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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of August 09, 2001

Members Present: Carol Jennings, Theresa Breault, Mary Brainard, Paul Trudell, Jean Wickart and David Silverman.

Members Absent: Tom Paine and Gary Nolan

Guest: Mike Morrow, Brian Kellogg, Terry Bailey, John Stuart, Larry Lamphere, Debra Burbank, Gloria Gardella, Russell Gardella, Karen Wu, Leslie Oplinger, Patti Spear, John Wilking, Chip Hart, David Connon, Cherie Hammond, Steve Demaritt, Todd Shonio, Patrick Donlley, Brenda Pickard, Tell Gregory, Brad Gregory, and Larry Cornblatt.

The meeting was called to order at 7:50 PM. by David Silverman, Acting-Chair.

Theresa made a motion to approve the minutes of July 12, 2001, as written.
Mary seconded the motion and it passed unanimously.

The following site walks were conducted prior to tonight's hearings: Town of Morrisotwn property on Cochran Road, Max and Thomas Paine property on Laporte Road, Birch Hill Development property on Campbell and Randolph Roads, Lamoille Family Center property on Cadys Falls Road, and Alan and Larry Cornblatt property on Upper Main Street

ANNUAL REVIEW HEARING, GERALD SUTTON, BRIDGE STREET ,

David opened the hearing and asked for a motion to recess the hearing until September 20, 2001.

Theresa made a motion to recess the hearing until September 20, 2001.
Jean seconded the motion and it passed unanimously.

WARNED HEARING, THOMAS AND MAX PAINE, LOT LINE CHANGE, LAPORTE ROAD.

David opened warned hearing and gave an overview of the application The application will be reviewed under Sections: 795-795.3 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath to Max Paine.

Ms. Paine gave an overview of the lot line change. Mr. Paine is selling Thomas Paine a section 165' X 438' where they sell wreaths so that he can use it for farm stand produce as well.

Theresa made a motion that the lot line change with our standard conditions.

Carol seconded the motion and it passed unanimously.

WARNED HEARING, TOWN OF MORRISTOWN LANDOWNER, LAMOILLE REGIONAL SOLID WASTE MANAGEMENT DISTRICT APPLICANT, RECYCLING STATION, COCHRAN ROAD.

David opened the warned hearing and gave an overview of the application. The application will be reviewed under Sections: 260, 263.g, 450-454, 500-503.4, and 630-637 of the Morrisville/Morristown Zoning and Planning Bylaws.

Theresa administered the sworn oath to Mike Morrow, Brian Kellogg, Chip Hart, John Wilking, and Terry Bailey.

Mr. Morrow gave an overview of the proposed recycling station. The station consists of two 40 yard roll off containers, stairs and platform to the containers, 8'X 10' shed for tools, sorting table, and a truck on site from 9:30 AM to 2:30 PM on Saturdays only for mixed garbage. The layout is per Bill Moulton's request.

Paul asked if it would be the same set up as behind Hillary's?

Mr. Morrow said Yes.

David asked about the Pinecrest Trailer Park's Aquifer Protection Area and the impact this would have on the water quality.

Mr. Murrow replied roll offs have water resistant covers with no drain holes in bottom of the containers and they have not had a problem with water getting in them. The mixed garbage is bagged and goes into a covered truck. The only way that he could see if anything would impact the water was if someone's gas tank leaked.

Paul asked how many people do they see and if there is enough parking?

Mr. Morrow said about 125-160 people and the parking lot has plenty of room

Chip Hart one of the park owners had concerns with smell, noise, traffic, is the road sufficient to handle a car every 3 minutes with normal traffic, it's a public commercial use in a residential district, screening, security, and growth, as their well is only 20-50 feet from Cochran road. Their well supplies water for about 150 people in the park. He asked that the permit application be denied as it is not far from four or five private wells and is just outside of the 200 foot no build zone.

Mr. Morrow replied that he has never seen water in the roll offs and if they were wet the

recyling would be contaminated. The truck leaves the site every Saturday at 2:30 PM.

Terry Bailey ask the board to deny the application as it is in a residential district. It traffic impact from a minimum 125 cars more on a Saturday will be significant. His deed talks about water contamination from the Town property. He shares a well with the Town above the Town Garage. The proposed site is a remote location and question if it will be used.

David asked if anyone has any traffic numbers on Cochran Road and is their a plan is the well be comes polluted?

