

Morrisville/Morristown Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of 26 July 2023

Members Present: Donnie Blake (Alternate for both hearings), Susanna Burnham, Gary Nolan (Chair), Melissa LeBlanc, Christy Snipp, Paul Trudell (who recused himself for the Duhamel gravel pit hearing), Mary Ann Wilson, & Lenny Wing (Alternate for the Duhamel gravel pit hearing only)

Members Absent: Chris Wiltshire

Staff: Zoning Administrator Todd Thomas

Guests: As noted on sign-in sheet recorded with the meeting minutes

Call to Order: Chair Nolan called the meeting to order at approximately 6:07 PM.

Minutes: Member Wilson moved to approve the 10 May 2023 meeting minutes. A vote of 7-0 affirmed the motion.

Hearing: Mooring Farm Accessory On-Farm Ag Events Business on Fishkill Ln (Ryan)

Applicant Cordelia (Kirk) Ryan appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval for a §415 Home Business use on Parcels 16111 & 16111-17 for an on-farm wedding reception business at 210 Fishkill Lane in the Rural Residential Agricultural Zone. Zoning Administrator Thomas explained that he could have issued a permit administratively for this accessory on farm agricultural business, but he thought it prudent to advertise and bring it before the Development Review Board (DRB) to give neighbors the ability to request permit conditions that could help mitigate the proposal's impacts to their nearby properties. He added that the Town's Zoning Bylaws do not have a use for accessory on farm agriculture, so he warned the application as a Home Business, which was the closest mechanism that allowed the DRB to attach permit conditions that might mitigate the neighbors' concerns. Mr. Thomas then explained to the audience that the DRB could not legally deny the requested accessory on farm agricultural business according to the various people at the Vermont Agency of Agriculture that he had spoken to within the last two weeks. He added that it was crystal clear to him after these conversations that Act 143 of 2018 made the requested event use on Mooring Farm exempt from municipal zoning control, other than the DRB having the ability to establish typically used restrictions on the proposed on-farm business venture for the benefit of the abutting property owners. The applicant, Ms. Ryan, addressed the DRB and said that her on farm events business would not be as myopic as the "wedding reception" description in the warning. She explained that she hoped to host other varied events such as educational workshops, team building exercises, and school events on her farm property. She said that she hoped to host up to 10 events per year on the farm. She clarified that maybe only 6 of these 10 events would actually be weddings. She explained that any weddings held on site would have a 10:00 PM noise cut off time, with events wrapping up by 11:00 PM. Ms. Ryan explained the bride and flower girls would cut flowers from her farm fields for the flowers and arrangements at the weddings, but the sale of cut flowers and stock trees would remain the main products and income source for her farm. She added that hosting up to 10 events a year would really help supplement the farm's income, but these events were in no way the main focus of her farm.

Member Trudell asked Ms. Ryan what was the largest number of people that could attend one of these on-farm events. Ms. Ryan responded that she would not accept a wedding of more than 200 people, but the vast majority of events would be much smaller. Ms. Ryan explained that events

would be held in tents, and no permanent structures could be built for said events due to the Stowe Land Trust conservation easement on her property. Zoning Administrator Thomas explained that because portolets will be used as the bathrooms for these events, no more than 28 event days are allowed each year per Vermont's wastewater rules. Member Trudell asked Ms. Ryan if her farm has been approved by the state. Ms. Ryan said that it had, and that she follows the Vermont Department of Agriculture's "required agricultural practices." Member Snipp asked about road access to the events. Ms. Ryan said that 18-Wheelers currently use Fishkill Lane without issue for tree deliveries for the farm. Mr. Thomas said that he confirmed with the Fire Chief that such road access would not be an issue for Fire Department response. Member LeBlanc asked about hours of operation. Ms. Ryan said events would typically be held on Fridays or Saturdays, with a couple of days of setup or breakdown before and after. Member Snipp asked about noise impacts to neighbors. Ms. Ryan said that the event area is located on the far end of the farm and is surrounded by trees on 3 sides, and she is planning on planting some screening trees on the remaining open side towards the rear of Green Mountain Drive. In response to a question about Joe's Pond, Ms. Ryan said that her event proposal was acceptable to the Stowe Land Trust, the conservation easement holder for this property. DRB members discussed how they would define what constituted an event day in their decision (ex. a paid rental day). Member LeBlanc ask about lighting and Ms. Ryan responded that all lighting will be down shielded or be under the event tent. Member Blake said that he would like a stop sign placed at the end of Fishkill Lane as a condition of any permit approval. Member Trudell queried if a site walk is warranted for the members of the DRB that have not yet walked the property.

