

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD
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Meeting Minutes of July 26, 2012

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Ron Stancliff, Paul Trudell, Jean Wickart & Chris Wiltshire

Members Absent: Brian Irwin (not needed as Alternate)

Guests: As noted on the meeting's sign-in sheet

Call to Order: Chair Nolan called the meeting to order at 6:30 P.M. Member Breault moved to approve the June 28, 2012 meeting minutes. A vote of 7-0 affirmed the motion.

WARNED HEARING: Ethan Kallberg, 2747 VT Rte 15 E, §630CU for a Home Business

Applicant Ethan Kallberg appeared before the board seeking §500 Site Development Plan Approval and a §630 Conditional Use allowance for a Home Business use for a garden sculpture (stone birdbath) business on parcel 09-029, which is located at 2747 Vermont Rte 15 E in the §240 RRA/SI zoning district. Mr. Kallberg said that he wanted to be able to construct and sell stone bird baths out of the existing 10x12 storage shed on his newly purchased property. Member Breault acquired about hours of operation. Mr. Kallberg responded that he would be open from 7 AM to 8 PM, weather depending. Member Trudell asked about noise and dust created during birdbath construction. Mr. Kallberg said that he uses a stone grinder to construct the birdbaths, which does create some noise and dust. Mr. Kallberg said that the proposed Home Business was seasonal and would include a display area for a dozen or so pieces down by the road. Member Wiltshire moved to approve the requested conditional use allowance for a Home Business as proposed, provided that the display area is limited to 15 pieces and the hours of operation are limited to 7 AM to 8 PM. A vote of 7-0 affirmed the motion.

WARNED HEARING: Chris Lee, 177 Summer St, §254.1 Waivers for Minimum Lot Size

Under §254.1 Waivers, property owner Chris Lee of 177 Summer Street LLC appeared before the Board seeking a 15% waiver for minimum lot size (equaling 1,800sf) on parcel 23-158, which is located at 177 Summer Street in the §250 MDR zone. Zoning Administrator Thomas said he worked with Mr. Lee regarding a discrepancy in the depicted lot size of 177 Summer Street on the Town's tax maps after his previous permit request was denied for Dwelling Unit, Multi-Family use (with the permit being denied because of the parcel's lack of adequate lot size and the loss of the parcel's grandfathered status when the property was not used as a multi-family home under §432.3 within the last year). Mr. Thomas added that Listing Coordinator Charles McArthur created a revised map of the parcel using the Lister's mapping software from the property's deed description. He added that this map was included in the member's meeting packages and that the property lines, as depicted thereon, closed without any errors. Chair Nolan expressed to the audience that the board spent a considerable amount of time on this application at its last meeting and that he did not see the need to reiterate the specifics of the application. Abutting property owner Louise Morrissey of 161 Summer Street said that the apartments next door had been problematic in the past and she wanted the property to revert to being a single-family home. Member Breault noted that she spoke to the property owners across the street (Zmich) who said they would approve of a two-family at 177 Summer Street. Member Wiltshire moved to approve the requested 15% lot size waiver, thereby allowing a Dwelling Unit, Two-

Family use at 177 Summer Street. A vote of 7-0 affirmed the motion.

RECESSED HEARING: Jeff Emerson, 120 Pleasant St., §500 SP & §630 CU, Auto Repair

Applicant Jeff Emerson appeared before the Board seeking §500 Site Development Plan Approval and a §630 Conditional Use allowance to reestablish Motor Vehicle Sales & Repair and Motor Vehicle Service Station uses in the old village garage on parcels 21-182 & 21-181, which are located at 120 Pleasant Street in the §205 CB zone. Mr. Emerson was accompanied by his prospective tenant, Nathan Manning, who explained that he wished to operate a car repair business with associated vehicle sales for a maximum of six cars at this location (with no sale of gas). Member Breault inquired about the proposed hours of operation. Mr. Manning responded that his hours for the garage would be from 7 AM to 5 PM, six days a week (but with Saturday being a half-day). Member Trudell asked about lighting. Mr. Emerson said that any new lighting would be down shielded and compliant with requirements. Member Wiltshire moved to approve the requested Motor Vehicle Sales & Repair and Motor Vehicle Service Station uses with the requested hours of operation, allowing for the display of six for-sale vehicles, provided that Mr. Emerson works with the Town with the addition of plantings and lighting when the sidewalk extension is constructed. A vote of 7-0 affirmed the motion.

