MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD

September 8, 2011 Meeting Minutes

Members Present: Theresa Breault, Brian Irwin, Gary Nolan, Paul Trudell, Chris Wiltshire & Jean Wickart

Members Absent: Karyn Allen & Ron Stancliff

Recorder: Todd Thomas, Zoning Administrator (ZA)

Guests: As noted within each agenda item

Chair Nolan called the meeting to order at 7:30 PM. The Board decided to table the July 28th and August 25th meeting minutes until the October 13th meeting. Member Breault moved to approve the July 14, 2011 meeting minutes. The motion was affirmed by a vote of 6-0.

WARNED HEARING: Green Mtn Arena, 704 Bridge St, CU, SDPA & Change of NC Use
Member Trudell opened the recessed hearing with the following people in attendance: Graham Kirk, Chris Austin, Edmond Yaddow, Terry Owen, Justin Pittinaro, Cindy Locke, Dom Donza and Community Development Coordinator Trisha Follert. Member Trudell noted the September 1st site walk of the property for the record. Member Trudell also noted that two updated site plans showing the proposed project were submitted as requested since the last hearing. ZA Thomas read four emails received since the last hearing into the record that supported the pending zoning application. ZA Thomas fully described the proposed project for the benefit of the Board Members that were not in attendance at the first hearing. He noted that applicant Green Mountain Arena LLC was seeking §500 Site Development Plan Approval and a §630 Conditional Use allowance to construct a 1,800sf addition to the existing hockey rink on parcel 07-301-1, which is located at 704 Bridge Street in the §260 Rural Residential Agricultural zoning district. He added that the proposed 30X60 addition adjacent to Green Mountain Arena would house a simulated/indoor golf driving range. He said that the application required Conditional Use and Site Development Plan Approval for the proposed 30x60 building under use Recreational Facility/Indoor and that the hockey rink's existing Accessory Retail and Food Use (snack bar) could be added to the proposed indoor driving range via §437 Change of Non-Conforming Use. He noted that the requested Bar use and the existing Accessory Retail and Food Use were proposed to serve the golf simulators and the existing hockey rink. Graham Kirk, representing Green Mountain Arena, LLC answered various questions from the Board and reiterated that beer would only be available in the arena during professional hockeygames. ZA Thomas noted that the proposed indoor golf facility and the existing arena received a Class 1 Liquor License from the Board of Liquor Control earlier in the week. Resident Terry Owens expressed a concern about traffic impacts due to Rock Crushers games. ZA Thomas explained that traffic concerns arising from Rock Crushers games were not germane to the pending zoning request, as Green Mountain Arena did not need zoning permission to have a hockey team play at the existing rink under use Recreation Facility/Indoor. He said that the rink received Conditional Use & Site Plan Approval in 2001 and that, other than the proposed Bar use request, the capacity of the rink, or a professional hockey team's new use thereof, should not be considered with pending zoning request. Mr. Kirk added that the driving range, with its four golf simulators,

should not create any traffic as the use was minimal and the facility would only be open during the winter months. Cindy Locke from the Chamber of Commerce and Community Development Coordinator Trisha Follert both expressed support for the zoning proposal on the grounds of economic development. Member Wiltshire move to approve the proposed application by changing the existing non-conforming use to the proposed use, as described in the hearing warning, per §437 of the Bylaws, provided that alcohol only be served in the arena during professional hockey games and that the permit be subject to one, three and five year reviews. The motion was affirmed by a vote of 6-0.

WARNED HEARING: Charles Nelson, Lot 5 Lake Lamoille Drive, §750 Final Plat Review
With resident Edmond Yaddow in attendance, P.E. Chris Austin, representing applicant and owner Charles Nelson, described the proposed subdivision, which required §750 Review and Approval of Final Plat for a minor 2 lot subdivision located at 0 Lake Lamoille Drive in the §260 RRA zone on parcel 07-293-5. ZA Thomas noted that the subdivision application included a lot line adjustment (parcel 07-293-8) that should be considered along with the subdivision request. Resident Yaddow expressed a privacy concern regarding tree clearing on the sunject property. The Board discussed conditioning the approval of the three lots in question with language regarding clearing restrictions. ZA Thomas explained that the proposed subdivision was quite simple as it largely just adds a new lot line to previously approved subdivision Lot 5. Member Wiltshire moved to approve the lot line adjustment and the final plat as proposed, provided that pins be set on the final mylar, that the issues documented on the preliminary plat approval letter be resolved and that the no clear zone requirement for lots 5, 8 & 9 is added to the respective deeds of each lot. The motion was affirmed by a vote of 6-0.

WARNED HEARING: Graham Mink, 673 Elmore Street, §750 Final Plat Review
With resident Micah Quittner in attendance, applicant and owner Graham Mink explained his proposed two-lot subdivision at 673 Elmore Street and previously permitted duplexes thereon to the Board. ZA Thomas noted that the applicant was seeking §750 Review and Approval of Final Plat for a minor 2 lot subdivision of parcel 24-052 located in the MDR zone. He added that the subdivision application relied on a waiver request for four feet of front yard setback relief per §254.1 that must granted prior to subdivision approval. The Board discussed the need for the waiver for the four feet of front setback relief created by the subdivision's new right-of-way to Lot 2. ZA Thomas read a letter from abutter Steve Leach into the record that requested screening and raised a concern regarding the drainage on Lot 2. Abutter Micah Quittner also requested screening along his two adjoining lot lines. Chair Nolan questioned if screening the duplexes was germane to the subdivision request, since the duplexes were already permitted. Member Wiltshire moved to grant the requested four foot front yard setback waiver and final plat approval, provided that pins be set on the final mylar, that the issues documented on the preliminary plat approval letter be resolved and that reasonable screening is planted along the common boundary between the Quittner property and the right-of-way within one year after the duplexes are constructed on Lot 2. The motion was affirmed by a vote of 6-0.

Discussion: Willa Farrell, Corner of Vt Rte 12 & Lower Elmore Mtn Rd, Final Plat Signing
Willa Farrell appeared before the Board and requested that the Final Subdivision Plat be signed

for subdivision permit 2005-011, which was granted for a three lot subdivision (Lot 1 = 5ac, Lot 2 = 10.4ac, Lot 3 = 6.6ac) on the corner of VT Rte 12 & Lower Elmore Mountain Rd. ZA Thomas noted that the submitted mylar depicts a slightly different subdivision than what was approved in 2005, with lot sizes as follows: (Lot 1 = 4.65ac, Lot 2 = 10.93ac, Lot 3 = 6.41ac) and that he mylar was not submitted in 90 days from approval as required. Ms. Farrell submitted a letter explaining the time lag from the approval to the recent mylar submission, along with a letter from her engineer dated August 16th explaining the reasoning for the small differences between the approved subdivision and submitted mylar. The Board discussed Ms. Farrell's request for mylar signing and decided that the mylar showed the same subdivision that was approved. Chair Nolan signed the mylar.

Discussion: Parking Waivers in the CB Zone

ZA Thomas asked the Board how it would like to handle parking waivers moving forward under the new downtown zoning. The Board decided that all such waivers, if a hearing was otherwise not required, should simply be placed on its meeting agenda and need not be advertised. The Board did decide that a zoning permit should be issued with each granted parking waiver for tracking purposes.

The meeting adjourned at approximately 9:20 P.M.
Respectfully submitted by Todd Thomas, ZA