

MORRISTOWN PLANNING COMMISSION MINUTES
JULY 17, 1990

MEMBERS PRESENT: Alfred Hurley, Chair; Gary Smith; Norman Nepveu; Mac Miller; Debra Mason; Adrian West and Jane Greene.

MEMBERS ABSENT: N/A

ACTING ZONING ADMINISTRATOR: Dayton Wakefield

GUESTS/APPLICANTS: [list attached to original minutes].

The meeting was called to order at 7:05 P.M. by Chairman Al Hurley, who advised there are amendments/corrections to be made regarding the minutes of July 10, 1990; therefore, these will be acted on 07/24/90 at the work session. Al then introduced Patti Spear, and welcomed her as the part-time planner, who will be attending the Board's work sessions.

7:07 P.M. -- RECESSED HEARING/ROY MARBLE came back before the Board regarding the question of the adequate right-of-way. Al advised Roy he was still under oath.

Roy advised there is a 35' wide right-of-way per the tax maps and the deed. Dayton agreed this was correct. Norm presented a copy of a map received from Bill showing a 2 rod width right-of-way.

Al advised that reference Page 20, Section 422, the regulations require at least a 50' right-of-way in width.

Debra moved to DENY the application for lack of the 50' wide right-of-way as identified in Section 422. Adrian seconded. Motion carried.

FACTS OF FINDING: Based on and examined under the Morrisville Zoning By-Laws, Page 20, Section 422, REQUIRED FRONTAGE/ACCESS, this application was denied because of the lack of a right-of-way at least 50' in width, having only 35'.

7:15 P.M. -- RECESSED HEARING/ALLEN RENNER came back before the Board regarding a two-lot minor sub-division. A 2 acre building lot was deeded/given to he and his wife, by his father-in-law, Andre' Valcour. Renner advised that the lack of square footage necessary to allow the development of his lot will be deeded to him to meet the criteria by Andre' Valcour, from the original 208' to 210' of road frontage.

Adrian moved to approve the application, without stipulations. Mac seconded. Debra abstained as she stated she was unfamiliar with the project. Unanimously approved.

FACTS OF FINDING: Based on and examined under Interim Sub-Division Regulations, Section 230, and meeting the criteria as outlined, the PC granted approval of this two-lot sub-division as presented.

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The Site-Plan review was conducted for the Percy "Tinker Gravel Pit" according to ARTICLE IV, Section 401 of the Town of Morristown's Zoning By-Laws, adopted January 1984; amended May 15, 1985 and Title 24, VSA 4407(5).

APPLICANT: Chip Percy
PROPERTY OWNER: Dale Percy
PROPERTY LOCATION: RT 100-South
TOTAL ACREAGE: 40.4. Acres

Applicant conducted a site walk on June 2, 1990 at 9 A.M. and a hearing was convened on the application on June 5, 1990 at 8:30 P.M. Chip Percy presented plans for operation of the Tinker Pit including extraction of 20,000 yards of material a year from the site and processing of another 50,000 yards of material imported from other pits. Plans include installation of a permanent portable crusher and washing ponds. Nearly all of the material processed on the site will be trucked to Stowe. Percy is already trucking material from Hyde Park to Stowe, and claims that the addition of material from this pit will actually reduce the number of trips his trucks make through Morristown. Proposed operation would generate 4 to 5,000 round-trips per season from Hyde Park to the site and from the site to Stowe.

It was moved by Adrian West and seconded by Jane Green to deny the application. Unanimously denied.

FACTS OF FINDING

Traffic access and circulation: Pit is currently accessed from existing road off RT 100 in Stowe. This current access is insufficient for large, slow-moving trucks turning left onto and off from RT 100, due to limited visibility. Percy proposes building a new road through the property which would allow him to access RT 100 just north of the Stowe/Morrisville town line. This would still require trucks to make left turns both entering and leaving the site. Proposed access crosses a lowland area, which may be part of a Class 2 Wetland, designated by the National Wetlands Inventory. Visibility at this access is limited by a hedgerow bordering the adjacent property.

Landscaping and Screening: Site is located in Rural Residential zone, and is approximately 600 feet from the nearest residence, being Harold & Patricia Shonio's. Percy proposes to construct a 10 foot berm on the south border of the property and plant 12 foot ever-greens to screen the operation and absorb the sound. He will excavate only five (5) acres at a time and retain the topsoil on-site for on-going reclamation.