WARNED HEARING: David Dorman, 1197 Campbell Rd, §340 EPA & §630 CU

Under §340 Environmental Protection Areas (§342.2c wetlands), applicant David Dorman appeared before the Board seeking a §630 Conditional Use for a Dwelling Unit, Single-Family use on parcels 17-009-19 & 17-009-20, which are located at 1179 Campbell Road in the §260 RRA zone. Mr. Dorman, accompanied by consultant Gunner McCain (of McCain consulting in Waterbury), said that the wetland, while on the property, was hundreds of feet from the construction site and that none of the work to build the house would impact the wetland. Mr. McCain submitted a letter and site plan from a wetlands biologist stating that the proposed construction of the single-family home an accessory garage would not be detrimental to the wetland. Zoning Administrator Thomas said that this application was only in front of the board because of the way the bylaw regulating Environmental Protection Areas was written regarding wetlands. He called the board's attention to the site plan contained in the member's meeting packages printed from the State's Environmental Interest Locator website that showed the wetland just touching the far property line of the 8.9 acre lot. Abutting property owners Nancy and Bill Metzler said that they opposed the project. Member Stancliff asked if the wetland had been delineated. Mr. McCain said that it had not because of the large distance and gradient change between it and the house site. Member Stancliff noted that the typical 50 foot buffer to a wetland was met many times over on this site. Mr. Metzler said that the proposed project did not comply with the approved Act 250 site plan. Member Nolan said that this hearing was a local zoning hearing that had no relation to Act 250 requirements. Mr. Thomas said that public comments about the project should be directed to the wetland, as the board needed to find that the proposed project did not impair the functional integrity of the wetland before approving the requested Conditional Use. Member Wiltshire moved to approve the requested Conditional Use for a Dwelling Unit, Single-Family use in a §340 Environmental

Protection Area, as the development would not negatively impact the wetland. A vote of 7-0 affirmed the motion.

WARNED HEARING: Mary Morey, 1236 Stagecoach Rd., § 640 Appeals

Zoning Administrator Thomas said that under §640 Appeals, various neighbors were appealing his decision that bylaw §488 Campers, was not being violated on parcel 07-148 at 1236 Stagecoach Rd (Mary Morey) in the §260 RRA zone. Mr. Thomas added that the initial complaint from multiple neighbors was that the campers were being lived-in outside the 30 days allowed by §488 of the bylaws. Mary Morey of 1236 Stagecoach Road said that there were two campers behind the garage on her property, which were used by Herb, Terry and Lee. She said that the campers were not being lived in and that everyone had a bedroom in the house. Mr. Thomas said that he visited the house on several occasions, but could not definitively prove that the campers were being lived in. He added that when he was on the premises, the water hose was not hooked to the campers. Matthew Burgess, representing the Morristown Corners Water Corp., said that he and his board members had in interest in this board's ruling and he had evidence to support the neighbor's appeal that the campers were in fact being lived in. Mr. Burgess added that on June 4th and July 2nd the campers were observed as being connected to power and the Lee camper was connected to the water system via a hose. He said that he and his board members had also received similar reports from neighbors. Mr. Burgess said the campers have clearly been used as living quarters for more than 30 days, which is the maximum allowed by zoning. Ms. Morey said that Lee's camper, which was the one attached to the water system, would be moved at the beginning of the month. Mr. Burgess urged the board to find that the property was in violation of zoning, which would help the Morristown Corners Water Corp preserve its water capacity. Member Nolan said that he would like to see the water company work with the owner of the property regarding the camper's hook up to the water supply. Mr. Thomas said that a permanent hook up would generate a zoning letter from his office. Member Nolan confirmed with all parties that the campers would be unhooked from the water system. Member Trudell moved to uphold the Zoning Administrator's decision regarding the lack of a zoning violation on Mary Morey's property at 1236 Stagecoach Rd, on the basis that none of the campers would be hooked to water going forward. A vote of 6-1 affirmed the motion, with Member Wiltshire in opposition.

WARNED HEARING: CCS Development LLC, 147 VT Route 15 E., §500 SP & §630 CU

Applicant Tractor Supply Co. appeared before the board seeking §500 Site Development Plan Approval and a §630 Conditional Use allowance for the construction of a retail building and associated display area space totaling 34,097sf, associated infrastructure, parking and an eight foot tall fence under uses Retail & Wholesale Delivery of Goods and Services, Business/Professional Office, Business Services and Commercial Use on parcel 08-090-1, which is owned by CCS Development LLC and located at 147 Vermont route 15 E. in the §210 Commercial Zone. Jen Desautels of Trudell Consulting Engineers and Steve Younger of the Tractor Supply Co. presented the project to the board. Ms. Desautels showed the board the proposed retail areas on the site

