & subdivision bylaws. He noted that this is a continuation of a hearing that was recessed on February 28, 2008 pending a site walk, which was conducted on October 4, 2008. The site walk was restricted to the applicant, his engineer, DRB members and the ZA at the applicant's request. Theresa administered the sworn oath to applicant Robert Heanue, project engineer Bernie Chenette, and neighbors John & Virginia Burgess, Michael and Terry Alexander, Bill Swanson, and Susan DeColaines.

Bernie Chenette reviewed changes to the site plan originally presented. The previously proposed common land has been eliminated, with its area distributed among Lots 3, 4, and 5. A stormwater detention pond designed to accommodate a 50-year flood or rain event is depicted within the development road right-of-way, adjacent to Lot 1.

Bernie said that the project has received allocations for municipal water and sewer service. A state Water & Wastewater (WW) permit for connection to the municipal services is pending. The existing water line is located across Route 100 from the project, with a connection to be made by extending the line under the roadway to the subdivision. The existing sewer line lies within the road right-of-way along Route 100. The project will require a state construction general permit to prevent erosion during development.

Bernie said the applicant intends to preserve most of the existing mature trees on the property and all proposed structures on the new lots would comply with the established property line setbacks.

Ron asked if the applicant intends to establish any covenant restrictions. Bob Heanue said he did intend to prohibit mobile homes and any further subdivision of the lots via covenants.

Paul asked if there would be any street lighting and if the proposed road would be paved. Bernie replied that no street lighting was planned for the internal roadway, which is approximately 250 long, and that the road would be paved. It is the applicant's intention to petition to have the road, up to and including the cul-de-sac, turned over to the Town.

Paul asked if the applicant would object to a condition prohibiting tree clearing within the property line setbacks; Bob had no objection. Bernie added that the applicant is committed to preserving several large, mature trees along the common boundary with the Alexander property.

Adjoining property owner Mike Alexander raised concern that his property could be damaged by anticipated blasting of ledge rock; how would he be protected from that? Bernie explained that any blasting contractor would conduct pre-blast surveys of adjoining structures to establish a baseline and would be liable for any resulting damages.

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Mike also raised concern about road salt and stormwater runoff from the development road washing onto his property and that he would be subject to more wind exposure if trees adjoining his property were removed. Bernie pointed to the stormwater runoff plan to show that any runoff would be channeled away from the Alexander property into the detention pond and that this would actually result in a decrease of runoff from what is presently running onto the Alexander property.

Mike questioned whether the digging to connect to the sewer line would impact his land. Bob responded that any digging would take place within the utility's right-of-way, which might involve some activity on the Alexander property but is allowed as part of the right-of-way.

Mike concluded by raising concerns about traffic safety along the road section in front of the proposed subdivision, noting that there is a sharp curve there and that there have been frequent accidents in the vicinity.

Ron asked what the proposed road grade would be and if all utilities would be buried within the access road right-of-way. Bernie said he didn't have a specific road grade compute, but that he was aiming to keep it below 10%. He confirmed that all utilities were planned to be underground within the ROW.

Adjoining property owner Bill Swanson submitted written comments regarding the proposed density of development within the project and highlighting concerns regarding potential instability of the steep riverbank along the rear of the property, including details and photos of similar situations in nearby towns.

John Burgess, who resides directly across the road from the proposed subdivision, also raised concerns about traffic safety. He said there was no data presented to describe the volume of traffic, number of accidents at the site, or other factors to adequately determine whether the project posed any traffic safety risks. He said the posted 25MPH speed limit is routinely ignored and that he has seen numerous accidents at this site.

John also raised questions and concerns about the safety of the proposed stormwater detention pond, asking how deep it would be and whether it would be fenced off. Bernie replied that it is not going to be a wet pond; that is, it would be empty other than during and immediately after a rain event. It was not determined at this point if the pond area would be fenced off, although he noted any fencing might impair visibility of drivers' heading south on Route 100.

John asked where the access to the water line on his side of Route 100 would be. Bernie said it would be within the village's right-of-way along the Burgess property. John disputed whether there was a legal right-of-way in place on his property.

John finished by saying he is not opposed to development, but that he wants it done in a safe manner, consistent with the community's wishes. He asked the board to require a traffic study to review prior to reaching any decision on this application.

Virginia Burgess echoed her husband's comments and concerns. She did not believe the Morristown Police Department is adequately enforcing the posted speed limit. She said she's seen numerous accidents at this spot.

The ZA provided an email from adjoiner Barry Coffin expressing the view that six lots would be out of character with the size of lots in the area and his belief that the usable area of the Heanue property could at best support three new house sites. The ZA also conveyed the verbal comments he had received from Dave Cheney, who resides across from the Heanue property,

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regarding impaired sight distance for vehicles exiting the existing Heanue residence due to large screening vegetation.

Paul moved to recess the hearing to a deliberative session following the conclusion of all other business. Jean seconded the motion and it passed unanimously.

The ZA presented information from Lamoille County Mental Health (LCMH) seeking to modify their recently approved site plan for the former Genesis nursing home. LCMH now wants to create additional parking spaces on the site. They are asking whether this requires another public hearing. Members reviewed the proposed change and deemed that a new hearing was not required, but that LCMH should submit a detailed site plan showing the additional parking areas for inclusion in the application file.

The Board met in deliberative session on the Heanue subdivision application. On a motion by Paul, seconded by Theresa, the Board unanimously voted to recess the hearing pending receipt of a traffic study for the proposed development, a road grade profile of the planned access road, and specific details of the planned stormwater detention pond.

The meeting adjourned at 9:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 11/13/08