

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

Meeting Minutes of August 22, 2013

Members Present: Theresa Breault, Susanna Guthmann, Gary Nolan (Chair), Ron Stancliff, Paul Trudell & Chris Wiltshire

Members Absent: Karyn Allen & Brian Irwin

Staff: Todd Thomas, Zoning Administrator & Planner

Guests: Tyler Mumley, Sylvia Dent, Joan Robinson, Urban Martin, Doug and Bev Corrow, Janet and Robert Smith, Phil Bessett, Phil Rochette, Duane Sprague, Steve Leach, Sarah Southall, Tiffany and Nick Donza.

Call to Order & Minutes: Member Trudell moved to approve the July 25, 2013 meeting minutes. A vote of 6-0 affirmed the motion, with Member Trudell abstaining. Approval of the February 28th meeting minutes were tabled until a quorum of the members at that meeting were present to vote.

RECESSED HEARING: G&D LLC, off Brooklyn St, §254.1 Waiver, §500 SPA & §630 CU

The Board resumed the hearing for the proposed Pinsly Manor residential development off Brooklyn Street. Zoning Administrator Thomas noted the Board's July 30th site walk and the August 8th Deliberative Session discussion regarding the project. Mr. Thomas added that he had re-warned the hearing so as to correct the waiver request for the 5 feet less of front setback distance being provided from the centerline of the development road to certain duplexes proposed on the site, thereby giving these duplexes larger backyards. Engineer Tyler Mumley of Ruggiano Engineering and Nick Donza of G&D LLC reappeared before the Board regarding the changes made to the proposal for the 29 unit multi-family dwelling unit project off Brooklyn Street. Engineer Mumley said that the proposed roadway into and through Pinsly Manor would now be paved throughout and be 18 feet wide. Engineer Mumley added that a 5 foot wide concrete sidewalk had been added to the north side of the project's main driveway, as well as other pedestrian accommodations throughout the site at the Board's request. He noted that the addition of the sidewalk required the creation of a retaining wall at the intersection of the projects egress and Brooklyn Street. Mr. Thomas confirmed that the retaining wall would not be located in the road right-of-way. Engineer Mumley said that it would not and that the structure's upkeep would be the responsibility of the applicant. Engineer Mumley added that the applicant was amenable to planting additional landscaping on the site per the Board's direction. Abutter Doug Corrow expressed concerns about stormwater and the applicant's ability to use the right-of-way for the project. Chair Nolan said that the right-of-way issue, being a property rights issue, was not the purview of the Development Review Board and was instead the purview of the court system. Mr. Thomas said that he would draft the Board's decision to correspond to the potential outcomes on the legality of the right-of-way. Member Stancliff asked about the existence of ledge throughout the site and if the proposed landscaping was even possible because of said ledge. Mr. Donza admitted that he would likely have to work around ledge on the property. Member Trudell asked about lighting. Engineer Mumley responded that the lighting plans were unchanged from last submittal. Engineer Mumley added that the driveways throughout the

project were proposed as gravel, and that the driveways met bluestone pavers that led to the doors of the housing units. Member Trudell said that the trees and the shrubs planted on the site should be a variety of species. Mr. Thomas said that he would ensure that the project was conditioned to not allow monolithic landscape plantings, other than the proposed hedgerows along the property lines. Member Trudell asked about overflow parking. Engineer Mumley said that there was none proposed, but that most driveways can accommodate an additional car other than the one required by zoning outside of the proposed garage. Member Trudell asked about snow removal. Mr. Donza said that snow removal will be addressed in the homeowners' association documents. Mr. Thomas said that he spoke with Mr. Donza earlier and it was agreed that a homeowners' association document would be submitted to the zoning office for approval before any zoning permits were issued for the site. Board members agreed that an additional hedgerow should be planted for screening purposes along the Southall property line, along with some interspersed hedge plantings being placed along the property lines of Martin and Hatch. Member Trudell moved to continue the discussion in Deliberative Session. A vote of 6 to 0 affirmed the motion. At the conclusion of Deliberative Session, Member Wiltshire moved to approve the as-revised Pinsly Manor site plan and the requested front setback waiver, with the following conditions

