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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of September 14, 2006

Members Present: Gary Nolan, Theresa Breault, Carl Fortune, Jean Wickart, Paul Trudell, Karyn Allen

Members Absent: David Silverman

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: Bobby Roberts, Darrow Mansfield, Sharon Bateman, Pall Spera

Chairman Gary Nolan called the meeting to order at 7:30PM. On a motion by Paul, seconded by Karen, minutes of the August 24, 2006 meeting were approved.

WARNED HEARING: BOBBY ROBERTS, PRELIMINARY PLAT APPROVAL, 5-LOT SUBDIVISION, ELMORE MOUNTAIN ROAD

Gary introduced the application, to be reviewed under sections 264, 730-780 and 800-870 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Elerson (Bobby) Roberts.

The applicant is seeking approval to subdivide a 25-acre parcel of undeveloped land located at the southern end of town, along the Morristown/Stowe boundary line. He proposes to create five single-family home lots ranging in size from 3.7 to 7.0 acres. Lots would be accessed by a private road, approximately 900 feet long, coming off Elmore Mountain Road in Stowe. The applicant owns the adjoining property in Stowe over which the road would be located. Lots would each have their own drilled well and wastewater disposal systems, with leachfields located on Lots 1 and 3 by easement. Bobby noted that while the soils are good for leachfields on each lot, he proposes to cluster them on the two lots in order to minimize the amount of lot clearing.

Bobby noted that most of the existing parcel lies within a designated deer wintering area. He has contacted the VT Fish & Wildlife Dept to review the plan. Fish & Wildlife said that five homes on 25 acres would have a "low impact" on the deeryard. They provided some guidelines for such development. In addition to clustering the leachfields, the plan calls for building one home at a time (to minimize construction activity that may disturb the wildlife habitat), having a single roadway, and prohibiting any further subdivision of the land. Additionally, landowners would be advised of the deeryard and provided information on how to protect the habitat.

The ZA passed along the Highway Superintendent's comments that the Stowe Highway Department should sign off on the proposed new access onto Elmore Mountain Road. He added that the internal private road must be built to Town of Morristown road standards.

Carl moved to approve the application with the following conditions: no further subdivision of the lots, the private road must be built to town road specifications, the applicant must secure Town of Stowe approval for access onto Elmore Mountain Road in Stowe, the applicant shall provide copies of state stormwater discharge and water/wastewater permits and a Conditional Use Determination or other documentation from the Fish & Wildlife Department that the project does not adversely impact the deer wintering area. Jean seconded the motion and it passed unanimously.

WARNED HEARING: JUDY ROSENTHAL, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, 6995 ELMORE MOUNTAIN 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 Darrow Mansfield, representing the applicant, Pall Spera, and Sharon Bateman.

Darrow Mansfield explained the proposal. Ms Rosenthal has an 82-acre parcel, of which 36.6 acres are in the Town of Elmore. On the 45.6 acres in Morristown, there is a single family home and a guesthouse, along water and wastewater system, and an existing driveway off Elmore Mountain Road. Ms Rosenthal proposes to split these 45.6 acres into two lots. Lot 1, with the existing homes and infrastructure, would be 20 acres. Lot 2, with the remaining 25.6 acres, would not be developed at this time. It was Darrow's understanding that Lot 2, along with the property lying in Elmore would be sold together, with a new home eventually being built on the Elmore portion of the property.

Darrow said there is no construction planned with this proposal. Replacement leachfields for the residence and guesthouse on Lot 1 have been identified and a state water & wastewater permit is pending.

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

RECESSED HEARING: GARY BOURNE, CONDITIONAL USE & SITE PLAN APPROVAL, RETAIL/RESIDENTIAL STRUCTURE, 18 BRIDGE STREET

Gary reviewed the application, to be reviewed under sections 205-209, 450, 500-503, and 632-637 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Darrow Mansfield, representing the applicant.

The hearing on this application was recessed on July 18, 2006 in order for a traffic consultant to review the proposal and report to the DRB on its feasibility from a traffic circulation and parking standpoint. At the DRB's request, the Town contracted with RSG Inc to conduct this review. RSG issued a report, dated August 28, 2006, that offered four alternative parking schemes. All options included a recommendation to reduce the number of parking spaces for the amount of retail and residential users required under the bylaws.

Darrow said his client could accept any of the recommended parking changes. His client was not willing to consider a reduction in the number of proposed apartments, feeling that he needed three to make the project financially viable.

Karyn asked if the plan still had a curb or other barrier between the subject parcel and the adjoining apartment building. Darrow said that there would be no such barrier so as to allow users on both lots to more freely maneuver. He added that the existing garage on the adjoining apartment building would be removed to provide additional parking for tenants there. The ZA added the Town's desire that there be a barrier to block vehicle access to the lot along the east end of the property on Bridge Street, next to the Shell sign.

Theresa inquired about how and where service and fuel deliveries would be made. Darrow said once-a-week fuel deliveries would normally be scheduled early in the morning to avoid conflicting with other traffic on the site. The fuel truck would park over the fuel hydrants on the east (Portland Street) side of the lot. Service deliveries to the convenience store would typically be short, with delivery trucks pulling up in any available space. Theresa said she'd observed a delivery truck on the site as currently configured and it did not seem that there was adequate room for vehicles to enter and exit while the truck was parked there.

Jean addressed the two alternate parking plans that assumed use of the parking area on the adjoining Guy's Farm & Yard property. She said it was very unlikely that Guy's would allow this. She asked how stormwater runoff from the roof of the new building would be channeled away from Guy's property. Darrow recalled that in the July hearing they said that stormwater would be directed underground to the municipal storm water drain on Portland Street.

Paul said he felt that the lot was too small to accommodate 16 parking spaces, but a reduction to twelve, as proposed in the RSG report, was possible. He suggested minor changes to the RSG plan for the parking spaces at the front entrance of the convenience store.

Theresa raised the issue of residential density. She noted that in the absence of a specific residential density in the Central Business District, the Board had, in other applications, applied the highest density (4,000 square feet of lot size per unit) allowed in any zoning district in town. The Board had denied all previous requests for density waivers or exemptions.

Gary noted that there was no residential density listed in the Central Business District. He did not know if this was intended to allow as many residential units as possible or if it was an oversight, since the primary use in this district is commercial. Darrow said that his client believed that there was no residential density restriction to allow for traditional village center residential housing patterns.

Gary said that without a specific density requirement, any decision denying a request on this basis would likely be overturned on appeal. He also noted that the applicant had incurred the expense for the traffic consultant at the board's direction and if the board was inclined to deny the application because of the density issue, it ought not to have caused the applicant to pay for a study for something that was going to be denied on other grounds.

Paul moved to grant Conditional Use approval for the proposed structure as presented and to require the applicant to submit a revised site plan for final approval that incorporated the revised RSG alternative #2 parking plan, a vehicle barrier along the east end of Bridge Street, depiction of the stormwater drainage system, and building elevations on all sides. Karyn seconded the motion and it passed 5-0, with one abstention.

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OTHER BUSINESS:

The board met in deliberative session to review a draft revised decision on the Kenfield Brook subdivision application. Jean recused herself from this discussion as her daughter is the appellant in this matter. The board voted unanimously to accept the revised decision which approves the subdivision application.

On a motion by Karyn, seconded by Paul, the meeting adjourned at 9:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 9/28/06 PT/KA