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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 17, 2003

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

Members Absent: Carl Fortune, Carol Jennings

Recorder: Mark Leonard, Zoning Administrator

Guests: Lisa Darden, Linda Wood, Ernie Ruskey, Susan Miller, Robert & Vivian Norton, Kevin Amoyet, Brendan & Vivian Cole, David Parker, Sharon Gilman, Richard Travisano, Eleanor Morrissey, Cindy Zimmerman, David Pelletier, Paul Gillies, Michael & Mary Leikert, Kimberly Fortune, Richard Tomlinson, Bernard & Virginia Barton, Sam Guy, David & Julie Boudreau, Katherine Wilder.

Chairman Gary Nolan called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of June 26, 2003. David seconded the motion and it passed unanimously.

WARNED HEARING: NORTH COUNTRY ANIMAL LEAGUE, CONDITIONAL USE PERMIT REVIEW, 3524 LAPORTE RD

A three-month review of the conditional use permit approved for North Country Animal League to operate an animal shelter was held at the shelter site at 3524 Laporte Road. Development Review Board members toured the facility with Linda Wood, NCAL executive director, and Ernie Ruskey, building architect and NCAL board member. Building features required as permit conditions to minimize noise were noted. Board members also noted noise levels outside the facility with windows and doors open and closed. Noise levels were not excessive beyond approximately 50 feet from the building with windows and doors open and barely audible when closed. The facility was otherwise clean and attractive and several board members expressed the view that it was indeed an asset to the community.

A six-month review, as required in the permit conditions, will be scheduled in October 2003.

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**WARNED HEARING: HA MANOSH, INC, CONDITIONAL USE PERMIT
EXTENSION, 153 STAFFORD AVE**

Gary recused himself due to an employment relationship with the applicant and David assumed the chair. Theresa administered the sworn oath to Kevin Amyot, representing the applicant.

Kevin explained that HA Manosh was granted a Conditional Use permit in May 2002 to construct a 40x150 open lumber shed at the Manosh sawmill on Stafford Avenue. Since that time, no work on the project has been performed and the permit expired. The original site plan and application were reviewed and no changes are proposed to the original plan.

Theresa moved to renew the permit with all conditions originally imposed for a period of one year. Paul seconded the motion and it passed unanimously.

**WARNED HEARING: SHARON GILMAN, CONDITIONAL USE, PRIVACY FENCE,
19 EAST CHERRY AVE**

Gary gave an overview of the application. The application will be reviewed under Sections 425 and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to the applicant and interested parties in attendance.

Sharon Gilman explained that she wished to erect an eight-foot high wooden stockade-style privacy fence along approximately 60 feet of the western edge of her lot. The fence would be set back from the actual property line by about five feet. The fence would shield her in-ground pool from the view of adjoining properties. Ms Gilman noted that the terrain slopes down from her pool toward the adjoining properties, which she felt required a higher than normal fence to provide the privacy she is seeking.

Brendan Cole, adjoiner, adamantly opposed the proposal because he felt it would devalue his property. Vivian Cole read a letter from adjoiners Elery and Arlene Jones (who were unable to attend the hearing) also opposing the proposed fence on the grounds that it would be too high and would devalue their property.

David made a motion to recess the hearing until a site walk could be conducted. Theresa seconded the motion and it passed unanimously.

**WARNED HEARING: DAVID PARKER, CONDITIONAL USE, SEASONAL
STORAGE, 54 EARL GRAY RD**

Gary gave an overview of the application. The application will be reviewed under Sections 263(L) and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to David Parker.

David Parker proposes to convert approximately 1500 square feet of space in an existing barn at 54 Earl Grey Road into seasonal storage for vehicles and equipment. There would be three storage bays available for rent. There would be no external modifications to the structure. Access to the storage bays would be from an existing driveway off Randolph Road, with a single entry/exit point to the building.

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

WARNED HEARING: RICHARD TRAVISANO, CONDITIONAL USE, HOME BUSINESS (DOG BOARDING KENNEL), 2040 COTE HILL RD

Gary gave an overview of the application. The application will be reviewed under Sections 460 and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Richard Travisano, Cindy Zimmerman, and Eleanor Morrissey.

