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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 24, 2006

Members Present: Gary Nolan, David Silverman, Paul Trudell, Karyn Allen, Andrew Volansky (alternate)

Members Absent: Theresa Breault, Carl Fortune, Jean Wickart

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Chairman Gary Nolan called the meeting to order at 7:30PM. On a motion by David, seconded by Karen, minutes of the August 10, 2006 meeting were approved.

**WARNED HEARING: RIVER ARTS, CONDITIONAL USE & SITE PLAN REVIEW
AND SETBACK WAIVER, BUILDING ADDITION, 74 PLEASANT STREET**

Gary introduced the application, to be reviewed under sections 208-209, 450, 500, and 630-637 of the zoning and subdivision bylaws. Gary administered the sworn oath to Paul Rouselle (architect), Dawn Andrews and Joanne Harrison, representing River Arts. Zoning Administrator Mark Leonard stated he would be presenting the concerns of adjoining property owner Veterans of Foreign Wars (VFW) Post 9653, of which he is an officer.

The applicant is seeking approval to construct a 13.5x20, two-story addition onto the rear of the former Grange building on Pleasant Street as part of its renovation of the building as a community arts facility. The addition would provide space for a second egress and stairs and handicapped-accessible bathrooms to comply with public building codes. The applicant also intends to construct a wheelchair ramp on the front entrance of the building and a lift inside the front entrance.

The existing building is set back twenty-two (22) feet from the rear property line. The proposed addition would extend the building back to eight and one-half (8.5) feet from the property line, on an area currently used for parking by the VFW. The rear setback in the Central Business District for properties not fronting on Portland or Main Streets is ten (10) feet, of which the DRB may waive up to 15% (1.5 feet).

Paul asked about parking for the facility. Joanne Harrison stated River Arts' intention to utilize the municipal parking lot located across Pleasant Street to meet their parking requirements. She noted that they expected most of their public programs to be conducted in the

evening and on weekends, when parking in the municipal lot is plentiful.

Mark Leonard said the VFW understands that the area of the proposed addition it currently uses as part of its parking lot belongs to River Arts and has no objection to either the addition or the setback waiver. The VFW is concerned that users of the River Arts facility might be inclined to use its parking lot and that access to its lot not be blocked during the building renovations. Joanne said River Arts was aware of these concerns and would take steps to ensure that the VFW lot was accessible during construction and that its patrons did not park there.

David moved to approve the application with the 15% setback waiver with the conditions that at least one access point to the VFW parking lot be kept open during any construction/renovation work on the River Arts building and that River Arts is responsible for ensuring that its staff and users of its facility do not park in the VFW lot. Karen seconded the motion and it passed unanimously.

WARNED HEARING: HERITAGE SIGN INC, APPEAL OF ZONING PERMIT DENIAL, MORRISVILLE PLAZA

Gary introduced the application, to be reviewed under sections 400-403, 470-476, and 640-642 of the zoning and subdivision bylaws. Gary administered the sworn oath to Todd Wilkinson and John Connor, appearing on behalf of the applicant

Heritage Sign is appealing the denial of its application to erect a sign for the proposed Peebles department store at the Morrisville Plaza. The application was for an internally illuminated sign to be mounted on the façade of the new Peebles store. Total sign area was proposed at 66 square feet, using four-foot tall letters. The Zoning Administrator denied the application due to the recently adopted prohibition on new internally illuminated signs in all zoning districts. In its appeal, Heritage Sign requests an exemption for the internally illuminated sign and an increase in size of letters, to six feet, resulting in total signage of 156 square feet.

Todd Wilkinson, Peebles construction project manager, addressed Peebles' concerns that the lack of adequate lighting and the size restriction (100 square feet maximum) would adversely impact their ability to do business at the Morrisville Plaza location. He presented their plans to use 'reverse channel' lighting which, while having an internal illumination source within each letter, produces a "softer" visual effect. He noted that reverse channel lighting reflects off the façade, rather than being emitted directly from the sign itself, in much the same way an externally illuminated sign reflects onto the sign. He provided photos of similar signs at other Peebles locations, along with industry standards on lighting requirements for retail businesses.

Andrew Volansky asked what hours the sign would be illuminated. Todd replied that they would off by 10:00 PM, consistent with the zoning bylaws. Andrew explained the Planning Commission's intent to prohibit all new internally illuminated signs, but conceded that this particular type of lighting could be considered different from the traditional, 'box'-style neon internally illuminated sign.

Andrew also questioned whether putting the Peebles name on the existing internally illuminated pylon signs at either end of the shopping plaza constituted a new sign. The ZA stated his interpretation that these are existing signs grandfathered under the previous regulations.

Paul inquired about technical specifications of the proposed sign (lumens, watts? foot-candle distances?). Todd reviewed the available information and promised to provide any additional specifications requested.

Karen asked, by way of comparison, how large were the letters on the adjacent Big Lots store. Todd estimated they were 4-4.5 feet high.

David reviewed previous requests by Price Chopper, Hannaford's, and other Commercial district stores for size waivers and noted that the board had denied all such requests.

David moved, and Paul seconded, to grant the applicant's appeal to allow the use of 'reverse channel' lighting, with the condition that technical specifications on the lighting source be provided, while denying the request for a waiver of the sign size limit. The motion passed unanimously.

OTHER BUSINESS:

The ZA noted a discussion on drafts of a new written decision regarding the Kenfield Brook subdivision, which had been remanded back to the DRB by the Environmental Court on appeal, was on the agenda. Noting the lack of members present who participated in the hearings on the original application last fall, Gary stated he wanted to postpone the discussion until those members were present. David said he felt he needed to recuse himself from this discussion due to the fact that he was now aware of a business relationship between the applicant and his employer (Union Bank). The matter will be taken up at the next meeting on September 14th.

On a motion by David, seconded by Paul, the meeting adjourned at 8:40 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 9/14/06 (PT/KA)
(Folder 01)