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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 10, 2006

Members Present: Gary Nolan, David Silverman, Theresa Breault, Carl Fortune, Jean Wickart, Paul Trudell, Lauren Traister (alternate), Steve Berson (alternate)

Members Absent: Karyn Allen

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 Theresa, seconded by Carl, minutes of the July 27, 2006 meeting were approved.

WARNED HEARING: SHARON DIETZ, CONDITIONAL USE & SITE PLAN APPROVAL, RESTAURANT EXPANSION, 82 LOWER MAIN STREET

Gary introduced the application, to be reviewed under sections 208-209, 421, 450, 500, and 630-637 of the zoning and subdivision bylaws. David recused himself due to potential conflicts of interest. Jean disclosed that she owned property across the street from the subject property and said she felt she could objectively hear the application. There were no objections to her participation. DRB alternate members Lauren Traister and Steve Berson participated in the hearing as voting members. Theresa administered the sworn oath to the applicant, Sharon Dietz, Jay Caroli (assisting the applicant), and others present for this application.

The applicant is seeking approval to expand her café by converting approximately 900 square feet of vacant storage space into a kitchen, rest rooms and a second dining area for 20 patrons. A small outdoor garden area at the rear of the building would also be available for use. The expanded restaurant would roughly double the current seating capacity.

Jean asked about the garden area. Sharon said it would be a quiet spot for patrons to congregate. There would be no tables or seating for outdoor service. She said it was possible a musician might perform there at times, though the audience would be limited by the small size of the garden area. One or two low lighting fixtures would be in place. Lighting would not illuminate adjoining properties.

Theresa inquired about service deliveries and trash receptacles. Sharon stated that service deliveries would continue to be made from the street. The existing trash cans would be moved further back down the alley and would be enclosed in a secure structure to prevent spillage and rummaging by animals. She said she currently has trash removed once a week, but would increase the pickups as necessary from the increased activity.

Theresa asked about operating hours. The restaurant will be open from 6:30 AM on weekdays and 8:00AM on weekends and would stop serving food at 10:00 PM, with any residual activity over by 11:00 PM.

Carl asked where patrons and staff would park. Sharon said there are a limited number of on-street parking spaces along Lower Main Street and additional parking in the nearby Union Bank lot. She noted that the busiest times have been in the evening, after the bank and other businesses in the area are closed. She added that many of her customers are walk-ins, requiring no parking.

Paul asked Sharon for approximate numbers of customers served in the existing space. She responded that she gets 5-20 for breakfast, 15-40 at lunch, and 20-70 for dinners, adding that her space crunch is in the evening, which is why she wants to expand.

Adjoining property owner Judith St Aubin said she was concerned about increasing the level of activity in the area. While she's generally supportive of the Bees Knees, she stressed the need to balance both commercial and residential uses in this part of the village. She noted that the original application for this business was for just a café, with no on-site prepared meals. Now it's grown into a full-blown restaurant and seeks to expand even further. She said there are existing problems with raccoons, skunks, and other vermin attracted to the restaurant's trash. She's also concerned about possible noise from music in the garden area.

Paul said it was possible to control the trash problem by securing the containers inside an enclosed area and by increasing the frequency of pickups.

Adjacent property owner Joan Birmingham said she hears noise from the trash pickups now, when the containers are locate more to the rear of the property, and suggested locating the trash enclosures closer to the front of the building in the alley. She also expressed concern about noise from music and patrons in the garden area.

Next door property owner Larry Bertrand echoed the previous concerns regarding noise and added a concern about kitchen odors wafting up to his three rental apartments. Sharon responded that the kitchen vents would be located directly above the kitchen, on the opposite side of the building from Larry's building.

Greg Brown, a patron of the restaurant, cited its casual, friendly social atmosphere used by families and people of all ages, even though it's directly on a busy street. He felt the garden area would provide a safer area for children.

Stacy Starkweather, another patron, spoke about the community spirit evident at the Bees Knees among a diverse clientele. She felt it was a definite asset to the community and an example of the kind of business that attracts people to the village.

Several others people made similar statements of support. The ZA presented two emails from other supporters and an email from the police chief stating that there had been no problems (parking, noise, loitering, etc.) reported to his department in the three years the business has been operating.

Paul moved to go into deliberative session on this application following the other warned hearings on the agenda. Theresa seconded the motion and it passed unanimously.

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WARNED HEARING: JOSEPH & MARCELLA LANPHEAR, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, FITZGERALD ROAD

Gary introduced the application, to be reviewed under sections 264, 730,740, 780, 810, and 840-860 of the zoning and subdivision bylaws. David rejoined the board for this application. Theresa administered the sworn oath to applicants Joseph and Marcella Lanphear.

The Lanphears are seeking approval to subdivide an 11.4-acre lot from an existing 96.8-acre parcel. The land is currently in agricultural use. The new lot is intended to accommodate a four-bedroom single-family home, with on-site water and waste water systems. Access to the lot is directly off Fitzgerald Road.