Richard Travisano proposes to construct a 16x60 structure to accommodate 10-15 stalls for a dog boarding kennel. He would also raise golden retrievers on his property, separately from the boarding business. The structure would be heated and insulated for year-round use. The kennel would be at least 500 feet from the nearest neighbor's home.

The business would be operated by Mr Travisano and other family members residing on his 17.7-acre parcel. The total square footage of the house and barn currently on the property is approximately 3400 square feet. The proposed structure housing the home business would be 960 square feet. The total of current and proposed structures is 4360 square feet, with less than 25% being used in the home business.

Gary read a letter from adjainer Chris Saras generally supporting the proposal but expressing some concern about the additional wear and tear the home business might cause to the common driveway to the Travisanos across his property. He would like an agreement on cost-sharing for the common driveway.

Adjoiner Eleanor Morrissey stated that she came to the hearing to get more specific details on the proposal and indicated some concern about the potential for noise from the kennel.

David made a motion to recess the hearing until a site walk could be conducted. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: MICHAEL & MARY LEIKERT, HOME BUSINESS (AUTO REPAIR), 82 HOWARD ST

Gary opened the hearing and gave an overview of the application. This is a re-hearing of an application that was reviewed by the board in January 2003 and denied. The applicants appealed the denial and the Environmental Court remanded the application back to the board for a new hearing upon determining that the original hearing record was deficient due to the lack of a transcript of that hearing. The Court instructed the board to hear the application as if the previous hearing had never occurred and no decision had been rendered.

The application will be reviewed under Sections 248, 460, and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Michael and Mary Leikert and all interested parties who may give testimony. The Leikerts were represented by attorney Paul Gillies, who did not take the sworn oath. Before proceeding, Gary noted that David Silverman had family ties to one of the adjainers in attendance and asked if there were any objections to his participation in the hearing. There were no objections from any of the parties.

The Leikerts propose to establish an auto repair home business in the 32x28 garage that they added to their home last summer. Michael Leikert described the scope of the planned business. He would be doing auto repair work by appointment only from 8 am to 4:30 pm Monday through Friday; this would be his full-time job. There would be no other employees. He estimated that there would be no more than two vehicles being worked on at a time, with up to three cars on the premises, and that there would be no overnight storage of vehicles outside the garage. Pickup and delivery of customers' vehicles would be available. On rare occasions, an inoperative car might be brought to the garage by tow truck. There would be no outside storage of materials or other displays to indicate the business, except for a sign as permitted under the zoning bylaws. He didn't feel that any significant amount of noise would be generated by the business, noting that more auto repair and diagnostics is being done with computers and less heavy mechanical work is involved. The garage doors would be closed when he was working on cars inside. Waste materials would be recycled or otherwise properly disposed of off premises.

David Pelletier, transportation planner for Lamoille County Planning Commission, reviewed the results of a traffic study he conducted in May 2003 in front of the proposed business. His study showed a traffic volume of approximately 1100 vehicles per weekday, with peak hours of 7am and 4 pm, when there was an average of one vehicle per minute passing by the Leikerts' driveway. Paul Gillies noted that the expected traffic increase from the home business would be 2-4 cars per day, a 0.4% increase of the average daily flow in the study.

David S. asked David Pelletier his opinion of the traffic impact of the proposed home business and of any visibility problems due to the driveway's location at the crest of a steep hill. David P. replied that he couldn't offer an opinion on the business' potential impact and that the safety issue should be addressed by a professional safety engineer. David S asked how this street's traffic rate compared to other streets in the village. David P. said he would have to check on that and report back to the board. Michael Liekert presented a letter from the Morristown Police Chief stating that there had been very few accidents in the immediate vicinity of the Leikerts in the past six years.

David S. asked the applicant to describe the neighborhood. Michael Liekert said it was "nice", with most people away at work during the day and children playing on Howard Street. Asked about other businesses in the area, he said there were a few nearby: a home day care on Washington Highway, a flower shop on Congress Street, and Bourne's on Randolph Road.

David S. asked if the applicant would consider screening the area of the business with trees or shrubs to cut down the visual and/or noise impact. Paul Gillies responded yes, and noted that the board could impose conditions on the permit specifying hours of operation, that the garage doors must be closed when performing work on cars, that the business be by appointment only, and directing that vehicles exit the property front forward for improved visibility at the crest of the hill on Washington Highway. These would mitigate various concerns.