1. The project shall be built according to the proposed site plan and the project approval is contingent on the roadway and sidewalk cross section that is shown on the plans remaining as proposed and that if any Court proceeding impacts the right-of-way to the extent where the proposed roadway cross-section and sidewalk cannot be constructed, the applicant shall be required to modify this Conditional Use permit or be limited to a total of one duplex on the property;
2. The roadway accessing and through the proposed Pinsly Manor site shall remain private in perpetuity. The applicant, prior to any zoning permits being issued for dwelling units on the property, shall covenant as such and the book and page of this "private roadway covenant" shall be cited within any deed conveying ownership or rights to the subject property;
3. All infrastructure proposed for the Pinsly Manor project, including the base coat of pavement, shall be in place before any zoning permits are issued for dwelling units on the property;
4. The zoning permit for the 29th and final dwelling unit on the property shall not be issued until the final topcoat of pavement is installed;
5. The pavement width throughout Pinsly Manor shall be no less than 18 feet and the roadway name shall be approved by the Selectboard prior to the issuance of zoning permits for the dwelling units on the property;
6. The existing trees along the driveway into the project shall be preserved as proposed. If any of these mature trees die during the development of the site, three new trees shall be planted on the site for each mature tree death;
7. The proposed pathway connecting Pinsly Manor to the Lamoille Valley Rail Trail, with the exception of the proposed bridge structure, shall be constructed with the same cross-section of materials as the rail trail and be no less than 4 feet wide from the point of intersection with the rail trail to the project roadway. Said pathway shall be considered part of the Pinsly Manor infrastructure and shall be in place prior to any zoning permit being issued for dwelling units on the property;

8. An additional streetlight shall be added to the site plan along the north side of the project driveway around station 2+20 and a notice shall be added to the site plan specifying the requirement that all exterior lights in Pinsly Manor be LED and down shielded;
9. The area from the dwelling unit entry doorway to the driveway for each dwelling unit shall be landscaped as proposed on the site plan and the walkway itself shall be constructed with the pavers proposed or another reasonably similar material;
10. The retaining wall proposed by the intersection of the project driveway and Brooklyn Street shall remain outside the Town's Brooklyn Street right-of-way;
11. The Board believes that ledge is pervasive throughout the site and the applicant should be aware that higher construction and infrastructure cost may result due to the potential need for blasting. All blasting required for the project shall take place on weekdays between the hours of 10 AM and 3 PM;
12. A homeowners association document shall be submitted to and approved by the Zoning Administrator prior to the issuance of any zoning permits for dwelling units on the property;
13. The landscaping shown on the plan shall be planted as proposed, but the proposed hedgerow along the western property line of the site shall remain outside the truck route slope right easement area;
14. An additional solid hedgerow of landscaping shall be planted along the Southall property line and additional landscaping shall be interspersed where reasonably needed along the Hatch and Martin property lines to ensure full screening from the project;
15. The trees and shrubs planted throughout the site shall be of mixed species and that, other than hedgerow plantings for screening purposes, there will be no monolithic landscape plantings on the site; and
16. A final revised site plan that is responsive to the above conditions of approval shall be provided to the Zoning Administrator for approval prior to any zoning permits being issued for dwelling units on the property.

A vote of 5 to 1 affirmed the motion, with Member Stancliff in opposition.

WARNED HEARING: Donza, 2 more duplexes on Catamount St, \$500 SPA & \$630 CU

Applicant Dominick Donza and his wife Tiffany appeared before the Board seeking approval for a Dwelling Unit, Multi-Family use of parcel 24-052-1 off Catamount Street for the construction of two additional duplexes. Zoning Administrator Thomas described the history of the site to the Board. He said that the property was already home to two duplexes, which were accessed off Elmore Street by the newly named Catamount Street. He added that the brick "Shanley" House on the corner of Elmore and Catamount was also now accessed off Catamount Street and that the land where the two additional duplexes would be built was originally subdivided off from Shanley property by its current owner Graham Mink. Mr. Thomas added that there was already a multi-family dwelling unit use on the parcel which he believed was previously permitted administratively incorrectly. Mr. Donza explained that the proposed duplexes, shown on the submitted site plan as units 5, 6, 7 and 8, would be nearly identical to the two duplexes already on the property. Abutter Steve Leach wanted to ensure that stormwater will continue to move down through the property as it has historically done. Mr. Donza said that he had no plans to change the grading of the site other than a small slope away from the foundation of each building. Member Stancliff questioned the adequacy of the roadway. Mr. Donza replied that the

roadway was gravel and 18 feet wide and designed for all four duplexes. Member Breault moved to grant conditional use approval for the subject application with the Board's normal conditions. A vote of 6 to 0 affirmed the motion.

The meeting adjourned at approximately 8:40 P.M.

Respectfully submitted by Todd Thomas, ZA.