Percy estimated that during the summer, the crusher will run nine (9) hours a day. The noisiest part of the operation, he feels, is the back-up alarm on the bucket loader. Percy cited monitoring of truck noise at 89 decibels. He presented no figures on noise from the crusher or bucket-loader, but stated that noise dissipates

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rapidly with distance, so that 500 feet would absorb the sound of the operations on the site. Attorney Robert Davison, representing the Shonio's, submitted testimony and written documentation which states that noise dissipates over distance, but that average yearly noise levels from truck traffic and operations at the site could pose health hazards to residents and adjacent properties.

The site is currently visible from the Shonio property. Attorney Davison testified that the operation will also be visible from the Randolph Road.

The application is DENIED based on:

- 1) **ACCESS:** The current access is already inadequate. Visibility at the proposed access is questionable, and it is highly unlikely that this new access will receive State approval due to its proximity to wet-lands; Joe's Pond and State-owned lands.
- 2) **LANDSCAPING and SCREENING:** We, as a Board, are not convinced that the proposed berm and tree-line are adequate to screen adjacent and surrounding properties from the visual effects or noise from accelerating and decelerating trucks and machinery operating on the site.

7:30 P.M. -- KEN HARVEY & CHARLIE BURNHAM were in attendance for a PRE-APPLICATION CONFERENCE reference a proposed Mobile Home Park to be located on RT 15/Wolcott Road in the Town of Morristown, VT. Ken advised this site meets most of the requirements of a site that he feels is an ideal location for such a project. This location is adjacent to H.A. Manosh's gravel pit access road; the site includes 100 to 115 acres; that originally he planned on 300 units, phased in over a period of time; that he believes the lots will be four (4) lots to an acre; that State regulations allow eight to an acre; that initially, he spoke with Charlie Greenia, who recommended 200 units, total; that Charlie Burnham's plans recommend approximately 115 units total, with open land throughout the park, which would be constructed in four (4) groups of units, phased in over time. The plans would leave open meadows and buffers. The entrance would be undeveloped. There will be a limit of two (2) entrances onto the roadway.

Mac asked where the location of the leach fields will be located as there is a brook in the area. Charlie advised the plans will take the brook into consideration. Possibly construction of 20 units per year will be developed; that this is a conceptual plan; that the mailboxes will be inside in groups; there will be a community area; that a water system will be installed, but presently he does not know where as a geologist will make this recommendation and no perc tests have been conducted as yet. That the leach fields will probably be spread out.

Ken asked if the Board members, either individually or as a group

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would visit his mobile home park at Sterling View, as his plans for this proposed park would be similar, with the exception Sterling View is limited to adults/retirees only, and the proposed site would allow anyone.

Adrian stated he was strongly concerned about the Bugby Springs as this is the Village's secondary water supply and he feels the Board has a responsibility to the citizens of Morrisville to protect this water source; that there is a dump above which could most likely pollute the area and is concerned with the added pollution from the leach fields/sewage from this proposed project. Jane and Debra also voiced their concerns.

Al inquired what Ken's definition of mobile homes and manufactured homes. Ken advised there are both the same; they are delivered by truck to the site; both have certificates of origin and titles that go with the home; that these include frames and/or wheels; that these can be delivered in one piece or in sections; that all facilities are intact, to be connected to permanent utilities.

Ken advised his park will not be designed for double-wides, but for 14' wide to 35' to 80' long. They are HUD and BOCA approved. The lots would be leased/rented by him to mobile home owners; that the wheels may be left on unit, which could be moved to another location at some point.

Al inquired as to the taxing. Ken would receive one (1) tax bill for the entire park property, while the mobile home owners would receive individual tax bills for the home/dwelling. Dayton advised they would be taxed by the fair market value, the same as any other dwelling, as appreciating, not depreciating in value.

Ken advised they would have approximately the same 20-page strict lease as the Sterling View agreement.

Ken advised he was receptive to other types of units beside single wide units. That each unit would have open space and a utility shed, with the option of a garage.

Bill Moulton asked if this road would at sometime be a Town Road. Ken advised "no", that presently Howard Manosh owns this property; and one of the requirements is that Howard requested that it NOT be a Town Road at any point in time.

