

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of September 22, 2005

Members Present: Gary Nolan, David Silverman, Carol Jennings, Jean Wickart, Carl Fortune, Paul Trudell

Members Absent: Theresa Breault

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Gary Nolan called the meeting to order at 7:33 PM. On a motion by Paul, seconded by Jean, minutes of the September 8, 2005 meeting were approved.

**WARNED HEARING: JAMES & MAURICE KELLEY, PRELIMINARY PLAT
APPROVAL, 2-LOT SUBDIVISION, CADYS FALLS ROAD**

Gary introduced the application, to be reviewed under sections 264, 740, 780, 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on September 8, 2005. Gary administered the sworn oath to Charlie Grenier, representing the applicants.

Charlie Grenier presented a plan to subdivide an 8.7-acre lot on Cadys Falls Road into two lots of 3.3 acres (Lot #1) and 5.4 acres (Lot #2). The property lies between Cadys Falls Road and Lake Lamoille in the Rural Residential with Agriculture (RRA) zoning district. A new driveway approximately 130 feet north of the existing access to the lot off Cadys Falls Road would serve both lots. Each lot would have its own drilled well and septic disposal systems.

The property is surrounded on two sides by Lake Lamoille. Deed covenants will restrict building envelopes to shield future homes from view from the lake and to provide a fifty foot shoreline setback. There are some Class 2 wetlands that would be crossed at the southern end of the driveway; the applicant is seeking a Conditional Use Determination from the Agency of Natural Resources for this.

David asked if a third lot could subsequently be created. Charlie replied that that would not be possible given the proposed lot configurations.

Scott Corse of Morrisville Water & Light Department stated that the department receives approximately 10% of its power from the dam on Lake Lamoille and has a permit from the Federal Energy Regulatory Commission to raise the lake level, if needed, to a point four feet

above the top of the dam. The department would oppose any attempt by the applicant or subsequent owners to restrict its ability to raise the lake level when needed or otherwise impede its power-generating operations at the dam.

David moved, and Paul seconded, to approve the application with the conditions that the applicant file an approved Conditional Use Determination with the Zoning Administrator and that appropriate notice be given to potential buyers of the Water & Light Department's rights to raise the lake level in accordance with their federal permit. The motion passed unanimously.

RECESSED HEARING: KENFIELD BROOK REAL ESTATE TRUST, PRELIMINARY PLAT APPROVAL, 6-LOT SUBDIVISION, STAGECOACH ROAD

Gary reviewed the application, which had been recessed on September 8, 2005. Jean recused herself due to possible conflicts of interest. Gary administered the sworn oath to Darrow Mansfield, representing the applicant, joiners Stan Biasini and Christine Luce, Carroll Peters, and Gunner McCain.

Darrow Mansfield updated the information provided at the previous hearing. He stated that the River Conservancy, who is negotiating the purchase of an adjoining parcel also owned by the applicant, would like a lot line adjustment of the boundary of that parcel and the southernmost (lot 6) of the proposed six lots on the parcel that is the subject of this application. The parcel to be subdivided would gain approximately 0.9 acres, which would be divided up among the six lots. A separate lot line adjustment application will be presented for this action. Gary asked for more details on the proposed lot line adjustment and suggested that a new site plan for the proposed subdivision, reflecting the adjustment, should be submitted before the board can decide this application.

Darrow noted that the site plan shows building envelopes located approximately 200 feet back from Stagecoach Road, in part to retain as much open land as possible. Paul asked if farming would continue on the open land. Darrow said it would be subject to the wishes of the individual lot owners and noted that any farming activity would be limited by the location of the septic leach fields. Paul stressed that building envelopes should be clearly delineated on the site plan, with distances from the road indicated.

Stan Biasini asked David if there was a conflict of interest with him hearing this application due to any business relationship between David's employer and the previous owner of the subject property. David replied that he had had no personal involvement in this property.

Stan asked how the proposed lot line adjustment would affect the area where people frequently park to access the Terrill Gorge on Kenfield Brook. Darrow replied that the existing parking areas, which he noted is on private property, would remain as is. Stan also disputed the applicants' assertion that views of Hyde Park Village would not be blocked by the proposed homes and asserted that the existing power poles along Stagecoach Road would limit the sight distance of persons exiting the three driveways in the proposed subdivision. Darrow reviewed the distances of the poles from the proposed driveways and stated that there did not appear to be a safety issue with the driveway locations.

Carl asked who is involved in the effort to conserve the property that accesses the gorge. Darrow said that following the pre-application review last spring, and at the DRB's suggestion,

the applicants undertook discussions with the Morristown Conservation Commission, who later brought in the Vermont River Conservancy in an effort to keep this property undeveloped and accessible to the public. The applicant has agreed to remove this property from its original subdivision plans for nine lots and is negotiating its sale to the River Conservancy, who will put it in a conservation trust upon their acquisition of the property.

Leon Whitcomb asked why the River Conservancy wanted to adjust the boundary line. Darrow conveyed his understanding that they did not want any restrictions on the land they hope to acquire. Leon also asked the board to consider requiring a single access road for all six lots, rather than separate driveways shared by each two lots. Gary explained that that had been addressed at the previous hearing.

Carroll Peters, speaking on behalf of the applicants with regard to the lot line adjustment, said the adjusted property line of the parcel to be conserved would include the existing access road to the gorge and would total approximately ten acres. He suggested postponing a decision on the subdivision application until the lot line adjustment had been approved. Darrow said his clients could delay final action on the subdivision pending approval of the lot line adjustment request.

David moved, and Paul seconded, to recess the hearing again, until October 13, 2005, at which time both the lot line adjustment and subdivision (with revised site plans) proposals would be reviewed. The motion passed unanimously.