The following abutter comments were noted for the record, and these individuals were granted Interested Party status:

Lauren Stagnetti on was concerned about noise;

Ron Stancliff was concerned that the proposed parking lot being located in a flood zone;

Scott Rank asked for an updated site plan and project narrative, plus screening to protect Green Mountain Drive residents from the proposed event space activities;

Kathleen McDonnell wants screening from the Fishkill Lane right of way to her house, and she also requested that any permit approval include a provision for no parking on Fishkill Lane or Gray Farm Road;

Amina Rank noted that Joe's Pond is described in the Town Plan as a valuable resource that needs better protection, and she echoed her husband's comments about the need for a better site plan that showed things like landscaping and traffic circulation;

Carl and Marcia Stewart asked that any permit granted be nontransferable to the next property owner without additional DRB review;

Eric Williams asked for a permit limitation allowing no more than one wedding per month;

Mette Endreson & Jeff Hill asked for screening from the event property, a property line fence, restrictions on bonfires, camping, and the use of Joe's Pond; and

Nancy Teed asked the DRB to make the determination that the Mooring Farm was not a farm, so events could not be held there under the accessory on-farm agricultural legal exception.

Other abutters, but not Interested Parties, comments included: requests for prohibitions on fireworks, confetti cannons, balloons, and an earlier in the evening music end time (9 PM). Gary Farm Road Michael Kochman cited language in the covenants for the property that he believed

were problematic with the proposed accessory on farm agricultural business. Member LeBlanc replied that there was language in his and the other Gray Farm property owners' deeds that made their dissent to the proposed accessory on-farm agricultural business problematic, but she added that covenants were a civil matter and only zoning compliance was the charge of the DRB

Member Burnham moved to continue discussing the application further in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the evening's Deliberative Session discussion, the DRB, by consensus, agreed to reconvene on August 9th to continue this discussion behind closed doors in Deliberative Session.

Hearing: Site Plan approval for Town gravel pit expansion on Duhamel Rd (Morristown)

Engineer Tyler Mumley and Attorney Brooke Dingleline appeared before the DRB requesting §500 Site Plan Approval under §485 Extraction of Soil, Sand or Gravel on Parcels 07132 & 07208 in the Rural Residential Zone to expand gravel extraction into a new area (Phase 3) of the Town's existing gravel pit on Duhamel Road. Engineer Mumley said that to the current gravel pit expansion request began at the Act 250 level almost four years ago. That request, which is the same request in front of the DRB, was to excavate 700,000 cubic yards of gravel over 25 years. He explained that the request did not include any operational changes for mining (as compared to the Phase 2 operation of the gravel pit that was most recently permitted in 2004). The Phase 3 mining would take place Monday through Friday from 7:00 AM to 5:30 PM, and last from March 1st through December 1st. Engineer Mumley said that the haul road up into the Phase 3 expansion area would be built first, and gravel extraction from this area would take place simultaneously and last 4 to 5 years. He added that during all extraction, reclamation of the extraction areas would happen every 2 acres, and annually when the gravel pit was shut down for the winter. Engineer Manley cited a Quechee Analysis aesthetic study, and the noise study were completed for the Phase 3 gravel pit expansion, with both studies ensuring project compatibility with neighboring properties. He added that the operational plans for the gravel pit expansion, which had already been approved by Act 250, included protections for streams, the Lamoille River, the Avery family's spring-well, treatment of invasive species, and Town assurance that recreational trail access on the property would remain throughout Phase 3 extraction.

