

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Meeting Minutes of September 26, 2013

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Ron Stancliff & Paul Trudell. Member Chris Wiltshire joined the meeting during the Oxbow flood zone discussion.

Members Absent: Susanna Guthmann & Brian Irwin

Staff: Todd Thomas, Zoning Administrator & Planner

Guests: Roy Marble, Joni Lanphear, Mike Paritz, Newton Wells, Barbara and Michael Sorkin, Mark Cote, Don Swain, Don Ostler, Chip Percy and Louis Ferris.

Call to Order & Minutes: Member Trudell moved to approve the August 22, 2013 meeting minutes. A vote of 4-0-1 affirmed the motion, with Member Allen abstaining. Approval of the February 28th meeting minutes was tabled until a quorum of the members at that meeting were present to vote.

RECESSED HEARING: Oxbow Park, 250 Portland St, \$320 FHA, \$500 SPA & \$630 CU

With Community Development Coordinator Tricia Follert present, Zoning Administrator Thomas noted that according to the submitted site plan, the base flood elevation for the section of Oxbow Park where the proposed 15 x 30 music pavilion would be located was 641 feet above sea level, and not 642 feet as advertised in the hearing warning. Ms. Follert spoke to the Board about the benefits of the proposed music pavilion and how it was more than a structure for the music series and it would be available for wider community use. She added that she worked with various community groups like River Arts to ensure that the proposed design for the pavilion meshed with their needs too. Member Stancliff asked about the elevation of the pavilion's electrical. Ms. Follert said that outlets would be located above the base flood elevation. Member Breault asked if the structure would be permanent. Ms. Follert said that it would be and that it would have an elevation of 643 feet above sea level at the bottom of the pavilion floor. Mr. Thomas asked if the lattice work below the floor shown on the sketch would break away in a flood situation. Ms. Follert said that the lattice would break away and that the stairs would also be permanently anchored to the ground like the pavilion itself. Member Allen asked about lighting. Ms. Follert said that there would be minimal lighting if any and that the lighting would be used to light the stage. Member Nolan asked about the proposed roof of the structure. Ms. Follert said that the roof would be steel but would be colored so as to not create glare. Member Trudell moved to approve the project as proposed, provided that standard lighting conditions, as well as all Flood Hazard Area requirements are met as conditions of approval. The motion was approved by a vote of 5 to 0 to 1, with Member Wiltshire abstaining because he arrived at the end of the hearing.

WARNED HEARING: Lanphear, Vt Rte 15, \$750 Final Plat Approval for 3 lot subdivision

With Joni Lanphear and Mike Paritz present, the Board reviewed the proposed three lot subdivision off Lanphear Road and Vermont Route 15 W. Mr. Thomas noted that the proposed subdivision plan was compliant with regulations, save for the shed along the rear property line of lot one that is noted on the plan as "to be razed." Mr. Thomas said that any condition or approval

should be contingent upon the shed being razed or moved to comply with the rear setback. Member Wiltshire moved to approve the subdivision as proposed. The motion was affirmed by vote of 6 to 0