WARNED HEARING: RONALD & JUDITH STANCLIFF, 2-LOT SUBDIVISION, STANCLIFF ROAD

Gary introduced the application, to be reviewed under sections sections 264, 740, 780, 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on August 25, 2005. Gary administered the sworn oath to Ron Stancliff, Richard Sargent, William and Phyllis Fitzgerald, Audrey DiPaolo, and Aaron Blake.

Ron Stancliff presented a plan to subdivide a 34-acre lot on Stancliff Road into two lots of 2.05 acres (Lot A2) and 32.2 acres (Lot A1). Lot A1, which includes Joe's Pond, would be conserved in land trust and would remain accessible from Stancliff Road. Lot A2, with 130 feet of frontage on Stancliff Road, would be developed for a single family home. A state water supply and waste water disposal permit is pending.

David asked about a narrow strip located to the south of the proposed new lot along Stancliff Road. Ron said it was to provide access to the balance of the property, the 32 acres that includes Joe's Pond.

Gary asked what was the purpose of the existing right of way within the narrow strip. Ron said it provides access to the Audrey DiPaolo property adjoining his.

Bill Fitzgerald said that the floor drain from his basement on the adjoining lot to the north of the proposed new lot flows into the new lot by a deeded easement. He expressed concern that development on the new lot might impair his drainage. Ron responded that any development would not disturb the drain and that the leach field for any future home would be sited to avoid the existing springs.

Aaron Blake read a lengthy letter into the record that raised questions about possible

boundary line and site plan discrepancies; copies were provided to the applicant. Paul noted a discrepancy on the plan.

Paul moved, and Carol seconded, to recess the hearing until October 13, 2005 when the issues raised by Aaron Blake could be addressed by the applicant. The motion passed unanimously.

WARNED HEARING: SUGAR WOODS LLC, 7-LOT PLANNED RESIDENTIAL DEVELOPMENT, DEMARS ROAD

Gary introduced the application, to be reviewed under sections sections 264, 510-515, 740, 780, 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on August 25, 2005. Gary administered the sworn oath to Dana Wildes (representing the applicant), Gunner McCain, and adjoiners Wayne Blaisdell Jr, Chapman Smith, Vernon Thompson, and Dorice Lamoray

Gunner McCain, speaking on behalf of the applicant, presented a plan to subdivide a 25 acre parcel into seven one-acre single family home lots, a 5.4-acre conserved lot, with the remaining ten acres, combined with an adjoining 11.2 acre village parcel, retained by the current owner. The planned residential development would be accessed from Demars Road by an existing right of way and would be served by municipal water and sewer systems via a utility easement across the Chapman Smith (formerly Blowers) property. As the area has a problem with low water pressure, individual homes would likely need boost pumps to provide adequate water pressure.

Wayne Blaisdell asked how large the common lot, containing a pond, would be. Dana said it would 5.4-acres. Carl asked who would own that lot. Dana said it would be owned in common by the owners of the seven residential lots.

Chapman Smith asked about storm water runoff, expressing concern about such runoff going onto his property. Gunner McCain said the project requires a state storm water discharge permit that will ensure that there is no more storm water runoff onto adjoining properties than is currently the case. Chapman also asked about electric power access to the PRD. Gunner said it would come in underground from Demars Road along the development access road.

David moved, and Paul seconded, to approve the application with standard conditions. The motion passed unanimously.

WARNED HEARING: PAUL MARAVETZ, ZONING PERMIT APPEAL, 2104 STERLING VALLEY ROAD

Gary introduced the appeal, to be reviewed under sections 262, 264, 400-405, 421 and 640 of the zoning and subdivision bylaws. David recused himself from this hearing due to his business relationship with one of the parties. Gary administered the sworn oath to Paul Maravetz, appellant, Daniel Donza, permit applicant, attorneys Ellen O'Toole and Tammi Cody, representing the appellant, and Brooke Dingedine, representing the permit applicant.

The Zoning Administrator provided the details of the permit application by Dan Donza to construct a single family home on a 1.87-acre parcel along Sterling Brook he owns at 2104

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Sterling Valley Road. After ascertaining that the proposed structure met the requirements of a permitted use in the Rural Residential with Agriculture zoning district, the Zoning Administrator issued Mr Donza septic and zoning permits for the proposed home.

Paul Maravetz owns the property directly across the street from the proposed home. The septic leach field for the proposed home is located on Mr Maravetz' property by an easement contained in the property deed. Mr Maravetz's Notice of Appeal questions whether the project complies with applicable setbacks, whether potential impacts on wetlands and flood concerns were adequately researched before the permit was granted, and whether the septic easement on Appellant's property is legally valid.

The Zoning Administrator produced the applicant's site plan showing that the proposed house did not fall within any setbacks established in the zoning bylaws. He presented FEMA flood zone maps and information from the state wetlands office confirming that the subject property is not within any identified flood zone or within any Class I or II wetlands subject to state or local restrictions.

Ms Dingleline stated that the question of the validity of the sewage easement on Mr Maravetz' property was up to a court to decide, stressing that the warranty deed recorded for the property was valid on its face. Should a court decide otherwise, the permit would become null and void due to that misrepresentation of the information on the permit application.

Paul moved to uphold the decision of the zoning administrator to grant the zoning permit to Mr Donza. Carl seconded the motion and it passed unanimously.

OTHER BUSINESS:

On a motion by Carl, seconded by Paul, the request by Brian Palmer for a driveway setback waiver, heard at the September 8, 2005 hearing, was unanimously approved.

Gary signed final mylar survey plats for the Claudia Stauber 2-lot subdivision on Goeltz Road and the Roger Marcoux and Siri Rooney 2-lot subdivision on Tine McKee Road.

On a motion by Paul, seconded by Carl, the meeting adjourned at 10:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 10/13/05 JW/cf