Mr. Morrow responded that he can not see that it is treat to the water system unless someone gas tank leaks. He has no data on traffic monitoring. The containers are lock when not open.

Mr. Bailey asked why it could not stay at its current locations.

Mr. Morrow replied that it is either move it or pay rent and they do not have the budget to pay the rent.

Mary made a motion to recess the hearing to a deliberative session to follow remaining hearings tonight

Carol seconded the motion and it passed unanimously.

WARNED HEARING, LAMOILLE FAMILY CENTER, ADDING DAYCARE TO USE PERMITTED USES AT THE FACILITY , CADYS FALLS ROAD.

David gave an overview of the application. It will be reviewed under Sections: 260, 263.e, 450-454, 500-503.4, and 630-637, of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath to Brenda Pickard, Cherie Hammond, and David Cannon.

Cherie Hammond gave an overview of the project. The are asking approval for an eight child daycare facility the children will be from 6 weeks to 3 years old on Tuesday, Wednesday and Thursdays during the school year. They had a daycare until a little more than a year ago. This daycare is being operated so the mother and/or father can attend classes on parenting and life skills. It need a new license from the state to reopen the daycare. Traffic will be reduced as fewer will be coming and going and they hope at some point to have a van for transporting parents and infants. They will have two certified childcare providers with the eight infants.

Theresa made a motion to approve the application with our standard conditions.

Jean seconded the motion and it approved unanimously.

WARNED HEARING, BIRCH HILL DEVELOPMENT CORP. 13 LOT SUBDIVISION, ON CAMPBELL ROAD.

David opened the warned hearing and gave an overview of the application. David noted that normally they would rubber stamp the subdivision approved when only one piece of paper was forgotten to be filed, however with Birch Hill Development Corp., starting work without and

permit and see violation that we will hear this application in full and that the Board will need some assurances that it will be complete in good workmanship manor. The application will be reviewed under Sections: 700-860.1 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath John Stuart, Leslie Oplinger, Gloria Gardella, Russel Gardella, Larry Lamphere, Debra Burbank, and Karen Wu,

David asked Ken to give an overview of the stop work order.

Ken said he found the road to lots 1A, 1B and 1C too close to the neighbors property line, work being done without permits, fire pond and hydrant without water, stumps being buried under the road, geo-fabric and stone rather culverts, excessive clearing outside of building envelopes, development road in wrong location, no access permit for development road, no erosion control measures,

Mr. Stuart explained that some one forgot to file the mylar with the Board signature within 90 days as per our regulation. They are asking for reapproval for the thirteen lots that are 5 plus acres to more than 70 acres. There were a number of problems at the site when the Town shut them down. Erosion control were not be finished by the time they had to stop work and it a concern for Mr. Stuart if we get hard rains, and would like approval to employ the require erosion control measures to start as soon as possible if allowed by the DRB

David said that he agreed the erosion measures need to be in place before we get rain.

It was discussed between Mr. Stuart the DRB and the Zoning Administrator that an emergency order could be issued to allow them to address the erosion concerns immediately.

The sites are for single family dwellings, on 160-170 acres, 110 acres preserved with a permanent easement for deer yards. They have partially constructed 2,700 feet of road. It has been a dry year so they have not seen much erosion, and the erosion control measures needs to be completed. Lots will have on site water and individual septic systems either on or off site.

Ms. Burbank asked about the road

David said he is concerned with all the problems and how do we assure it will be done correct in the future.

Mr. Stuart offered to do weekly inspections and that he would file it with the town. David asked about a bond or escrow account and what would it cost to complete the work.

Mr. Stuart said about 200,000.00 to 250,000.00 to finish.

It was discussed that a third party engineer should inspect the property weekly to assure all work is being completed properly.

Ms. Oplinger said she was upset with the list of violations and is concerned about erosion and increased stormwater on her property.

David asked about problems on Phases 1 and 4.

Ken explained part of phase 1 approval was for a fire pond and hydrant, now the pond is dry and on Phase 4 the development road was too close to neighbor's property line.

Mr. Stuart responded that the pond was drained for regular maintenance and being dry it has not filled up. The road can be moved to meet the setbacks.

Mr. Lamphere said the reason the pond does not have water is because they diverted the water, when they worked in the brook and presented the Board with pictures of people digging with heavy equipment in the brook.

Mr. Stuart said they did not divert the brook to his knowledge.

