

FILE COPY

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6378**

Minutes of September 13, 2007

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

Members Absent: Gary Nolan, Carl Fortune

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Acting chairman David Silverman called the meeting to order at 7:30PM. On a motion by Theresa, seconded by Karyn, minutes of the August 9, 2007, 2007 meeting were approved.

**WARNED HEARING: WILLIAM HEANUE, APPEAL OF ZONING
ADMINISTRATOR DECISION RE: KENFIELD BROOK SUBDIVISION**

David reviewed the appeal notice, to be considered under sections 264, 640, 810, and 840 of the zoning and subdivision bylaws. Jean recused herself from this hearing as she is an adjacent property owner. Theresa administered the sworn oath to appellant William Heanue, Zoning Administrator Mark Leonard, and Craig Myotte, manager of the Morrisville Water & Light (MWL) Department.

William Heanue addressed his appeal of the ZA's finding that no violation of the conditions of approval of the Kenfield Brook (KB) subdivision application existed. He said the KB decision required that electric power be extended to the subdivision underground from the end of an existing service line located across from his property. He said MWL's plans to discontinue the service line described in the decision (located in an open field owned by Wickart) and extend a different line from the south along Stagecoach Road above ground to a point across from his property and the adjacent Lefevre property and, from there, underground to the new subdivision violate the conditions of approval. He said the extended above ground line in front of his property would diminish the views from his property.

The ZA explained how he determined there was no violation of the KB decision. When Mr Heanue brought this matter to his attention, the ZA contacted MWL to ask why the change in service lines was being made. He was told that the department had planned to replace the line across the Wickart field as part of its system maintenance and reliability program. When it received the request to provide service to the new subdivision, MWL decided it was an opportune time to make the planned service line changes. As electric power to the subdivision

would run underground from the end of the newly extended service line on the Lefevre property, nearly directly across Stagecoach Road from the end of the existing line on the Wickart property, he determined there was no violation of the subdivision approval. He added that the subdivision developer had no role in the decision to reconfigure the service lines and would be just as happy with service from either line.

MWL manager Craig Myotte testified about the department's plans and rationale for making the service line changes. He said the line across the Wickart field is old, in need of repair, and difficult to access due to its off-road location. The planned service line extension along Stagecoach Road would be more reliable and easier to maintain. He said that the service line extension would have happened sooner or later, regardless of the new subdivision. The request for service to the new subdivision made it a good time to make this change.

Paul moved to recess the hearing to a deliberative session at the end of the meeting. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: NEWTON WELLS, CONDITIONAL USE APPROVAL, ACCESSORY APARTMENT IN NEW STRUCTURE, 224 RYDER BROOK ROAD

David reviewed the application, to be considered under sections 424.4 and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to applicant Newton Wells. The ZA explained that recent statutory changes regarding accessory apartments made it a conditional use when such apartments require a new structure, which is why this application is before the Board.

Newton Wells said he wanted to construct a small, one-bedroom dwelling on the two-acre parcel where his primary residence is located. The existing residence has 1444 square feet of habitable floor space according to the Lister's card. The accessory apartment would not exceed 433 square feet, the 30% limit in the bylaws. While a dwelling that small might seem small to some, he felt that it would be adequate for a single person or couple. He said he had a new well and wastewater disposal system designed and approved by the state for the new structure, which would meet all setback requirements as well.

Paul moved to approve the application with the condition that the zoning permit application for the new structure must indicate the dimensions and habitable floor space of the existing and proposed dwellings so that it can be determined that the accessory apartment does not exceed 30% of the habitable floor space of the primary dwelling. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: HA MANOSH INC, CONDITIONAL USE APPROVAL, 20x40 RETAIL STORE ADDITION, NORTHGATE PLAZA SHOPPING CENTER

David reviewed the application, to be considered under sections 213 and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Kevin Amyot, representing the applicant.

Kevin Amyot reviewed the site plan for a 20x40 addition onto the back of the NAPA Auto Parts store on the south end of the shopping center. The additional 800 square feet would

be used for storage. There would be no change to traffic flow or parking within the shopping center.

Paul moved to approve the application with the condition that any new exterior lighting be downshaded and activated by a motion sensor and timer. Jean seconded the motion and it passed unanimously.

**WARNED HEARING: CCS DEVELOPMENT CORP, PRELIMINARY PLAT
APPROVAL, 5-LOT COMMERCIAL SUBDIVISION, VT ROUTE 15 & HOULE AVE**

David reviewed the application, to be reviewed under sections 214, 740, 780, and 800-860 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Chris Chauvin, representing the applicant, and Dereck Woolridge, project engineer.

Chris Chauvin reviewed the project plans, which would create five lots on a 7.5-acre parcel located along VT Route 15 East, just behind Price Chopper, in the Commercial zoning district. Lots 1, 2, 3, and 4 would be just over one acre each, with Lot 5 being two acres. Each lot would have its own on-site wastewater disposal system, with leach fields for Lots 1 and 2 located on Lots 4 and 5 by easement. Lots would be connected to the municipal water system running up Houle Avenue.

All lots would be accessed by an internal development road off Houle Avenue. Chris explained that the Agency of Transportation's access management policy for roads and driveways connecting to state highways such as VT Route 15 calls for access to be on a secondary road where possible.

In response to a question from Paul, Dereck Woolridge said specific plans for stormwater discharge on the development had not yet been drawn up, but that an area on Lot 5 has been identified for this purpose. The project will require both Construction and Operational Stormwater permits. He noted there is a Class 3 wetland bisecting the parcel, which the plans show being minimally disturbed. The ZA observed that there is a fairly deep ravine running across the parcel which would require significant grading and culverts to handle water flow through the site.

Theresa asked about potential businesses at the site. Chris said there were a few preliminary inquiries, possibly for retail stores and perhaps one of the local health services agencies, but nothing firm at this point. He said CCS might construct 10-12,000 square foot buildings on one or two of the lots and look to sell the others undeveloped.

A letter from adjacent property owner Steven Truax expressed concern about the unknown nature of the types of businesses and structures that might be built, as well as possible traffic and visual impacts from the development of the parcel.

David said the Board would benefit from a site walk of the property.

On a motion by Theresa, seconded by Jean, the hearing was recessed to a site walk, to be conducted on Saturday, September 22, at 8:00am.

Final survey plats for the Robert Clark 3-lot subdivision on Winter Street and Todd Carter 2-lot subdivision on Elmore Street were reviewed and approved.

The board concluded the public hearings and moved into deliberative session to consider the Heanue appeal. The ZA excused himself from the deliberative session. On a motion by Karyn, seconded by Paul, the Board voted unanimously to uphold the ZA's finding of no violation of the Kenfield Brook subdivision conditions of approval.

On a motion by Paul, seconded by Jean, the meeting adjourned at 9:00 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 9/27/07 TB/KA