Julie Boudreau submitted a record of auto activity at the Leikert garage one day in March, 2003 to show that the applicant was already operating a business on the premises without a permit. The record indicated repair activity going on with the garage doors open, with attendant noise and exhaust fumes. She felt that this indicated that the applicant could not be relied on to observe conditions the board might impose in approving the permit application. She asked how the town could effectively enforce any permit conditions once a permit was approved and the

business was ongoing. She noted that there had been two unreported traffic accidents in the vicinity of the Leikerts. She observed that flat-bed tow trucks would have to back into the Leikert driveway to deliver vehicles, posing a traffic hazard. She also disputed the number of vehicles that may come and go on a given day, noting that people will often have someone follow them to a garage when dropping off their vehicle and again when picking up the vehicle, effectively tripling the number of trips.

Katherine Wilder said that the business would clearly be out of character with the area. She remarked that several residents are at home during the workday and would be impacted by noise and traffic from the business. She is concerned about pedestrian and traffic safety in the neighborhood. She doesn't want to have to monitor activity at the Leikerts to ensure any permit conditions are being met.

Bernard Barton echoed previous concerns and stated that he'd chosen the neighborhood 20 years ago for its quiet nature. He is concerned that once the business gets going, the level of activity would only increase. He anticipated that, if approved, the applicant could seek to revise any restrictions as the business grew and is concerned about the difficulty in enforcing any restrictions that might be imposed. Virginia Barton added that she has also observed auto repair work on vehicles other than the Leikerts without a permit and that she, too, feels the business would be noisy in an otherwise quiet neighborhood.

Richard Tomlinson expressed concern that a business such as this would devalue his adjoining property. He doubted that operating hours and number of vehicles would be restricted.

Sam Guy stated that he supports the comments made by his neighbors.

Kim Fortune stated that any conditions the board might impose won't stop the business changing the character of the neighborhood.

Paul T. asked the applicant about statements made regarding auto repairs already being done at his garage. Michael Leikert replied that he had on a few occasions helped out friends with auto repairs, but not as a business. Paul T asked if he could accept a condition prohibiting tow truck and/or flat bed truck deliveries. Michael responded that while he would expect such deliveries to be very infrequent, the nature of the business would occasionally require such deliveries. He said he would not be doing bodywork on crash cars, which would reduce the likelihood of inoperative vehicles being brought to his business.

Paul moved to recess the hearing to a deliberative session. David seconded and the motion passed unanimously.

The board met in deliberative session on the Jeffrey Hill/Mette Endreson application for a 2-lot subdivision of 10 acres off Churchill Road. A letter from the Agency of Natural Resources Water Quality Division stating that there were no designated wetlands in the vicinity of the proposed driveway across Bedell Brook was reviewed.

David moved to approve the application with the following conditions: A professional engineer will review design information for the bridge/culvert across Bedell Brook submitted with the 1989 application to ensure it conforms to current standards, and deeds for the two new lots will require the property owners to maintain the common driveway and culvert or bridge across Bedell Brook. Jean seconded the motion and it passed unanimously.

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The board met in deliberative session on the Charles Gregory application for a 6-lot subdivision off Park Street. A letter from the Agency of Natural Resources Water Supply Division stating that proposed leach fields for the new lots would lie outside the Morrisville Water & Light Department's groundwater source protection area was reviewed.

David moved to approve the application with the following conditions: Applicant will submit a revised site plan showing primary and replacement septic leach fields located outside the source protection area, as identified in the April 18, 2003 Dufresne & Henry report. Underground storage tanks, other than septic tanks identified on the site plan, are prohibited. The existing access road across the Bronner property to the new lots will be improved by the applicant to meet town road standards from the point where it intersects with the town highway to the point where the road serves three or fewer home sites. Paul seconded the motion and it passed unanimously.

The board met in deliberative session on the Leikert home business application. Theresa moved, and Jean seconded, to approve the application. The motion failed on a vote of 0-5.

On a motion by David, seconded by Paul, the meeting was adjourned at 10:15 PM.

Respectfully submitted,

Mark Leonard, Recorder