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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 14, 2008

Members Present: Gary Nolan, Karyn Allen, Paul Trudell David Silverman, Theresa Breault, Jean Wickart

Members Absent: Ron Stancliff

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Jean, minutes of the July 10 & July 24, 2008 meetings were approved as presented.

WARNED HEARING: MAX & LORRAINE PAINE: PRELIMINARY PLAT APPROVAL, 3-LOT SUBDIVISION, LAWRENCE ROAD

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, and 810 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Max Paine and project engineer John Pitrowski of Trudell Consulting Engineers. There were no other interested parties present.

Max explained that he wished to create two new lots (lot 1 being 3.84 acres and Lot 2, 2.83 acres) from the current 20.5-acre parcel on Lawrence Road. Lot 3, containing his home, would be 13.82 acres. The two new lots are intended for single family homes, with on-site wastewater disposal systems sized for a four-bedroom home and drilled wells on each lot.

Max said the site plan currently shows Lots 1 and 2 sharing a common driveway off Lawrence Road. He said he'd done this based on his previous experience with another nearby subdivision, but would be just as happy to modify the plan to provide individual driveways for each lot. He also noted that he was establishing a 30-foot wide right-of-way and utility easement across Lot 3 to an adjoining parcel he owns. Gary advised that under the zoning bylaws, any right-of-way needs to be 50 feet wide.

Max identified the location of Class Two wetlands associated with Lawrence Brook on the western edge of Lot 3. There is no new development planned for any of Lot 3 and a 50-foot wide buffer zone along the wetland boundary is established on the site plan.

David moved to approve the application as presented, with the conditions that the proposed right-of-way across Lot 3 be established as fifty (50) feet wide for final plat approval

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and that access permits for any new driveways be obtained from the Highway Superintendent. Paul seconded the motion and it passed unanimously.

WARNED HEARING: VT SLATE & COPPER SERVICES INC, dba ALPINE SNOWGUARDS: SITE PLAN APPROVAL, 24X48 COLD STORAGE BUILDING, 289 HARREL STREET

Gary introduced the application, to be reviewed under sections 233 and 500-503 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Thomas Langlois and Karen Lanpher, representing the applicant. There were no other interested parties present.

Tom explained Alpine Snowguards' plans to construct a 24x48 cold storage building behind their existing manufacturing facility on Harrel Street. The building would be used to store materials used in their manufacturing activity and some finished products awaiting shipment. There would be no exterior lighting or heating and plumbing fixtures within the structure. The building would take up space currently used for parking, but the overall parking layout was being realigned to conform with the standard (9x18) size defined in the zoning bylaws, so there would be no reduction in the total number of available parking spaces.

Theresa asked how many people worked at the site and if there would be any increase in that number resulting from this project. Tom said they had 21 employees and no increase was planned as a result of this project.

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

WARNED HEARING: VIRTUAL REALTY INC, FINAL PLAT APPROVAL, 22-LOT SUBDIVISION (POPE MEADOW), ELMORE STREET

Gary introduced the application, to be reviewed under sections 254, 750, 765, 770 and 790 of the zoning & subdivision bylaws. He reviewed the application history, noting that the DRB had granted approval for the subdivision in June 2007. On appeal of this decision, the Environmental Court found that a warned hearing for final plat approval had not been held, as required by the bylaws. The project was back before the DRB for final plat approval at this time.

He stressed that only those issues that have changed since preliminary plat approval or that are subject to the provisions for final plat review & approval would be addressed at this hearing.

Paul Trudell recused himself from this hearing as he is working with the applicant on portions of the project planning. Theresa administered the sworn oath to Scott Mansfield and Pamme Gagnon, representing the applicant, project engineer Bernie Chenette, and neighbors and other interested parties present.

Bernie Chenette reviewed the overall project plan and highlighted changes to the plan since preliminary plat approval. He noted that the subject lot had been surveyed, resulting in a slightly larger (9.66 acres vs 8.9 acres) total parcel size. He identified a 2.5-acre area on an adjoining property (also owned by the subject property's current owner, Greaves Farm Corp) that is proposed to serve as a stormwater treatment area by easement.

The most significant change since the earlier approval is that the applicant is no longer

proposing to install a private water system to serve the development. Instead, they are proposing to utilize the municipal water system, installing a 'pressure zone' to provide adequate water pressure to the development from the existing municipal reservoir above Demars Road. He stressed that this system connection was not part of a larger municipal water system upgrade recently approved by Village voters to rectify an existing low water pressure problem in the area.

