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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of September 12, 2002

Members Present: Gary Nolan, Carl Fortune, Jean Wickart, David Silverman, Theresa Breault, Paul Trudell

Members Absent: Carol Jennings

Recorder: Mark Leonard, Zoning Administrator

Guests: Dominick Donza, Daniel Donza, Sharon Dietz, Jennifer Edwards, William Danforth, Sonny Demars, Carol Lambert, Thomas Amidon, Hal Stevens, Judith St Aubin

Gary Nolan, Chair, called the meeting to order at 7:30 PM.

Theresa moved to approve the minutes of August 8, 2002, as written.
Paul seconded the motion and it passed unanimously.

WARNED HEARING: DEMARS PROPERTIES/AMELIA JONES, LOT LINE CHANGE, OLIVE ST

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 250-254, 500, and 795 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Sonny Demars. ZA presented a letter from Amelia Jones stating she was unable to attend the hearing but that Mr Demars could speak on her behalf.

Mr Demars described the proposed lot line change. Mrs Jones owns a 4.3 acre parcel along Potash Creek in the village. Her residence occupies a small portion of the parcel along the north end of Olive St. Demars Properties has several adjoining lots on the north end of the parcel. Demars Properties proposes to extend their property boundaries to include all but .4 acres of the current Jones parcel, which includes the Jones residence. The 3.9 acres which will join the Demars parcels is undeveloped and not likely to be developed due to the topography of the land and the creek running through it.

The properties had not been surveyed at the time of the hearing. Mr Demars indicated that due to the many lots bordering the Jones property, they would only plan to survey the new boundary of the Jones lot. Gary noted that any lot line adjustment must result in both lots meeting the minimum lot size requirement.

Theresa moved to approve the application, subject to final review of the mylar plat showing that lot size minimums were met. David seconded the motion and it was approved unanimously

WARNED HEARING: JD ASSOCIATES, APPEAL OF ZONING PERMIT ISSUED TO ELIZABETH DARDEN FOR SHED & FENCE, LAPORTE ROAD

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 260-264, 425, and 640 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Hal Stevens, Thomas Amidon, and William Danforth.

The ZA approved zoning permit #2002-127 on July 24, 2002 for Elizabeth Darden for a 12'x12'shed and 100'x100' open fence, permitted uses in the Rural Residential with Agriculture zoning district, on her property on Laporte Road. On August 8, 2002, Hal Stevens, representing adjoining property owner JD Associates LP, filed notice of appeal of the zoning permit. In a Statement of Issues and Relief on Appeal dated August 19, 2002, Mr Stevens states the issues under appeal are whether Elizabeth Darden is subject to the conditions imposed by the Development Review Board on the application of North Country Animal League (NCAL) for an animal shelter on an adjoining property and if the Darden property (the former Schillhammer property) is subject to those same conditions.

Mr Stevens said his clients were concerned about the use of the proposed shed and fence on the Darden property. The DRB's Notice of Decision, dated April 22, 1999, on NCAL's application placed various specific conditions on NCAL's conditional use permit in order to minimize noise from animals at the shelter. He noted Ms Darden's association with NCAL and suggested her purpose in putting up these structures was to get around some of those conditions. He argued that any conditions imposed on the Schillhammer (now Darden) property convey with the land.

Mr Amidon, representing Ms Darden, noted that while the notice of appeal was filed within the statutory time, not all statutory requirements for an appeal were met. He argued that any conditions imposed by the DRB pertaining to use of the Schillhammer property applied only to such use by North Country Animal League, not Ms Darden or any other party that may own that parcel. He stressed that while Ms Darden is a supporter of NCAL she was not a party to its application for the animal shelter nor is she acting on its behalf in this application.

William Danforth, an adjacent property owner, stated his concerns about dogs being outside in the proposed fenced area on the Darden property. Noise from dogs was the primary objection raised during the NCAL application hearings.

Gary noted that the DRB had spent a great deal of time reviewing NCAL's application several years ago. He said he would like to review the minutes of the hearings and the related documents from that application before reaching a decision on this appeal.

Paul made a motion to go into deliberative session on this application following all other business this evening. Jean seconded the motion and it was approved unanimously.

WARNED HEARING: SHARON DEITZ & JENNIFER EDWARDS, CONDITIONAL USE, CAFÉ, 82 LOWER MAIN STREET

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 208(g), 450, and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Sharon Deitz and Jennifer Edwards.

The applicants described the planned operation. They wish to convert the bottom floor of the property at 82 Lower Main St from a beauty shop to a café/pub serving sandwiches, light snacks, and beer & wine. The upstairs apartment would remain. They would be open from 10 AM to 10 PM, possibly closing earlier in response to business. There would be no kitchen to prepare meals, but possibly a microwave to heat items such as soup. They intend to offer baked goods as well. They anticipate no more than 25 seats. Live music, but nothing amplified, would be offered on an occasional basis. The business would have two exterior lights at the entry to the premises and an illuminated sign conforming to the requirements in Section 476 of the Bylaws.

Theresa asked if there were any concerns expressed by the police chief regarding the sale of alcoholic beverages or noise from the premises. The ZA responded that the police chief had signed off on the inter-departmental review form with no comments, as had Fire, Morrisville Water & Light Dept, and Highway Dept. The Sewer Dept Superintendent submitted a letter requiring the applicants to obtain wastewater discharge permits from the State of Vermont and the Village of Morrisville in order to gain approval for connection to the municipal sewer system.

Paul inquired about how the business would handle parking and deliveries. Under Section 450, 10 parking spaces are required. There are only two on-street spaces directly in front of the premises. The applicants stated that they expected customers would be able to use municipal parking lots at the Union Bank and behind the Post Office, especially after regular business hours. Any service deliveries would be made to the front entrance of the premises on Main Street, but would be few and made very quickly.

Judith St Aubin, an adjacent property owner, expressed concerns about possible problems with local vagrants obtaining alcoholic beverages from this business. She has had ongoing problems with several vagrants on her property and hoped this would not add to them. The applicants responded that they are looking for a family-oriented clientele and do not want to attract any undesirable customers either.

David moved to approve the permit application with standard conditions and subject to review at six months, one year, and three years from the date of opening. Theresa seconded the motion and it was approved unanimously.

OTHER BUSINESS:

Dominick Donza presented a proposal to subdivide his 6.3-acre parcel at 1957 Sterling Valley Road into two parcels of 3.3 and 3.0 acres. The proposal was reviewed as a pre-application under Section 720 of the Bylaws. David moved and Theresa seconded that the proposed subdivision met the requirements of the Town Plan. The motion passed unanimously. A hearing on the application will be warned for September 26, 2002.

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The final mylar plat of the Baringer two-lot subdivision on Walton Road was reviewed and signed by Gary.

The board went into deliberative session on the matter of the appeal of JD Associates. The board came out of deliberative session at 9:00 PM.

On a motion by Theresa, seconded by Paul, the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Mark Leonard, Recorder