FILE COPY

MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6378

Minutes of July 22, 2004

Members Present: Gary Nolan, David Silverman, Jean Wickart, Theresa Breault

Members Absent: Carl Fortune, Paul Trudell, Carol Jennings

Recorder: Mark Leonard, Zoning Administrator

Guests: Judith St Aubin, Sharon Dietz, Eileen Toomey, Virginia Neel, Travis Apple, Richard Travisano, Christopher Saras, Jeff Emerson, Ronald Stancliff, and Keith Thompson

Chairman Gary Nolan called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of June 24, 2004. David seconded the motion and it passed unanimously.

WARNED HEARING: SHARON DIETZ, dba BEE'S KNEES CAFÉ, CONDITIONAL USE PERMIT ONE-YEAR REVIEW, 82 LOWER MAIN ST

Gary reviewed the conditional use permit approved in September 2002. The business has been open for one year. The permit review was a condition of approval and is being reviewed for compliance with the permit application and any conditions imposed on the permit. David informed the board of a potential conflict of interest with the permit holder due to his employer being an adjoining property owner. There were no objections to his participation in the review. Theresa administered the sworn oath to Sharon Dietz and Judith St Aubin.

Judith St Aubin, adjoining property owner, noted that the original application stated that the business would be a café/pub, with a limited menu of light snacks. She remarked that to her knowledge the café was now serving full meals three times a day. Her main concern continues to be about parking, noting that she frequently has to ask café patrons to move their cars from her driveway. She is also concerned about the amount of trash generated and whether it is properly secured to avoid attracting pests.

In response to a query from Jean, Sharon said that she has added more items to the menu. Jean asked about the outside tables and chairs. Sharon replied that customers bring them outside on their own. She said that her trash is in covered containers, is collected once a week and that she is negotiating to acquire some additional space in the rear for a shed to keep the trash containers. Judith St Aubin sought and received assurances that the additional space in the rear would not be used for more customer seating.

Theresa said that the outdoor activity did not seem to be causing any problems. She said

FILE COPY

that she had been told by the police chief that he had not had any complaints of any nature regarding the business. She felt that the business was having an overall positive effect on the downtown area.

Eileen Toomey, sewer plant manager, said that the sewer department had not given approval for discharge into its system for a restaurant and that state regulations require additional equipment (a grease trap) for food establishments that serve more than two cooked meals daily. She reported that the meals are being prepared in the residential portion of the Dietz property, not in the commercial space. She has advised the owner to contact the appropriate state agencies to obtain a state wastewater discharge permit. Sharon said that she had only recently become aware of these requirements and was acting to obtain the necessary permits.

Jean stressed that Sharon needed to continually remind her customers not to park in the adjacent driveway.

Gary stated that the requirements for the annual review had been met. He advised the owner that any expansion or enlargement of the business would require a new permit application.

WARNED HEARING: JEFF EMERSON & WAYNE DEMAR, LOT LINE ADJUSTMENT, 120 PLEASANT STREET

Gary gave an overview of the application, which will be reviewed under sections 209 and 795 of the zoning and subdivision bylaws. David informed the board of a potential conflict of interest due to a business relationship with the applicant. There were no objections to his participation in the hearing. Theresa administered the sworn oath to Jeff Emerson.

Jeff Emerson proposes to redraw the boundary between his property at 120 Pleasant Street and the adjoining Wayne Demar property. Jeff plans to add additional parking space by his building by moving the existing retaining wall back to the proposed new boundary. A small rectangular area, totaling approximately 1,000 square feet, would transfer from Demar to Emerson.

Gary observed that the proposed new boundary line would fall within the 10' setback distance from the Demar barn. He said the board could waive up to 15% of the setback requirement (1.5 feet in this instance), but could not approve a boundary line any closer than 8.5. feet from the existing structure. He said it would be acceptable for the boundary to be that distance and have the retaining wall extend onto the Demar property by easement, if that's what both parties agreed to.

