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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 28, 2003

Members Present: David Silverman, Paul Trudell, Theresa Breault, Carl Fortune, Carol Jennings

Members Absent: Gary Nolan, Jean Wickart

Recorder: Mark Leonard, Zoning Administrator

Guests: Shaun Kuney, Larry Sweetser, Don Bixby, Sonnie Sanborn, Barbara Stevens, Carol Chanania, Nancy Pritchard, Alexander Hemphill, James Raymond, Scott Corse, Don Goodhue, Wesley Langdell, Dwayne Lanphear

Acting Chairman David Silverman called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of August 14, 2003. Carol seconded the motion and it passed unanimously.

WARNED HEARING: MANOSH REALTY SERVICES, 4-LOT SUBDIVISION, MANSFIELD AVENUE

David gave an overview of the application. The application will be reviewed under Sections 239, 740, 770, and 800 of the Subdivision Bylaws. A pre-application review was held on August 14, 2003. Theresa administered the sworn oath to Nancy Pritchard, Barbara Stevens, and Carol Chanania.

Nancy Pritchard, representing Manosh Realty Services on behalf of the property owners, described the proposal to subdivide a 1.3-acre parcel on Mansfield Avenue into four lots of approximately 0.3 acres (~14,000 square feet) each. The parcel is in the Special Use zoning district, and is served by village water and sewer.

Carol Chanania and Barbara Stevens, adjacent property owners asked what zoning restrictions applied within the village and what criteria were considered for subdivisions. Noting the minimum lot size of 8,000 square feet and minimum lot width of 75 feet, both felt that the proposed lots would be too small and narrow, especially compared to existing lots along Mansfield Avenue. Carol stated that while the proposal appeared to meet or exceed the standards, she felt three lots would be more appropriate to the neighborhood.

Barbara Stevens pointed out problems with water pressure on the street and asked the board to look into whether the existing water line could adequately service four more homes (*see section 840.5b*).

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Carl explained the process by which the lot size requirements were established by the Planning Commission. David noted the philosophy behind lot size and density requirements for village residential zoning districts and pointed out that the lot size requirements for the Special Use district were the same as the high density and medium density districts in the central village area.

Barbara asked whether the board had jurisdiction over or took into account the potential impact of the proposed subdivision on adjacent property values. David, referring to the subdivision planning standards in Section 800 of the Subdivision Bylaws, replied that it did not.

Sonnie Sanborn was concerned about various subdivision proposals causing crowding in the village. She felt that lots should be similar in size to existing lots in a given neighborhood and that the board should give due regard to the character of the area on these proposals.

Paul made a motion to recess the hearing until a site walk could be conducted on September 2, 2003. Carl seconded the motion and it passed unanimously.

WARNED HEARING: MORRISVILLE WATER & LIGHT DEPT, 2-LOT SUBDIVSION, ELMORE STREET

David gave an overview of the application. The application will be reviewed under Sections 254, 740, 770, and 800 of the Subdivision Bylaws. A pre-application review was held on August 14, 2003. Theresa administered the sworn oath to Scott Corse, Don Bixby, and Sonnie Sanborn.

Scott Corse, speaking for Morrisville Water & Light Department, presented the proposal to subdivide a 0.8-acre parcel on Elmore Street into two lots. This parcel had been the subject of a previous application to subdivide it into three lots. The board had approved that application, but the Village Trustees withdrew its approval to sell the lots. Scott stated that the Village Trustees had authorized the department to subdivide and sell the parcel as two lots. The current proposal combines two of the three lots previously approved into a single lot of approximately 17,000 square feet (.392 acres) and leaves the second lot at 12,545 square feet (.288 acres). The lots are served by village water and sewer and meet the dimensional requirements of the Medium Density Residential zoning district.

Carl asked about restricting access to the lots from Elmore Street. Scott said there would be covenants placed on the new lots prohibiting access directly onto Elmore Street.

Don Bixby, adjacent property owner, stated that he would prefer some sort of restriction on the lots to preclude manufactured or mobile homes. Scott said that in addition to the access restriction, the covenants would limit the type of construction of any future homes on the lots and would prohibit any further subdivision of the lots.

Paul moved to approve the application as presented with standard conditions and with the additional condition that access to both lots be only from Fairwood Parkway West, as depicted on the site plan. Theresa seconded the motion and it passed unanimously.

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WARNED HEARING: RUTH LANGDELL ESTATE, 2-LOT SUBDIVISION, CENTER ROAD

David gave an overview of the application. The application will be reviewed under Sections 264, 740, 770, and 800 of the Subdivision Bylaws. A pre-application review was held on August 14, 2003. Theresa administered the sworn oath to Wesley Langdell.

Wesley Langdell, representing the estate of Ruth Langdell, presented a proposal to subdivide a 4.74-acre parcel on Center Road into two lots. The former Ruth Langdell home, accessed from Langdell Road, would be on a 2.74 acre lot, with the new 2 acre lot fronting on Center Road. The lot would have 175 feet of road frontage and would be served by village water, with on-site sewage disposal.

Carl moved to approve the application as presented with standard conditions. Carol seconded the motion and it passed unanimously.

WARNED HEARING: DWAYNE LANPHEAR, LOT LINE ADJUSTMENT, 836 FITZGERALD ROAD

David gave an overview of the application. The application will be reviewed under Section 795 of the Subdivision Bylaws. Theresa administered the sworn oath to Dwayne Lanphear.

