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

Minutes of September 8, 2005

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

Members Absent: David Silverman, Carol Jennings

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Gary Nolan called the meeting to order at 7:30 PM. On a motion by Paul, seconded by Theresa, minutes of the August 25, 2005 meeting were approved.

WARNED HEARING: JOSEPH & MARCELLA LANPHEAR, LOT LINE ADJUSTMENT, EARL GRAY ROAD

Gary introduced the application, to be reviewed under sections 264 and 795 of the zoning and subdivision bylaws. Theresa administered the sworn oath to applicants Joseph and Marcella Lanphear.

The Lanphears own two adjoining parcels of land located between Fitzgeral Road and Earl Gray Road. They propose to redraw a portion of the common boundary between the two parcels so that the larger parcel, approximately 97 acres fronting on Fitzgerald Road, is reduced by 6.4 acres and the smaller parcel, currently 21.3 acres along Earl Gray Road, gains that amount of land.

Carl made a motion to accept the application as presented. Jean seconded the motion and it passed unanimously.

WARNED HEARING: BRIAN & MAGAN PALMER, LOT LINE ADJUSTMENT AND DRIVEWAY SETBACK WAIVER, 1853 COTE HILL ROAD

Gary introduced the application, to be reviewed under sections 264, 405.4 and 795 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Brian Palmer (applicant) and adjoining property owners Herbert and Gail Leach.

Brian Palmer explained that he had obtained local and state permits last year to subdivide his 20-acre parcel on Cote Hill Road into two roughly equal lots. The lot at the rear of the property (lot # 2), which he intends to retain, is accessed by a 50-foot wide right of way across

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Lot #1 along its southern boundary, which fronts on Cote Hill Road.

Brian now proposes to redraw the boundary between the two lots so that the right of way is included within the property of Lot #2. Lot #1 increases in size from 11.5 acres to 14 acres while Lot #1 is reduced from 8.6 acres to 6.1 acres. The reconfigured Lot #2 would have approximately 100 feet of road frontage along Cote Hill Road; Lot #1 would have 225 feet.

Brian is also requesting a waiver of the driveway setback requirement of fifteen feet, to reduce the setback to no less than eight (8) feet from the adjoining property of William and Sandra Spaulding at several points along the driveway. He explained that he was not aware of the setback requirement and had laid out the driveway to minimize the angles on it.

The Spauldings submitted a letter to the board expressing reservations about the current driveway location as they felt it might impair their views and also regarding a culvert under the driveway that they felt was either very close to or actually over the property line. The letter was read into the record.

Brian addressed the concerns raised by the Spauldings by stating that he had removed approximately three (3) feet of the culvert in question along the common boundary to ensure that it did not encroach on the Spaulding property. He said the driveway is approximately fifteen feet wide and indicated he could relocate it out of the setback if necessary, but did not feel that it presented any negative effects on his neighbor's property.

Carl asked if Brian had any objections to a condition of approval that required him to plant some trees to screen the driveway, as suggested in the Spauldings' letter. He replied that he could , but didn't think it was necessary. He added that the power company had recently cleared trees and vegetation along their right of way in the same area now under discussion and that perhaps that is what is drawing the Spauldings' attention.

Carl moved, and Theresa seconded, to approve the lot line adjustment, but to defer a decision on the setback waiver request until after the board could conduct a site walk of the property. The motion passed unanimously. A site walk was scheduled for September 22nd.

WARNED HEARING: ADAM GRANT, DBA EXTREME COLLISION CENTER, CONDITIONAL USE AND SITE PLAN APPROVAL, AUTO ACCESSORY SALES & INSTALLATION, 97 PORTLAND STREET

Gary introduced the application, to be reviewed under sections 208, 500-503 and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Adam Grant.

Adam Grant proposes to convert currently vacant space in the building at 97 Portland Street into an auto accessory sales and installation business. The location currently has Windshield World as a tenant and shares a 15-space parking lot with Bonz restaurant. He currently does collision repairs at his location on Brooklyn Street, but is looking to expand into the auto and truck accessory business. Customers would purchase items and he would install them on their vehicles at the Portland Street location, either by dropping off the vehicle or while they waited. The parking area has recently been paved and improved to access the installation bays at the rear of the building.

Theresa asked about number of employees and operating hours. Adam said he expected to have 2-3 employees and planned to be open Monday through Saturday, with specific hours yet

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to be determined.

Paul asked if Adam would be putting up any exterior lighting. He said he may put a light on the sign he plans to put up along the front of the property on Portland Street. The ZA reminded him that he needs to apply separately for any signs and that internally illuminated signs are not permitted in this district.

Jean moved to approve the application as presented. Theresa seconded the motion and it passed unanimously.

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

Gary introduced the application, to be reviewed under sections 253, 460, 500-503, and 630-635 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on April 14, 2005.

Gary noted that Jean owned property in the vicinity of the proposed subdivision and asked if anyone present felt that her participation in the hearing might present a conflict of interest. Robert Williams requested that Jean recuse herself from this hearing, which she did (she remained to hear the application as an interested party).