plan, consisting of the proposed building, the fenced outdoor sales area (with an 8 foot tall fence) and outdoor sales area at the southerly portion of the parking lot. Member Trudell asked about grading. Ms. Desautels said that the existing site had a 7% grade, but the proposed site would have a 4% grade. Zoning Administrator Thomas said that he was pleased the applicant designed the project so it did not rely on any retaining walls to accommodate for this grade change. Member Trudell asked about the height of the building. Mr. Younger responded that the height of the building would be 21 feet. Member Trudell asked about lighting. Mr. Thomas said that a lighting plan was included with the submittal and it appeared compliant with requirements. Ms. Desautels added that the parking lot lights would be placed on a timer so they would turn off at night. Mr. Younger addressed the proposed parking area and said that is in compliance with the Town's minimum parking requirements. Member Breault asked about the hours of operation. Mr. Younger replied the hours would be from 8 AM to 8 PM, six days a week and from 9 AM to 7 PM on Sunday. Member Stancliff asked if interdepartmental signoffs were received. Mr. Thomas said that the only comment he received was from the Fire Department requesting that a Knox Box be required as a condition of project approval. Mr. Younger said that a Knox Box was planned as part construction. Ms. Desautels introduced the landscape plan. Mr. Thomas noted a lack of the required plantings in the parking lot. Member Trudell asked for more landscaping around the entrances, and especially along the northeast and southeast property lines. Mr. Younger said he would direct that additional shrubbery be added to these areas on a revised landscaping plan. Member Nolan asked about the proposed right-of-way shown to the east of the Tractor Supply building on the site plan. Mr. Thomas passed out the North End Circulation Study, which is the master plan for Uptown section of Morristown. Mr. Thomas noted that this plan shows a new road extending north from Munson Avenue, across Vermont Route 15, through the CCS Development property and connecting with Center Road. Ms. Desautels said that CCS Development LLC is willing to provide this right-of-way as part of the future development of their property. The board asked the applicant to address the letter regarding traffic submitted by abutting property owner Dana Wildes, owner of Country Home Center. Mr. Younger addressed the traffic calming measures proposed by the letter, including the striping of the pavement on Vermont Route 15 E. at its intersection with Center Road. Abutting property owner Chris Crothers expressed concerns about the development's traffic and lighting. Mr. Thomas said that the proposed right-of-way extension, which would create a four-way intersection (after some minor realignment thereof) with stop-control would help curb speeding down the hill and improve traffic flow and safety. Mr. Younger added that his delivery trucks typically arrive once a week during normal business hours. Member Stancliff said that all State permits should be received before a zoning permit is issued for the site. Member Wiltshire said that there should be some consideration given for sidewalks. Member Trudell moved to enter into Deliberative Session. A vote of 7-0 affirmed the motion. After a lengthy discussion regarding permit approval conditions, the board reconvened in open session. Member Nolan informed Mr. Younger and Ms. Desautels of the conditions that the board decided to require as part of the project approval during Deliberative Session. With these conditions being as follows:

1. A sidewalk of at least 5 feet in width shall be constructed with the proposed Tractor Supply building. The sidewalk shall be reasonably parallel to the roadway

frontage of the 4 acre parcel running along both Center Road and Vermont Route 15 E.

2. A revised site plan shall be submitted prior to a zoning permit being released for the construction of the Tractor Supply building. The revised site plan shall show the required sidewalk along Center Road and Vermont Route 15 E.
3. The right-of-way indicated on the submitted site plan shall be established through the CCS Development LLC property, connecting Munson Avenue to the intersection of Center Road and Trombley Hill Road (establishing a four-way intersection at this location). Said right-of-way shall be shown on a mylar and recorded prior to a zoning permit being released for the construction of the Tractor Supply building. Said right-of-way location may be later amended to accommodate CCS Development LLC's future development plans, provided that the board, at that future development hearing, agrees that the change in right-of-way location does not diminish the value the right-of-way, as established in the North End Circulation Study.
4. Tractor Supply Co. shall work with the Vermont Agency of Transportation toward striping the existing pavement of Vermont Route 15 E. at its intersection with Center Road, thereby ensuring that Center Road is not blocked by queuing cars that are travelling westbound on Vermont Route 15E.. Tractor Supply Co. shall not be required to stripe said section of Vermont Route 15 E. if the Agency of Transportation requires a traffic study or resurfacing of the roadway in conjunction with the striping request.
5. A revised landscaping plan shall be submitted that adds abundant low landscaping at the site's Center Road egress and ingress. Said landscaping plan shall also show additional plantings along the northeast and southeast property lines, with this planting being a mix of deciduous and evergreen trees. Said landscaping shall be alive one year, three years and five years from the date of construction completion in order to avoid the one, three and five year board reviews of the approved project made permissible by §635.10 of the bylaws.
6. Outside storage areas shall be limited to those areas designated on the site plan, and shall not encroach into parking areas (as Tractor Supply Co. believes the parking spaces proposed will be fully utilized by its customers).
7. All exterior lighting that is not attached to the building (i.e. parking lot lights) shall be LEDs and be placed on a timer so they do not remain on all night.
8. Erosion controls shall be required throughout construction.
9. All required State permits shall be received and submitted to the zoning office prior to a zoning permit issuing the site.

Member Stancliff moved to approve the proposed project as conditioned. A vote of 7-0 affirmed the motion.

The meeting adjourned at approximately 10:00 P.M.

Respectfully submitted by Todd Thomas, ZA

Development Review Board

Thursday, July 26, 2012

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