Dwayne Lanphear proposes to move the boundaries of his 2.1-acre parcel approximately 100 yards to the east of its present location in order to separate it from existing farm structures on the adjoining lot. There would be no change in size of his parcel or the adjoining parcel, owned by his father. All parcels would continue to meet minimum lot size requirements for the Rural Residential with Agriculture district.

Paul moved, and Carl seconded, to approve the application as presented. The motion passed unanimously.

WARNED HEARING: SHAUN KUNEY(DBA MUNCHY'S), EXPANSION OF NON-CONFORMING USE (30X26 ADDITION), 387 BROOKLYN STREET

David gave an overview of the application. The application will be reviewed under Sections 435 and 630 of the Zoning Bylaws. Theresa administered the sworn oath to Shaun Kuney.

Shaun explained that he wanted to build a 30x26 addition onto the existing snack stand to create a 20-seat indoor eating area. The addition would take up three existing parking spaces, but he would also install a concrete dumpster pad on the grass area on the west end of the lot, freeing up two spaces currently taken by the dumpster. He would also add a handicapped access cut to the parking island in front of the stand.

Theresa asked about the exterior appearance of the addition and whether there would be any change of operating hours. Shaun replied that the exterior would likely be stucco on plywood, matching the existing structure, and that the addition would allow for year-round business hours. He also stated that he did not foresee adding any new exterior lighting.

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The current use on this location is a pre-existing non-conforming use. The proposed addition meets all setback and lot size requirements for the Neighborhood Commercial district.

Theresa moved to approve the application with the condition that the applicant will present a site plan and building elevations for board approval prior to commencing the project. Paul seconded the motion and it passed unanimously.

WARNED HEARING: DON GOODHUE, ZONING PERMIT APPEAL, 95 PLANE VIEW ROAD

David recused himself due to a business relationship with the appellant and the permittee's family and Paul assumed the chair. The appeal will be reviewed under sections 262, 423, and 640 of the Zoning & Subdivision Bylaws. Theresa administered the sworn oath to Don Goodhue, Larry Sweetser, Alex Hemphill, and Jim Raymond.

Don Goodhue, adjoining property owner, is appealing the zoning permit issued to Larry Sweetser for a home occupation at 95 Plane View Road. The permit, approved as a permitted use by the Zoning Administrator on July 3, 2003, is for wholesale auto detailing and a separate furniture and antiques business to be conducted in a portion of Larry's garage. The appeal was filed within the 15-day period from issuance of the permit.

Don Goodhue stated that he is not against this home occupation, but is concerned about its impact on the character of the area and on what, if any, limits or restrictions could be imposed on the business. He questioned whether the permit complied with the requirement that the home occupation occupy less than 25 percent of the total floor area of the dwelling, excluding an attached garage, shed, porches, decks, or breezeways.

Larry Sweetser explained how he had computed the square footage available for the home occupation. The ZA reviewed the square footage computations of living space from the town listers' files. The ZA stated that he had visited the garage and reviewed the listers information with Larry Sweetser. As a result, the total square footage allowable for the home occupation had been reduced from 1100 square feet to 865 square feet.

Larry explained his intent to conduct some of the furniture and antiques business that he presently runs from rented space across from his house in the garage and to do auto detailing of cars he purchases for re-sale to auto dealers. He described "auto detailing" as cleaning and minor repairs to get the cars ready for sale. He acknowledged that his previous application for an auto sales and repair home business had been denied by the board, but averred that this was not the same sort of business.

Paul pointed out that there could be no outside storage or on-street parking associated with the home occupation. Larry responded that there would be one or two vehicles at a time in the garage for this work.

Jim Raymond, adjoiner, noted that there is a full size lift in the garage, which he felt lends itself to doing auto repairs. He said he frequently sees auto parts trucks making deliveries to the Sweetser property, indicating to him that there is an auto repair business there now. Larry responded that the lift is for his personal use on cars he works on has a hobby.

Alex Hemphill, adjoiner, stated that he felt there had been no follow-up on previous permits issued on this property. He said that the garage was permitted as a residential use and

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should only be allowed for that. He also questioned whether Larry Sweetser could have a business (Plane View Furniture) in a property that he does not own in a residential district.

Don Goodhue pointed out that Larry Sweetser had recently been granted a zoning permit to convert the single family dwelling into a two-family dwelling. He stated that the allowable square footage for a home occupation should be based on the dwelling space of the applicant, not of the total of all units in a multi-unit dwelling. He noted that the garage is over 2,400 square feet, with no partitions or walls to delineate the portion to be used as the home occupation, making enforcement of the 25% restriction extremely difficult if not impossible.

Paul asked the ZA to consult with the board attorney and the Vermont League of Cities and Towns to get a legal opinion on how to compute the square footage for a home occupation in a multi-unit dwelling.

Carl made a motion to recess the hearing to a deliberative session. Carol seconded the motion and it passed unanimously.

OTHER BUSINESS:

The ZA presented a letter for the board's review and approval clarifying one of the conditions imposed on the permit for Charles Gregory for a six-lot subdivision on Park Street. Paul moved, and Theresa seconded, to approve the letter. The motion passed unanimously.

On a motion by Theresa, seconded by Carol, the meeting was adjourned at 9:45 PM.

Respectfully submitted,

Mark Leonard, Recorder