David noted that the proposed 'pressure zone' lines run past a number of homes on Demars Road that are impacted by the low water pressure problem, with many of these using pressure pumps to compensate. Was there any consideration of including these homes in the 'pressure zone'? Bernie replied that the planned system upgrade would take care of these homes.

Carol Lambert said she understood that the state water supply division had stated that no new hookups to the Morrisville water system in the Elmore Road/Fairwood Parkway area would be permitted until the low water pressure problem was corrected; has this been resolved? Bernie noted that the municipal system is scheduled for an upgrade to fix this problem and said that an application for this project's water supply permit, using the municipal system and the previously described 'pressure zone', is pending before the ANR Water Supply Division.

Bernie also noted that under the earlier plan, the development's private water supply would include a 50K-gallon storage tank for firefighting purposes. Under the new arrangement, a separate firefighting water line would run from the Village reservoir to the development to provide adequate water supply for this purpose. Bernie added that the sewer plan still had lines gravity flowing to the southwest corner of the parcel, then pumped north to the existing sewer line on Elmore Street.

Bernie reviewed revisions to the stormwater (SW) discharge plan, which now channels all runoff into a stormwater retention area on an adjoining parcel. Applications for Construction SW and Operational SW permits have been filed with the ANR Water Quality Division.

A condition of approval of the preliminary plat was that the applicant share with the Town the cost of installing a sidewalk along Elmore Street from its current end at the intersection of Elmore Street and Fairwood Parkway East to a point across from the proposed subdivision entrance, a distance of approximately 750 feet. The applicant now proposes to complete the sidewalk extension at its expense as part of the overall project plan. The project plans depict the sidewalk extension.

Regarding ownership and maintenance responsibilities for utility services and common infrastructure, Bernie said Morrisville Water & Light had indicated they would accept ownership of and responsibility of the water and sewer services installed in the development while a homeowners association would retain ownership and responsibility for the internal road and the stormwater management system.

In addition to the aforementioned state permits, Bernie advised that the applicant has submitted his application for a Land Use (Act 250) permit, with a hearing on the application scheduled for September 10, 2008, state highway access permit, and state water supply and wastewater disposal system permit.

Responding to a question from Eleanor Lipinski, Bernie provided additional details of the stormwater management system, explaining that the primary treatment method would be natural filtration through grass and the SW detention pond. Ms Lipinski expressed concern about potential insect problems from the detention pond. Bernie said the pond would be regularly

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served and maintained and if there were an insect problem due to standing water, it would be treated with insecticides

David asked if each planned duplex structure would have the same fire protection systems that were envisioned when the project was to have its own private firefighting water supply. Bernie said yes, they would.

David asked about the planned build-out schedule. Bernie described a two-phase schedule, with the overall infrastructure and the first 12 buildings (lots 1 and 7- 17) being constructed first, followed by Phase II, with the remaining 10 duplexes (lots 3-6 and 18-22).

Carol Lambert asked about the expected construction activity. Bernie said he would anticipate construction activity between 7am-5pm, Monday thru Saturday, although it would likely end earlier in the day on Saturdays. Carol asked the Board to consider the impact (noise, traffic, etc.) from this level of activity over several years on the neighbors. She also expressed concern that children living in the development would be crossing through the adjoining Fairwood Parkway West properties.

David asked about bonding requirements to ensure all required improvements and infrastructure was properly completed. Scott Mansfield said he appreciated the need for such bonding and expected to come up with a suitable arrangement that satisfied the bonding requirements listed in sections 750.8 and 790.3 of the bylaws. Specifically, he would seek the Board's approval for a bond to cover any uncompleted infrastructure at the time he applied for the first zoning permit for a structure or structures in the development.

Sonny Sanborn expressed concern that there was only a single access point into and out of the development onto Elmore Street; she felt there should be two for added safety and access. Gary said that issue had been addressed in the preliminary plat review process and found to be adequate with one access point. She also expressed concern that this many additional water system users would further aggravate the existing low water pressure problem in the area.

Jane Greene once more expressed her view that the scale of the project is out of character with the surrounding neighborhoods.

David moved to go into deliberative session to consider the application. Theresa seconded the motion and it passed unanimously. The public hearing was closed following the motion.

The Board met in deliberative session. David moved to grant final plat approval, with conditions. Karyn seconded the motion and it passed unanimously.

The meeting adjourned at 9:25 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 8/28/08