Ken advised his reasons for phasing in this project over a period of time, is so as not to over-load the school system; that younger couples and older people would most likely be occupying this units due to the affordability.

Al advised that Alice Agney is getting information on the impact that mobile home parks have on school systems.

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Jane advised she was concerned with the impact this project would have on the village traffic, etc.

Norm recommended that the first phase be developed on two (2) acres per domicile.

Adrian advised he wanted the Board to receive hydrologists reports of the area, prior to making any decision; that the Board has a responsibility to the Town to protect the water supply.

Bill Moulton advised the water originates well above this proposed project. Al advised this was an informational meeting only. Ken

advised he probably won't proceed with this project until next year. That he sells Oxford Homes, out of Maine; that they are more energy efficient than stick-built homes, with R-38 in the ceiling;

R-22 in walls and R-30 in the floors; that it takes approximately 300 gallons of fuel to heat them per year.

Ken advised he is scheduled to come back before the Board on 09/04/90 with an application. (Discussion closed at 8:30 P.M.)

8:41 P.M. -- PRE-APPLICATION CONFERENCE: JOHN MONKS, TWO-LOT SUB-DIVISION, located on Cote Hill Extension, at the end of the Town Road, consisting of a total of 170+/- acres; one lot will be 18 +/- acres and the remaining lot will consist of approximately 152 acres. This property borders Lamoille River in the back and also borders the Johnson Town line.

Bill Moulton advised the right-of-way goes through the pond; that the road has never been thrown up.

Monks advised the second lot consists of approximately 200' of road frontage.

Al advised this would be heard under Section 229.1, (1)(2)(3) and Sections 400 and 230 of the Zoning regulations; that this also must be classified as a "Minor" or "Major" Sub-Division. Adrian made the motion to classify this proposed sub-division as a "MINOR" S.D. Mac seconded. All in favor. John Monks paid his application fees and is scheduled for a Warned Hearing on 08/07/90.

8:57 P.M. -- PRE-APPLICATION CONFERENCE: JOHN MONKS, TWENTY-LOT SUB-DIVISION, located on 32 +/- acres in the Sterling area. Monks paid his fees. He advised that part of his project is located in Stowe and part in Morristown; that his plans include both towns, and presented his plans for the development located off Maple Run Lane out of Stowe on a Class 4 road. The Stowe side consists of 11 lots, with Morristown consisting of 20 lots; with a proposed road through the development and connect with Maple Run Lane. That some lots are just under 2 acres, but will modify his plans to meet the

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2 acre requirement of Morristown's regulations. That some lots will have the sewage pumped to other lots, some will have own sewage systems.

Mr. Monks advised that at this time, this would consist of a private driveway, with a home owners associations taking care and maintaining it.

Bill Moulton advised they should be concerned with building the road to Town Specs due to Fire protection in this area, especially the winter months; that if the MFD had to get there it would be very difficult as there is a 10% grade in this area.

Al advised this project must be classified. Adrian made the motion to classify this project as a "MAJOR" SUB-DIVISION. Jane seconded. All in favor. The Town of Stowe will be a party to this project/application. A warned hearing is scheduled for 09/18/90.

9:17 P.M. -- PRE-APPLICATION CONFERENCE: BRENT LIBBY, TWO-LOT SUB-DIVISION, paid specified fee as quoted by Gloria. The Board unanimously voted to classify this proposed project to be a "MINOR" SUB-DIVISION. Norm advised that the by-laws require 90' frontage on a public highway. Mr. Libby advised there has been a 50' right-of-way in existence for a number of years.

Dayton, referring to Section 301.2, advised he believed there should be a Warned Hearing for the lack of road frontage; that the situation is the same as Roy Marble's was earlier this evening. Al advised the Board would go into a deliberative session to make a decision.

Norm made the motion to do a Site-Walk on Saturday, 07/21/90 at 9:00 A.M. Jane seconded. All in favor. Mr. Libby advised either he or Roger Cote would meet at the site with the Board members.

Adrian made the motion to go into a deliberative session. Norm seconded. All in favor. A warned hearing is scheduled for 08/07/90 at 8:45 P.M.

Adrian made the motion to adjourn at 9:38 P.M. Mac seconded. All in favor.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Planning Commission

/dp