David moved to approve the application with the condition that the boundary line be adjusted to fall no closer than 8.5 feet to the existing structure on the Demar property. The final surveyed plat to be approved will reflect this adjustment. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: RICHARD & BARBARA TRAVISANO AND CINDY ZIMMERMAN, 3-LOT SUBDIVISION, COTE HILL ROAD

Gary gave an overview of the application, which will be reviewed under sections 264, 740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the

FILE COPY

proposal was conducted on June 24, 2004. Theresa administered the sworn oath to Richard Travisano, Cindy Zimmerman, and Christopher Saras.

Richard Travisano presented a proposal to subdivide the 17.7-acre parcel owned jointly with his wife and sister-in-law Cindy Zimmermann at 2040 Cote Hill Road into three lots. At the pre-application review, they had proposed two 7-acre lots and a 3 acre lot. They subsequently became aware of a deed restriction limiting any subdivided lots to a minimum of five acres. The proposal now is for two 6-acre lots, each with a single family home, and a 5-acre lot, containing the existing pond, to be held in common and subject to a deferral of development permit. The existing house and the proposed new home site would be accessed by the existing right-of –way across the Christopher Saras property on Cote Hill Road.

Chris Saras raised a concern over shared maintenance costs for the common driveway across his property, both during construction of any new home and on a regular basis thereafter, and about possible drainage and erosion problems resulting from any new construction. Richard Travisano agreed to a condition of approval requiring property owners using the right-of-way to share in its maintenance expenses. A standard condition requiring the applicant to use accepted erosion control methods in developing the lots will also be included in any approval.

Chris asked about a previously approved conditional use permit on the Travisano property for a dog boarding kennel. Richard said he no longer planned to proceed with that project and agreed to having the permit rescinded.

David moved to approve the application as presented with standard conditions. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: KEITH & KATHERINE THOMPSON, 2-LOT SUBDIVISION, COTE HILL ROAD

Gary gave an overview of the application, which will be reviewed under sections 264, 740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 24, 2004. Theresa administered the sworn oath to Keith Thompson and Ronald Stancliff.

Keith Thompson presented a proposal to subdivide his 15.2-acre parcel on Elmore Mountain Road into two lots of 10 and 5.2 acres, respectively. The parcel is currently undeveloped.

Ronald Stancliff noted that adjacent parcels have deed restrictions limiting subdivisions to a minimum of 10 acres. He acknowledged that the Thompson property did not have this restriction, but felt that lots smaller than 10 acres would be inconsistent with surrounding properties. Keith agreed to place deed restrictions on the subdivided lots prohibiting any further subdivision.

David moved to approve the application as presented with standard conditions. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: VIRGINIA NEEL, 2-LOT SUBDIVISION, COLE HILL ROAD

Gary gave an overview of the application, which will be reviewed under sections 264,

FILE COPY

740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 24, 2004. Theresa administered the sworn oath to Virginia Neel and Travis Apple.

Virginia Neel and Travis Apple presented a proposal to create a 10-acre lot from portions of two adjoining lots on Cole Hill Road owned by Virginia Neel. The two adjoining lots, currently 38.2 and 6 acres, would become 29 and 5 acres, respectively. All adjoining parcels are owned by Virginia Neel.

Jean moved to approve the application as presented with standard conditions. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS:

Rosarie Levesque presented a survey and deeds of his property on Mansfield Avenue showing that the property had at one time been two separate parcels. He wants to be able to sell the undeveloped portion and wanted to know if he needed to apply for a subdivision permit. On the basis of the information reviewed, it appeared that the lot could be separated back into its two original pieces without a subdivision. The board recommended that Rosarie consult an attorney to get a definitive legal reading of the deeds.

The final surveyed mylar plat of the Theodore and Margaret Lambert property lot line adjustment was reviewed and signed.

The ZA reviewed information submitted by the attorney for North Country Animal League (NCAL) regarding the application by Allen and Sally Loura to subdivide a lot accessed via a right of way across NCAL's property on Laporte Road. The Loura application had been reviewed and approved, pending a formal Notice of Decision, at the board's June 24, 2004 hearing. The NCAL letter raised a number of concerns that the board felt should be reviewed at another public hearing. The ZA will notify all interested parties that the hearing will reconvene on August 12, 2004 to consider those issues.

On a motion by Theresa, seconded by Jean, the meeting was adjourned at 9:00 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 8/12/04 TB/DS