WARNED HEARING: Leo's Small Engines, Rte 15 Retail Building, §500 SPA & §630 CU

Joni Lanphear and Mike Paritz remained in front of the Board seeking approval of a Retail Delivery of Goods & Services use via the construction of a 60x100 building on land owned by Janet Lanphear, parcel 08-066-3, adjacent to 31 Lanphear Road in the §210 Commercial Zone with lot frontage and access solely on VT Rte 15 E. Mike Paritz explain the project to the Board. He said that the building design was meant to fit in with surrounding farmland. The building would be wood framed with metal siding and provide a 12 foot wide farmers porch along its frontage. Mr. Thomas asked about typical parking demand at Leo's Small Engines. Mr. Paritz said that 10 cars in the door yard is typical peak parking demand and that the proposed site plan provides 18 parking spaces. The Board discussed parking requirements and decided that the 18 spaces proposed were sufficient. Mr. Thomas noted that a swale was proposed along the frontage of the property to convey stormwater from the roof and parking lot to a natural depression offsite on the farm to the east. Mr. Paritz noted that the driveway and parking area were proposed to be gravel, but may be paved at a later date when the budget allows. Member Allen asked about lighting. It was agreed that all lighting proposed on the site would feature cut off fixtures with LED bulbs. The Board discussed landscaping. Member Trudell noted that the only proposed landscaping on the site plan were the street trees along Vermont Route 15 E. Member Trudell said that he would like a grass strip planted with shrubs that screens the parking from the road. Mr. Thomas said that such landscaping could probably be added to the roadside bank of the swale. The board discussed and decided against requiring a colored metal roof due to the orientation of the building in relation to sunrise and sunset. Member Trudell moved to approve the proposed site plan provided that the parking area is screened from Vermont Route 15 view in all directions, along with standard lighting and State permit conditions. The motion was affirmed by vote of 6 to 0.

WARNED HEARING: Babcock, Moose Run, §750 Final Plat 3 Lot Subdivision Approval

Mr. Thomas explained why landowners Abigail & Michael Babcock were seeking approval to modify subdivision permit 2004-040 on Moose Rune Lane in the §260 Rural Residential Agricultural Zone to allow administrative approval of zoning permits for the development of all 9 subdivision lots in a §340 Environmental Protection Area (Deer Wintering Yard). Mr. Thomas said that he believed the Board may have intended to grant a Conditional Use for residential development in the deer yard as part of the subdivision permit, but no such approval was specifically cited in that decision. Mr. Thomas said that absent such a specific approval, he could not grant zoning permits for houses on the Babcock subdivision lots. Representing Mr. Babcock before the Board was Don Swain, a land planner who worked on the original subdivision permit. Mr. Swain noted that approximately 60 acres of Mr. Babcock's property were conserved with the State of Vermont to mitigate the deer yard impact shortly after the subdivision was permitted locally in 2004. Abutting landowner Michael Sorkin confirmed that the conservation restriction put in place for the deer yard mitigation land that was otherwise developable. Mr. Thomas noted that the applicant submitted a site plan of the subdivision showing limits of clearing for the residential development of each lot. The Board was agreeable to the limits of clearing proposed

for the subdivision lots. The Board decided that this plan should be recorded in the Land Records as part of this decision. Mr. Thomas said that he would reference this site plan when permitting houses in the Babcock subdivision to ensure that the proposed houses were located within the limit of clearing shown on the subject site plan. Member Wiltshire moved to modify subdivision permit 2004-040 to allow administrative approval of zoning permits for residential development in a §340 EPA deer yard, provided that the residential development and clearing proposed is entirely inside the building envelopes shown on the submitted site plan. The motion was affirmed by vote of 6 to 0.

WARNED HEARING: Percy, Tinker Pit §510 PUD & §750 Final Plat 9 Lot Subdivision

Applicant Chip Percy appeared before the Board requesting a nine lot subdivision of parcel 16-099 owned by Dale Percy at 5999 LaPorte Road. Mr. Thomas noted that the parcel contains a §320 Flood Hazard Area and a §340 Environmental Protection Area (significant habitat), both located approximately 750 feet from the proposed development site. Mr. Thomas provided the Board with an update on the proposed Tinker pit subdivision located off Elizabeth Lane on the Stowe Morristown town-line. Mr. Thomas noted that the Board's preliminary plat approval contained various conditions that were largely addressed in the submitted §750 final plat approval. Mr. Thomas said that he did not believe the condition about the flood zone on the property was satisfied by the final plat submittal. He noted section 323.1(J)4 of the Bylaws requires that a base flood elevation be determined in unstudied flood zones on subdivision proposals on more than 5 acres. After a lengthy discussion, Mr. Percy said he was amenable to a condition of approval stating that this requirement shall be met. Mr. Percy was also amenable to approval of a homeowners' association by the zoning administrator prior to final plat being signed. Mr. Percy also said that he was amenable to the road having to meet Town road standards since having the road reengineered at this juncture would be more expensive than building a road that met the Town's standards. The Board discussed that before the final plat it would need to show which lands on the proposed site were actually being conserved for the residents of the planned unit development. Chair Nolan said that, at a minimum, acreage had to be shown and included within this conserved parcel to meet the total acreage needed for the nine lots if this were a conventional subdivision. Mr. Thomas said that he would ensure that this proposed conservation area was protected by the homeowners association that he would review. Member Trudell moved to approve the proposed nine lot planned unit development subdivision, provided that the aforementioned 323.1(J)4 flood hazard regulations were met, that the proposed road complied with the Town's Road Policy, that a homeowners' association was submitted for approval that protected the conserved common land parcel which was to be shown on a revised mylar for the Chair's signature. The motion was affirmed by a vote of 6 to 0.

