

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 12, 2010

Members Present: Karyn Allen, Theresa Breault, Brian Irwin, Gary Nolan (Chair) & Jean Wickart

Members Absent: Ron Stancliff, Paul Trudell & Chris Wiltshire

Recorder: Todd Thomas, Zoning Administrator (ZA)

Guests: Ray Belanger, Ed Baker, Daniel Demars, Kevin Kelley, Howard Manosh, JB and June McKinley & Seth Westcott

Member Nolan called the meeting to order at 7:30 PM. Member Breault moved to approve the minutes of the July 22, 2010 meeting as presented. The motion was affirmed by a vote of 5-0.

WARNED HEARING: Nathan & Jane Barbour Conditional Use and Site Plan Approval

Applicant Jane Barbour appeared before the Board for Conditional Use and Site Development Plan Approval for an 18' X 28' & 10' X 10' addition to a non-conforming use / commercial structure located at 46 Hutchins Street. Chair Nolan said that the application was to be reviewed under §205 Central Business District / §209.2 Specific Requirements / §435 Expansion of Non-Confirming Uses / §500 Site Development Plan Approval / §630 Conditional Use. ZA Thomas said that this application was only before the Board because the Barbour's lot was undersized at approximately 5,800sf when compared to the 10,000sf minimum lot size required in the zoning district. Therefore, the application only needed a §435 Expansion of Non-Confirming Uses determination by the Board, as the proposed addition met all dimensional requirements. Chair Nolan said that application complied with the requirements of this regulation. The Board discussed if any additional parking would be required as a result of the proposed addition. Chair Nolan said that the site is within 400 feet of the municipal parking lot which would satisfy any additional parking needs. Abutters JB and June McKinley spoke about overflow parking taking place on their vacant lot, as well as concerns about the Barbour's retaining wall directly to the south of their joint right-of-way. The McKinley's thought the addition would place extra stress on the retaining wall and cause it to fail and fall onto the right-of-way. Ms Barbour said that if the wall were to fail, that she would be responsible for it, but added that the wall was very unlikely to fail as it was reinforced with rebar. Chair Nolan said that the retaining wall was a private matter and not a zoning concern for the Board. Member Breault moved to grant Site Development Plan Approval and Conditional Use for the application. The motion was affirmed by a vote of 5-0.

WARNED HEARING: CHSLV Conditional Use and Site Plan Approval

Applicant Kevin Kelly and his architect Seth Westcott appeared before the Board on behalf of Community Health Services of Lamoille Valley for Conditional Use and Site Development Plan Approval for a dental clinic in retail space at 66 Morrisville Plaza, owned by Murphy Realty Co

Inc. Chair Nolan said that the application should be reviewed under review under §210 Commercial District / §214.2 Specific Requirements / §500 Site Development Plan Approval / §630 Conditional Use. Mr. Kelley said that the dental clinic would occupy the entire 6,000 sf retail space formerly rented by Blockbuster Video. The space would be divided between administration and dental, with a total of 11 chairs for multiple dentists, with hours of Monday through Friday from 8 A.M. to 7 P.M. Member Wickart moved to grant Site Development Plan Approval and Conditional Use for the application. The motion was affirmed by a vote of 5-0.

WARNED HEARING: Ray Belanger Preliminary Plat Approval for Belanger Lane

Applicant Raymond Belanger appeared before the Board for Preliminary Plat Review for a Major 4-Lot Subdivision (3 new buildings lots) on the right-of-way of the previously approved Belanger Lane subdivision. Howard Manosh was present in the audience for the discussion. Chair Nolan said that the application was to be reviewed under §260 Rural Residential with Agricultural Use District / §264.2 Specific Requirements & §740 Review and Approval of Preliminary Plat. Chair Nolan also read emails from abutters Raymond Dewan and Robert Letwenski into the record. Mr. Belanger said that the three new residential lots proposed would be serviced by the existing roadway and that no future expansion of the roadway was planned. ZA Thomas noted receiving municipal signoffs from Highway, Power and Police. Chair Nolan referenced the State WW wastewater and water permit in the meeting package for the three lots. The Board decided that a site walk should be done to investigate the neighbors' concerns and scheduled it for August 26th at 6:30 P.M. Member Allen moved to recess the hearing for the site walk on the 26th. The motion was affirmed by a vote of 5-0.

Discussion: North Central Vermont Recovery Center at 275R Brooklyn Street

ZA Thomas said that under §501.1 of the Bylaw he wished to refer the zoning application of North Central Vermont Recovery Center (NCVRC) to locate at 275R Brooklyn Street in the former 20-20 space. Ed Baker and Daniel Demars appeared before the Board in hopes of establishing a NCVRC clubhouse / meeting room at this location. Mr. Baker said that this is not an outpatient care facility, staff would always be present, and that daily hours would be from 10 A.M. to 10 P.M. ZA Thomas said that given the former use of the space, the proposal does not qualify as "Development" or a change of use under the Bylaws. Chair Nolan said that he thought the proposed use was the same use as the old 20-20 space. Member Breault agreed that the use was the same and said that the application did not need a zoning permit. Mr. Baker thanked the Board for its time and said the NCVRC hoped to be open by October 1st.

The meeting adjourned at approximately 8:40 PM.

Respectfully submitted,
Todd Thomas, ZA

Minutes approved on: September 9, 2010