

MORRISVILLE/MORRISTOWN PLANNING COMMISSION

Minutes of July 19, 1994

Meeting was called to order at 7:35 p.m.

Planning Commission Members Present: Debra Mason, Norman Nepveu, George Robson, Adrian West, Jennifer Willingham. Others Present: Ken Sweetser, zoning administrator and guest list attached.

Minutes of July 5 were approved with correction.

NEWLAND/FLEISHER - Warned hearing for minor, 2-lot subdivision off Churchill Road. Roberta Goddard represented Jimmy Newland and Pauline Fleisher.

Findings: Fleisher & Newland propose to divide an 18.1 acre building lot from a parcel of 156.8 acres. Upon testimony of Roberta Goddard that no other division of land has occurred by the present owners or any relations in over 40 years, the proposal was classified a Minor Subdivision in conformance with the town plan. The lot is wooded at the rear, with open, rolling meadow adjoining Churchill Road. The portion of Churchill Road accessing the lot is Class 3 and is maintained year-round by the Elmore Highway Department through an agreement with Morristown. An access permit has been issued. Applicant submitted results of 7 soil borings and a letter from Gary A. Foote, site technician, indicating that onsite sewage disposal for the lot can meet the local requirements if a mound type system is installed. A drilled well, site as yet unspecified, would supply water to the site. Goddard testified that she has spoken to Morrisville Water & Light, and that power is available via a pole already located at the edge of the property. She also testified that Wayne Camley advised her of no problems in supplying fire protection. A letter from Morristown Rescue Squad (7/16/94) verifies that ambulance service to the area would not pose an undue burden. Covenants proposed by the applicants would allow no further subdivision of the lot.

Decision: The proposal was deemed to cause no unreasonable impacts under criteria of the Morristown Subdivision regulations and was approved unanimously upon motion by West. The applicant is required to complete the project consistent with the commission's findings and the approved site plan, exhibits, and testimony of the applicant's representative.

TEWHILL - Pre-application meeting for 2-lot subdivision off private right-of-way accessed by Magoon Road. Allen Newton represented John and Allison Tewhill who propose to subdivide a 10-acre building lot from their 22.2-acre parcel. The remaining 12.2 acres with their existing residence will be retained by the Tewhills. The division will require an Act 250 amendment since the lot was originally part of a larger development over which the District Environmental Commission retains jurisdiction. The proposal was classified a Minor Subdivision which is in accordance with the town plan. Applicants must submit a complete application as required by Section 300 of Morristown Subdivision Regulations (1993) which will be reviewed according to Article IV of the regulations at a warned hearing on September 6, 1994.

DAVIS/PAROT - Warned hearing of minor subdivision off south RTE 100.

Findings: Robert Davis wishes to divide 3.96 acres and an existing home from his +/- 24-acre parcel (also with existing residence) for sale to Jeannette Parot. Both residences are served by a private right-of-way accessing off RTE 100 South. Applicants have received an exemption from the state subdivision review process for the 3.96-acre lot and home. The home is served by an existing drilled well. No new construction is proposed. No covenants or deed restrictions apply to the property. Applicant Parot testified that no subdivision of this property has occurred within the last 5 years.

Decision: Application was classified a Minor Subdivision in compliance with the town plan, and found to pose no unreasonable impacts according to the criteria of Article IV of Morristown Subdivision Regulations (1993). Proposal was approved unanimously as presented upon motion by Mason. The applicant is required to complete the project consistent with the commission's findings and the approved site plan, exhibits, and testimony of the applicant's representative.

WARD - Warned hearing for subdivision and lot-line adjustments. Roy Marble represented Thelma Ward. A site walk of the property was attended by commissioners Willingham, Robson, and Mason.

Findings: Thelma Ward wishes to sell portions of her 19.4-acre property to adjoining landowners to add to their existing home sites: lot A - 3.5 acres, and lot B - 1.5 acres. In addition, the applicant proposes to create 3 new lots. Lot #1 (2.08 acres), Lot #2 (4.5 acres), and a third lot of 7.8 acres which does not have suitable soils for a septic system. Ward's intention is either to sell the 7.8 acres to adjoining property owners, or to eventually combine the acreage with Lot 1 or 2. Two new residential home sites will be created by the application.

The land is open shrub along the road and wooded to the rear of the property. Steep slopes and ravines are present. A Class 3 wetland on the property has been flagged by the VT Agency of Natural Resources (Springston letter 7/14/94). House sites will be placed on a sandy knoll on the north side of the ridge out of view of RTE 12 and neighboring properties.

The new residential lots will be served by a common mound system located on Lot 1. The systems have received a state subdivision permit. Deferral of Permits must be obtained for lots A, B, & 3. The home sites will have individual drilled wells.

Access for lots 1 & 2 will be via a 50 foot right off TH78 running along the northerly property line with Farnham. On the south, the right-of-way borders the wetland. Applicant has agreed to keep the road as far from the wetland as practicable and apply standard erosion control measures as requested by the Agency of Natural Resources. The private road will be a minimum of 12' wide with an average grade of 9%.

Applicant proposes to install erosion control devices prior to the start of construction, and to stabilize side slopes immediately following construction. Only as many trees as necessary to

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construct the roadway will be removed. Evergreen shrubs will be replanted along the northerly boundary of the right-of-way to screen the Farnham residence. Covenants for lots 1 & 2, and a maintenance agreement for the road were presented. Applicant is awaiting response from local departments regarding services for the new lots.

Decision: The application was classified a minor subdivision and deemed to be in compliance with the town plan. If carried out as presented, the application was found to pose no unreasonable impacts according to the criteria of the Morristown Subdivision Regulations (1993). Application was granted unanimous approval with the following conditions:

- 1) If contracts on lots A or B are not fulfilled by transfer to adjoining landowners, these lots will be incorporated into lot 2.
- 2) The road to access lots 1 & 2 will be constructed as far from the Farnham property as possible.
- 3) Applicant must obtain and submit for commission review deferral of state permits for lots A, B, & 3; letters from local fire, utilities, ambulance.

The applicant is required to complete the project consistent with the commission's findings and the approved site plan, exhibits, and testimony of the applicant's representative.

Deliberative Session:

Hirchak/Griggs - Major Subdivision off Griggs Road. Hearing record is officially closed. A written decision will be issued within 45 days.

In other business:

The commission discussed potential fire station expansion onto adjoining Demars property. The majority of commission members said they could not support the expansion as described since the resulting property boundaries, structures, and uses would not be able to meet either density requirements or setbacks for the district.

Commission decided that new small satellite dishes (approx. 16" wide x 39" tall) should not require permitting by the zoning administrator.

Concept II addition of office space to their recently approved site plan will be treated as an amendment, and will be charged only for additional square footage.

Draft recess memo to Lamoille Regional Solid Waste District was presented for review. Commissioners will have until Friday, July 22, to comment before the memo is sent to applicant and their consultants.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,
Debra Mason