RECESSED HEARING: LH&A Realty LLC, 735 Brooklyn St., §500 SP & §630 CU

Mr. Thomas reminded the Board that the applicant, Louis Ferris, no longer wants to raze portions of the existing building at 735 Brooklyn Street and replace it with a new commercial building. Instead, Mr. Thomas said that the applicant wishes to reestablish a car dealership on the site, utilizing the existing parking lot via the same Commercial Use that the current hearing was advertised under. Mr. Ferris presented his proposed site plan to the Board, which only showed the Snap Fitness side of parcel 20-013. Mr. Ferris said that he would like to use the 20 parking spaces shown the site plan for the storage and sale of vehicles. Member Allen asked about new

lighting. Mr. Ferris said that no new lighting was proposed. Mr. Thomas asked if parking had always taken place within the southern setback as shown on the site plan. Board members confirmed that it had. Mr. Ferris clarified that he also wanted to use the existing Snap Fitness Building for auto sales. The Board noted that the use existed in this building previously. The Board discussed if it was going require additional landscaping on the site. Member Breault moved to approve the application for 20 parking spaces and the use of the existing building for car sales, provided that the following conditions were included on the approval: standard lighting language, hours of operation limits from 7 AM to 8 PM seven days a week and that the applicant agrees provide reasonable landscaping along the Brooklyn Street frontage of the parcel for the sole approval of the Board the next time this site undergoes §500 Site Plan Review. The motion was affirmed by vote of 6 to 0.

RECESSED HEARING: Sayce, 199 VT Rte 15W, §345 Prime Ag, §500 SP & §630 CU

Roy Marble appeared before the Board representing landowner Arthur Stewart and applicant Steven Sayce of McMahan Chevrolet. Mr. Marble said that the interest of the landowner and the applicant has waned for the pending application for the construction of a satellite parking lot behind Dunkin' Donuts for the use of McMahan Chevrolet. Mr. Thomas provided the Board with an update on the work done towards getting the residents of Cadys Falls onto the Village water system, which would eliminate the need for the Cadys Falls Source Protection Area (on which the proposed parking lot was to be located). Mr. Marble said that he would like to withdraw the subject application on behalf of Mr. Sayce. Member Allen moved to accept Mr. Marble's request to withdraw the McMahan Chevrolet satellite parking proposal at 199 VT Rte 15W. The motion was affirmed by a vote of 6-0.

DISCUSSION: Belanger Subdivision Engineer Road Letter

Mr. Thomas provided the Board a letter written by engineer Dean Walker saying that the Belanger Lane roadway met the Town Road Policy, but with three exceptions. Member Wiltshire noted that the letter said the road did not have the 100 feet of required turning radius. The Board instructed Mr. Thomas that they would not accept such a letter until the turning radius issue was resolved. Mr. Thomas said that he would let Ray Belanger Jr know of the Board's decision.

The meeting adjourned at approximately 9:25 P.M.

Respectfully submitted by Todd Thomas, ZA.