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

WARNED HEARING: FRITS & KATHERINE MOMSEN, PRELIMINARY PLAT APPROVAL, 3-LOT SUBDIVISION, MOREN LOOP/BEDELL FARM ROAD

Gary introduced the application, to be reviewed under sections 264, 730,740, 780, 810, and 840-860 of the zoning and subdivision bylaws. Theresa administered the sworn oath to applicants Frits and Katherine Momsen and Althen Reed, present on behalf of adjoining property owner Armin Mayer.

The Momsens own a 30-acre parcel straddling the Morristown-Stowe border. They are seeking to subdivide the 12.4-acre portion lying in Morristown into three lots of 7.3 (lot A), 3.1 (lot B), and 7.4 (lot C) acres. Lots A and B have existing homes and are accessed by an existing driveway from Bedell farm Road, off Moren Loop. They share a spring for their water supply. Lot C is proposed for a single-family home, to be accessed directly from Moren Loop. The existing on-site sewage disposal systems for Lots A and B would be replaced by new systems to be located on Lot C by easement, along with Lot C's sewage disposal system.

Althen Reed conveyed adjoining property owner Armin Mayer's concern about recent increases in water runoff onto the Mayer property from the Momsen property and that new construction would likely increase this. Frits Momsen said there had been no recent work on either of the two existing homes that would cause any runoff onto the Mayer property and that the only potential new construction would be on Lot C, located on the opposite end of his property from the Mayers. He noted that the proposed common septic area for the three lots is downslope of the Mayer property. He also noted that there are springs located in the area of the Mayer property that was identified as being wetter than usually that may be the source of the problem cited by Mr Reed.

David moved to approve the application as presented, with the condition that all requirements of Section 850 (Drainage Improvements) of the subdivision bylaws be met. Carl seconded the motion and it passed unanimously.

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WARNED HEARING: DANIEL DONZA, PRELIMINARY PLAT APPROVAL & LOT SIZE WAIVER, 2-LOT SUBDIVISION, STERLING VALLEY ROAD

Gary introduced the application, to be reviewed under sections 264, 730,740, 780, 810, and 840-860 of the zoning and subdivision bylaws. David recused himself due to potential conflicts of interest. Theresa administered the sworn oath to applicant Dan Donza and adjoining property owner Steve Berson. The ZA noted that this was a resumption of a hearing recessed on April 13, 2006.

Dan Donza proposes to subdivide a 4-acre parcel on Sterling Valley Road into two 2-acre lots. Lot 1, on the upper portion of the parcel, contains a single-family home; Lot 2, with frontage along Sterling Valley Road, is proposed for a single-family home. Access to Lot 1, as well as an adjoining property is via an existing driveway across Lot 2. Both lots would share a common on-site sewage disposal system located on Lot 1, with a replacement area located on Lot 2; each would have its own drilled well.

Both lots are two acres in size. However, when the area for the public right of way along Sterling Valley Road and the private right of way along the common driveway is subtracted, as required by the 'lot size' definition in the bylaws, Lot 2 is 1.7 acres. Mr Donza is seeking a 15% lot size waiver, from 2.0 acres to 1.7 acres, for Lot 2.

Steve Berson opposed granting the lot size waiver, saying that lots along this portion of Sterling Valley Road were already the smallest in the area. He hopes that lots in this area would remain at least two acres and would prefer to see the minimum size increased.

Theresa moved to approve the application as presented, including the 15% lot size waiver. Jean seconded the motion and it passed unanimously.

OTHER BUSINESS:

David Nepveu addressed the board on behalf of Vermont Precision Woodworks seeking clarification of the sign bylaws regarding banners and similar temporary displays. He said VT Precision Woodworks had recently put up a banner alongside their permanent sign on Brooklyn Street, only to be told by the ZA to remove it. He said other businesses in the immediate vicinity had similar banners and wanted to know what criteria there were to allow or disallow such displays.

The ZA stated that he'd asked VT Precision Woodworks to remove their banner because it was located within the road right of way and was blocking the vision of drivers exiting from Professional Drive onto Brooklyn Street.

Mr Nepveu acknowledged that the banner was initially placed in the right of way and that they had removed it upon seeing that it did pose a traffic safety issue. He wanted to know whether they could place it by their sign, in a location that did not block drivers' vision of the road, on a temporary basis to advertise their merchandise.

The ZA said that such banners are technically signs requiring permits but that as a practical matter, he allows them on a limited basis. If they become a traffic hazard or are displayed on a permanent basis, he requires a sign permit be obtained or the banner be removed.

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The board met in deliberative session on the Sharon Dietz conditional use application. Carl moved to approve the application, with the conditions that outdoor garden area be screened from view of adjoining properties, no food service in the garden area, no music or other live entertainment outside after 8 PM, that trash receptacles be secured from small animals and kept neat and orderly, and that the permit be reviewed for compliance annually for three years. Paul seconded the motion and it passed unanimously.

On a motion by Carl, seconded by Lauren, the meeting adjourned at 8:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 8/24/06 DS/KA