Gary then noted the requirement that any decision reached must be by a majority vote of the full board membership, not just a legal quorum. With Jean recused and two members not present, it would require a unanimous vote of the remaining four members to reach a legally valid decision. Gary advised the applicant and other interested parties that a vote on the application might be delayed until other board members could review the application and hearing record in order to participate in the vote. Theresa then administered the sworn oath to Scott Fine, representing the applicant, and adjoining property owners (see attached list).

The Zoning Administrator reviewed several changes to the proposal since the April pre-application review. At that time, the application was for nine lots to be created on two adjoining parcels totaling 22 acres. The three lots to be created on parcel #07-158 (10 acres) have been removed from the proposal. The applicant is in negotiations with various conservation agencies to sell them this property, which provides access to Terrill Gorge on Kenfield Brook. At the suggestion of the DRB during the pre-application review, the remaining six single family home lots on the 12.8 acre parcel (#07-159) along Stagecoach Road would share driveways between every two homes, rather than each having its own, reducing the number of new driveways onto Stagecoach Road by half.

Scott Fine reviewed the subdivision plans. Each lot would be slightly more than the minimum two acres. The lots meet all dimensional requirements for the Rural Residential with Agriculture (RRA) zoning district. Each lot would be served by its own well and septic systems. Building envelopes are located at the rear of each lot to leave much of the current meadow open. Covenants are planned to restrict building construction styles. Utility lines will be underground.

Eric Sanders asked what use was intended for the lots; Scott Fine said they were for single-family homes.

Lorraine smith said she believed the property is in the current use program as agricultural and asked how that would be changed by this proposal. The ZAadvised that the town listers

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report any change of use of property in the current use program to the state property tax office. Landowners of the subject property are responsible for any taxes due as a result of such change.

Robert Williams observed that the parcel is an open meadow that is subject to high winds that produce large snow drifts. He said that town snow plows pile up large snow banks along Stagecoach Road that will be difficult for any future residents of the proposed lots to keep clear. He suggested that the developer instead have a single access road from the south end of the parcel across all six lots to mitigate this problem.

Stan Biasini said that the electric power for these lots would come from a line crossing his property by an easement he granted to Morrisville Water & Light (MW&L) Dept. He said that when he was initially contacted by MW&L regarding this easement, he was advised that it would serve only a single family home and a barn on this property, not six homes as now proposed. He felt that MW&L misrepresented the facts regarding the easement and that he was pressured by them to grant it. He said that he understood the previous property owner, the late Edward Marston, wanted to conserve the property and that deed restrictions to accomplish that had not been recorded, against what Stan believed were Mr Marston's wishes.

Linda Hill also stated her belief that Mr Marston intended to conserve the land that is the subject of this application. No documents supporting these contentions were submitted.

Lorraine Smith noted that the snow drifts and snow banks limit visibility for those attempting to enter onto Stagecoach Road from driveways along this portion of the road. She also said there is a problem now with cars exceeding the speed limit in this areas and felt that this would only get worse with more homes in this area.

Christine Luce echoed the previous concerns about speeding, saying that traffic was 'horrendous' along this portion of Stagecoach Road. She said there are frequent accidents where people fail to negotiate the turn in front of her house.

Lou Hoisington asked about the impact on existing wells from six new homes on this property. Gunner McCain, an engineer who was present for another matter, said that in his experience, and on the basis of state water supply permitting standards, the six new wells would be far enough away from existing wells to preclude any adverse impacts on them.

Linda Hill asked what zoning restrictions exist regarding size or height in this district. The ZA advised that there are no size restrictions, so long as any structure conforms to the setback requirements, and that structures higher than 35 feet require conditional use approval.

Stan Biasini asked about suitability of soils in the area for on-site septic systems. Gunner McCain, whose firm is involved in the soil testing for this project, said they were very good for conventional septic disposal systems.

Linda Hill repeated the desire to see a single access road, rather than three separate driveways. Scott Fine responded that they find the current plan more desirable, noting that it had been modified to take into account the DRB's earlier concerns.

Paul made a motion to recess the hearing until September 22nd, with a site walk to take place prior to the hearing. Carl seconded the motion and it passed unanimously.

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PRE-APPLICATION REVIEW: JAMES & MAURICE KELLEY, 2-LOT SUBDIVISION, CADYS FALLS ROAD

John Grenier, representing the applicants, 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 shared driveway off Cadys Falls Road would serve both lots. Each lot would have it sown drilled well and septic disposal systems.

Paul moved, and Theresa seconded, that the proposal meets the requirements of the Town Plan. The motion passed unanimously.

PRE-APPLICATION REVIEW: SUGAR WOODS LLC, 7-LOT PLANNED RESIDENTIAL DEVELOPMENT, DEMARS ROAD

Dana Wildes presented a plan to subdivide a 25 acre parcel into seven one-acre single family home lots, a seven acre lot conserved in common with the owners of the residential lots, and the remaining eleven acres, combined with an adjoining 11.2 acre 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.

Paul moved, and Theresa seconded, that the proposal meets the requirements of the Town Plan. The motion passed unanimously.

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

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 9/22/05 PT/JW