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**MORRISTOWN/MORRISVILLE  
DEVELOPMENT REVIEW BOARD  
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**Minutes of September 28, 2006**

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

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 Paul, minutes of the September 14, 2006 meeting were approved.

**WARNED HEARING: DOUG WALGREN, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, 109 MAC MILLER 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 Peter Lazorchak of McCain Consulting, representing the applicant. There were no interested parties present.

The applicant is seeking approval to subdivide a 9.5-acre parcel (#07-181) located along Mac Miller Road and Morristown Corners Road into two lots. Lot 1, 2.2 acres, includes an existing single family home. Lot 2, 7.3 acres currently used as a hayfield, would remain undeveloped. Lot 1 has an existing access from Mac Miller Road and has its own on-site wastewater disposal system. An easement for an on-site wastewater disposal system for an adjacent lot across from Lot 1 would be located on Lot 2.

David moved to approve the application as submitted with standard conditions. Paul seconded the motion and it passed unanimously.

**WARNED HEARING: HA MANOSH CORP, CONDITIONAL USE/SITE PLAN APPROVAL & LOCAL ACT 250 REVIEW, WAREHOUSE, NORTHGATE PLAZA**

Gary recused himself from this hearing as his employer is the applicant. David assumed the chair and advised that his employer had a business relationship with the applicant, but that he felt he could objectively review the application. Paul disclosed that his firm had done the design work on the project and that he, too, felt he could objectively review the application. There were

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no objections to their participation.

David introduced the application, to be reviewed under sections 210, 500-503, 632-637, and 660 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Kevin Amyot, representing the applicant. There were no interested parties present.

Kevin described the project: a 60x100 (6000sf) warehouse to be located behind the Northgate Plaza shopping center, along Munson Avenue. The facility would provide warehouse space for existing tenants in the shopping plaza. It would be heated, with plumbing connections to the municipal sewer and water lines. There would be no impact on existing or proposed municipal services

Theresa inquired about exterior lighting. Kevin replied that they would install wall-packs on the Munson Avenue side and one over the loading dock, facing the back of the shopping center.

David asked if there would be any traffic increase. Kevin said that there might be a slight increase in the number of deliveries, although he also speculated they may decrease as the tenants would not need to be restocked as frequently with more on-site storage available.

Jim Pease, present for another application, noted that the proposed site is currently used for road sand storage and asked where that would go. Kevin said that as it was sand only, not road salt, there were numerous suitable locations available. Jim also asked about provisions for storm water runoff. Kevin said they would be seeking a state stormwater discharge permit, as well as this being reviewed under Act 250, that would require the project to have adequate provisions for any increase in runoff.

Jean moved to approve the application, subject to the following conditions: that the applicant obtain and submit to the zoning administrator a state stormwater discharge permit and any other required state permits, and that any change of use or expansion of the proposed structure would require separate approval by the DRB. Karyn seconded the motion and it passed unanimously.

## **WARNED HEARING: GREEN MOUNTAIN PROSTHETICS & ORTHOTICS (GMPO) INC, CONDITIONAL USE/SITE PLAN APPROVAL, MEDICAL SERVICES OFFICE & RESIDENTIAL BUILDING, MANSFIELD AVENUE**

Gary presented the application, to be reviewed under sections 235-239, 450, 500-503, and 632-638 of the zoning and subdivision bylaws. Gary noted that a site walk of the subject property, attended by three DRB members and the ZA, was conducted prior to the hearing. David disclosed that his employer had a business relationship with the applicant, but that he felt he could objectively review the application; there were no objections to his participation. Theresa administered the sworn oath to Jim Davis, president of GMPO, Kim Brown (designer of the proposed structure), and adjacent property owners/residents Marcia Shafer, Elizabeth Carter, Richard & Heather Sargent, Carol Chania, Barbara Stevens, Jim & Molly Pease, and Roxanne Manning.

Jim Davis explained that this was a revised proposal of a previous application that had been denied. The current proposal is for a 70x30, 2-story structure to be located on a 0.3-acre (12,500 square feet) lot on the corner of Mansfield Avenue and Washington Highway. The

86x146 lot, currently owned by Marcia Shafer, adjoins the Shafer residence and is undeveloped.

Mr Davis proposes to use the first floor (2100 square feet) as offices and workspace for his business: designing, fabricating and fitting prosthetic and orthotic devices (artificial limbs and braces, respectively) for persons requiring such devices. The second floor would be used for two apartments, with separate entrances for each. The exterior appearance of the building is designed to blend with nearby residences, with white clapboard siding, green trim, and an asphalt shingle roof. The business would have signage totaling no more than 10 square feet.

The building would have a single access point from Mansfield Avenue, approximately 75 feet back from the intersection with Washington Highway. The site would have 12 parking spaces: eight for the business and two for each apartment. The existing mature pine trees along Mansfield Avenue and Washington Highway, some of which were described as diseased, would be cut down and replaced with smaller, salt-resistant trees, such as white spruce, and shrubs. A stockade fence along the boundary with the adjoining Shafer residence and either a fence or hedge along the Stevens property boundary would screen both residences from the new building.