Member Wilson asked how many truck trips into the gravel pit were allowed each day. Engineer Mumley said that 80 was the maximum number of daily trips allowed by Act 250, but the town could never approach that daily limit due to its limited trucks and equipment. Mr. Mumley added that the rock crusher could only operate 3 weeks a year per the new Act 250 Permit. Member Wing asked about the maximum depth of the pit. Engineer Mumley said that the maximum depth of extraction was approximately 70 feet. Member Snipp asked about future phases of extraction. Engineer Manley said that the Town reserves the right for a future Phase 4 extraction area, and additional phases of extraction from other gravel deposits within this public owned 308 acres of property. Neighboring property owner, and Interested Party, Julie Magoon asked a question about the reseeded of the reclamation areas. Non Interested Party Jamie Brewster asked about the small parking area adjacent to the Town's Duhamel property that was frequented by recreational users. He noted this parking areas has an expired lease that needs to be renewed with property owner Karen Cleary. Mr. Brewster also asked the DRB to take its time with this project and conduct a site visit of the property. Attorney Dingleline responded that the site was visited

many times during an incredibly lengthy and complicated Act 250 permitting process, and she asked the DRB to act on the application in front of them. Member Wilson moved to approve the project as presented, with conditions that mirror the Act 250 permit (as amended by the Town's ongoing appeal thereof), and an additional condition requiring Town Administration to exact and record a new lease for the aforementioned parking area (as it exists on the opposite side of the river from Duhamel Road) within 6 months from the date of the DRB's decision. A vote of 7-0 affirmed the motion.

Discussion (agenda add): DRB occupancy permit violations at 26 Hutchins St (LHP)

Zoning Administrator Thomas spoke to the DRB about the new and ongoing occupancy violations taking place at the new Lamoille Housing Partnership (LHP) apartment building at 26 Hutchins Street. Mr. Thomas told the DRB that the Executive Director of LHP was refusing to comply with the occupancy restrictions in the DRB's permit approval for this project. Mr. Thomas explained that LHP and Town Administration had failed thus far to reconstruct the Copley Municipal Parking Lot on Pleasant Street to create the needed off-street parking that the DRB required to accommodate the residents of the new 24-unit apartment building. Mr. Thomas added that the sidewalk conditionally required along the Hutchins Street frontage of the property prior to occupancy had been constructed incorrectly (bituminous asphalt was used instead of the concrete required by the DRB's decision and the Morristown Road Policy). Mr. Thomas said that he had fined the applicant \$500 already, and he was planning to allow occupancy of the new building (1) when a site plan correction was made for the sidewalk construction mistake, (2) a date certain was agreed to for the corresponding sidewalk correction, and (3) once LHP paid for their share of the parking lot reconstruction cost, or LHP supplies the alternate off-street parking allowed by the DRB's parking permit condition. DRB members expressed dismay that LHP was and would continue to violate the DRB's permit conditions regarding occupancy, and instructed the Zoning Administrator, and Interim Town Administrator Jason Luneau, to not allow occupancy of the new building until the sidewalk situation was remedied, and the Town received a cheque for half the cost of the parking improvements to the Copley Municipal Parking Lot, or 18 off-street parking spots could be found elsewhere by the applicant until the agreed upon parking lot improvements made between the LHP and the Selectboard could be completed. It was discussed that due to all the rain so far this summer, the paving may be pushed out until spring and that the plowing of the Copley Municipal Parking Lot could be very challenging this winter because there were no longer enough designated overnight parking spaces to accommodate the parking demand created by the early occupancy of the LHP project.

The meeting adjourned at 10:08 P.M. - Respectfully submitted by Zoning Administrator Thomas

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Morrisville / Morristown

Wednesday, July 26, 2023

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Morrisville / Morristown Development Review Board

Please Sign In

Wednesday, July 26, 2023

Print Name	Hearing # that you are interested in (1 or 2?)	Mailing Address	Email Address
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