Mr. Lamphere asked about the road they put in next to his house that not on any of the maps and what is it for.

Ms. Oplinger asked about the stormwater change she is seeing.

Mr. Stuart said they are not significant and not a detectable change and he said we need to get erosion control structures in place as soon as posible.

Ms. Wu asked about the deer yard and the over cutting

Mr. Stuart said that the owner will have to replant trees.

Ms. Wu asked if they would be twenty foot tall trees

David explained that he on his own property has not had success planting big trees so they will be smaller than those cut, but that she should call Act 250 with her concerns.

Theresa moved to recess the hearing to a deliberative session to follow the remaining heaings. David asked if she would be willing to add that tonight they would be addressing the erosion concerns.

Theresa agreed and added it to her motion

Jean seconded the motion and it passed unanimously

Ken asked if the DRB was going to sign the mylar on all of the lots that had been submitted.

David said he would entertain a motion on the mylar.

Theresa made a motion to approve and sign the mylar

Paul seconded the motion. The Board voted unanimously not to sign the mylar.

WARNED HEARING, ALLEN CORNBLATT OWNER, LARRY CORNBLATT APPLICNAT, CONVERTING SECOND FLOOR INTO TWO APARTMENTS, UPPER MAIN STREET.

David opened the hearing and gave an overview of the application. The application will be reviewed under Sections: 205, 208.d, 450-454, 500-503.4, and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Mr. Larry Cornblatt gave an overview of what he wants to do. Catamount Studios rented the upstairs space and has been gone for several months without anyone showing interest in renting the space and with a shortage of housing in Morristown he would like to convert the space into two apartments. One, one bedroom and one, two bedroom.

David asked about parking.

Mr. Cornblatt said they could use the municipal parking lot.

Paul read from the bylaws that it is for business use only, but the DRB could reduce the number if they chose.

Mr. Cornblatt said he and his employees could park in the municipal parking lot and leave the spaces for his tenants.

Mary made a motion to approve the two apartments and only require one parking space

per dwelling unit.

Theresa seconded the motion and it was approved unanimously.

Other Business:

Deer Run Avenue Agreement: Ken and Patti Spear explained that the agreement deals with road location and clears up a cloud on the title of the homeowners. This will not effect the on going pursuit of Classic Homes of Vermont for failing to correct road problems. The agreement has been reviewed by our attorneys and is all right to be signed by the DRB.

Paul made a motion to sign the agreement as presented

Carol seconded the motion and it was approved unanimously.

Todd Shonio: Mr. Shonio ownsof Stowe Property Management Company and wants to build a 30' X 70' pole barn to store his equipment in. He was approved for a home business and is using up the 25% of floor space of all the building on the property and that the 2,100 square foot building. The DRB reviewed the Lister's number on square footages of the buildings and found that Mr. Shonio is at his maximum allotted square footage.

David suggested that he talk with the Planning Commission about making changes to the bylaws.

Mr. Shonio asked when he could talk with the Planning Commission.

Ken explained that they will only hear request once per year and that meeting will be the first Tuesday in January of 2002.

Brad Gregory: He asked the DRB if they would be opposed to him subdividing his property as it was going to cost him $15,000.00. to have it surveyed. He explained that most of his land is in the Village of Morrisville public water aquifer. The Board reviewed Section 300 of the bylaws and suggested that he have perk test done first to see if anything a problem, but they did not see any problems.

Theresa made a motion to close the public hearing and go into deliberative session

Mary seconded the motion and it passed unanimously.

Paul made a motion to come out of deliberative session.

Carol seconded the motion and it passed unanimously.

Paul made a motion to issue an emergency order on Birch Hill Development Corp. to install the proper erosion control measure immediately under John Stuarts supervision, recess the meeting to a second sitewalk on August 23, 2001 at 6:30 PM , and following the site walk hold a deliberative session on August 23 at 7:30 PM.

Jean seconded the motion and it passed unanimously.

Carol made a motion to recess the LRSWMD hearing until September 13, 2001 provided we have an answer back, if not it will be heard on September 27, 2001, to give Agency of Natural

Resources time to review the application as it is located in an Ground Water Source Protection Area, and is required by our bylaws and state statutes.

Theresa seconded the motion and it was approved unanimously.

Jean made a motion to adjourn the meeting 10:45 PM.
Mary seconded the motion and it passed unanimously.

Respectfully submitted,
Kenneth J. Sweetser, Scribe.