The project would cover 7, 875 square feet (63%) of the lot with impervious surface. A stormwater drainage plan was presented to show how any additional runoff would be channeled into the existing storm drains on Washington Avenue. Paul suggested 'crowning' the driveway to help direct runoff from the parking area into the proposed drainage swale.

Mr Davis described his business operation. The office would be open Monday-Friday during regular business hours (8:30am-4:30pm). He usually is in the office to see patients 2-2.5 days a week; the rest of the week he sees patients on the road. When in the office, he typically sees 5-6 patients per day, one at a time so there would not be more than one patient, along with his staff, on the premises at a given time. His staff, one receptionist and one technician, are in the office throughout the week.

Mr Davis described the fabrication of prosthetics devices. It involves shaping plastics and resins and some chemical materials. The use, storage, and disposal of these materials are governed by state Labor & Industry (L&I) and Occupational Safety and Health Administration (OSHA) regulations and federal Medicare program requirements. During the fabrication process, some gaseous materials are released into the air and there are some odors present. These would be vented through filters to the outside of the building. It is also possible to install a charcoal box filter over the fabrication work station. He noted that the process typically takes about an hour and that he usually only makes 1-3 such devices each month.

Paul asked about planned exterior lighting. Kim Brown said they would be three low-light level pole fixtures in the parking area, one over the office entrance, and one at the top of the stairways on either end of the building going into each apartment. The parking area and office entrance light, and the illuminated sign at the parking lot entrance, would be extinguished after business hours. The apartment entrance lights could be set on a motion sensor or turned on and off at the discretion of the resident.

Roxanne Manning asked about where service deliveries would be made. She expressed concern about these trucks increasing the risk to children getting on and off school buses on Washington Highway. Jim Davis said the only entrance to the site would be on Mansfield Avenue, but he could not be certain that some delivery drivers wouldn't pull up along Washington Highway and walk their deliveries in. Marcia Shafer noted that several of the

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package delivery services already stop along Washington Highway to deliver to residences and offices along that road.

Carol Chanania expressed strong concerns over the environmental risks posed by the chemicals used in the fabrication process. She asked board members to consider whether they would want to be exposed to such materials at their homes. She asked the board to fully investigate the potential risks associated with this business before reaching a decision.

Roxanne Manning asked about disposal of the chemicals used. Jim Davis said it was similar to paint can disposal and other common household items; once empty and dry, the containers could be disposed of with other solid waste.

Molly Pease asked for a list of all chemicals used in the business, along with what levels and amounts they are used, so that this information could be evaluated. Jim said he uses 23 different chemicals and would provide information on each.

Dick Sargent said he'd like to see the existing mature trees stay, indicating that they help screen the property. Jim repeated his intention to replace those trees and stated that he needed to remove the existing ones both to provide sufficient parking space and to make the site more visible to his clients. Marcia Shafer added that she could cut them down right now, without any permission from the town required, if she wished.

Dick also stated his opinion that the nature of the business is not consistent with the definition of 'professional offices' as used in the zoning bylaws, the distinction being the fact that a physical product is fabricated on the premises where other professional offices do not involve this type of activity.

Barbara Stevens asked about provisions for snow removal. Jim said they would either plow the snow off the lot onto the surrounding grass area or, if it is an excessive amount, it could be trucked away. Kim Brown added that the proposed hedge or fence along the Stevens property boundary could be placed on that boundary line to provide additional space for plowed snow.

Dick Sargent asked what percentage of stormwater runoff from a given rain event would exceed the stormwater drainage system's capacity and where would the runoff go. He noted that the municipal drain flows into a ravine crossing his property and that previous development in the areas has increased erosion in the ravine. Jim replied that he didn't know how much would exceed the design capacity and that it was set up to channel into the existing municipal storm drains. He did not feel where it went after entering the municipal system was his responsibility.

Dick noted that the side of the proposed building would extend closer to Washington Highway than the structures on either side of it. He also expressed the view that the exterior stairways to the upstairs apartments were not in character with the surrounding residences. Gary observed that the proposed building lined up with the garage on the Shafer property along Washington Highway.

Heather Sargent informed the board that concerned neighbors, comprising nearly all property owners or residents on Mansfield Avenue and the adjacent portion of Washington Highway had submitted a petition to the Planning Commission to have properties along Mansfield Avenue re-zoned from the Special Use District into the adjoining Low Density Residential district, which would preclude uses such as the one proposed in what the residents regard as a purely residential neighborhood. She said the Planning Commission agreed to consider the requested change in the next revision of the bylaws.

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David moved to close the hearing and move into deliberative session on the GMPO application. Paul seconded the motion and it passed unanimously.

The board met in deliberative session to discuss the GMPO application. On a motion by David, seconded by Theresa, the board voted unanimously to recess the public hearing pending receipt from the applicant of additional information regarding the amount of stormwater runoff post-development vs the pre-development amount and an analysis of any potential environmental hazards on site or on surrounding properties from the use, storage, and disposal of chemicals or other potentially hazardous materials associated with the business, along with recommendations to abate any such hazards found to exist.

On a motion by Karyn, seconded by Paul, the meeting adjourned at 9:50 PM.

Respectfully submitted,  
Mark Leonard, Recorder

Minutes approved on: 12/12/06 TB/jm