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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 14, 2005

Members Present: Theresa Breault, David Silverman Jean Wickart, Kelly Rogers (alternate)

Members Absent: Carl Fortune, Carol Jennings, Gary Nolan, Paul Trudell

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Acting Chairman David Silverman called the meeting to order at 7:30 PM. Lacking a quorum of those present at the last meeting, approval of the June 23, 2005 minutes was deferred.

WARNED HEARING: WINFORD & CARMEN SMALL, PRELIMINARY PLAT
APPROVAL, 2-LOT SUBDIVISION, 5970 RANDOLPH ROAD

David introduced the application, to be reviewed under sections 264, 740, 770, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 23, 2005. Theresa administered the sworn oath to the applicants, Winford and Carmen Small, and to adjoining property owners Ellen Simon and Benjamin Brayton.

The applicants propose to subdivide a 2.1-acre lot from the 74-acre parcel on Randolph Road, near the Stowe line, owned by Winford Small Sr. to build a new single family home. The existing 74-acre parcel is undeveloped and currently used as farmland. The new lot will have its own water and wastewater systems and will be accessed directly from Randolph Road.

Ellen Simon presented a letter to the board express her concerns about the location of the new lot's driveway onto Randolph Road, citing poor traffic visibility, high speeds and other traffic safety issues in the vicinity of her home. The applicants reviewed the proposed driveway location and satisfied Mrs Simon that the driveway would be several hundred feet to the south of her property. They also said that the Morrisville Water & Light Department was planning to clear trees along the roadway for power lines and that this should improve traffic visibility.

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

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WARNED HEARING: LARRY MILLER, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, FRAZIER ROAD

David introduced the application, to be reviewed under sections 264, 740, 770, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 23, 2005. Theresa administered the sworn oath to the applicant, Larry Miller; there were no interested parties present.

The Applicant proposes to subdivide his 32.6- parcel into two lots, creating a new 7.4-acre parcel that would subsequently be used for a single family home. The remaining 25.2 acres would remain undeveloped. The new lot would have its own on-site sewage disposal system and water supply and would be accessed from Frazier Road via an existing right-of-way.

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

WARNED HEARING: DEMARS PROPERTIES, CONDITIONAL USE (EXPANSION OF NON-CONFORMING USE), 197 HARREL STREET

David introduced the application, to be reviewed under sections 223. 430-435, and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Dan Demars, representing the applicant. There were no interested parties present.

Demars Properties is seeking to expand the existing non-conforming use in the former Demars Hardware Store in the Industrial District at 197 Harrel Street by leasing approximately 2700 square feet to the State of Vermont for office space. Dan noted that the building had long been a retail business and that they had previously converted a portion of the former retail space for offices. Several minor exterior changes (an additional doorway and reconfiguration of the windows) were contemplated, in addition to interior modifications. He also noted that the building is served by municipal water and on-site sewer, with ready access to the municipal sewer line in Munson Avenue.

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

WARNED HEARING: ULTRAMAR ENERGY INC, CONDITIONAL USE/SITE PLAN REVIEW, BULK FUEL STORAGE, 370 WILKINS STREET

David introduced the application, to be reviewed under sections 233-234, 481, and 637 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Wayne Demar and Roy Marble, representing the applicant, and Gregory Johnson, a technical consultant. There were no interested parties present.

The Applicant proposes to reconstruct the existing bulk fuel storage and transfer facility for home heating oil at this site. The new facility will consist of three 30,000 gallon and two 20,000 gallon vertical steel tanks located within a concrete containment area approximately 50'x50' in size. There will be separate loading and unloading docks of 20'x25' and 15'x50', respectively, with spill grooves and spill containment facilities. The site has ground water

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monitoring wells in place that are monitored by the appropriate state agencies. The entire facility would be secured by a chain link fence and would meet or exceed current state and federal environmental and safety requirements.

The existing fuel storage containers will be removed in accordance with state and federal environmental rules and procedures. The existing storage shed-garage will remain in place. The applicant estimates that the facility would generate 3.18 truck trips per day on average, with more trips during the colder months and fewer in the warmer months. There will be no overnight parking of fuel trucks at the site. The applicant does not propose to have any on-site employees, only occasional visits by site service personnel and delivery drivers, and does not require water supplies or wastewater disposal systems.

Kelly asked if the site was screened by fencing or vegetation. Wayne replied that there are trees and shrubs along the west, east, and south sides of the lot, with another industrial building to the north. He noted that the proposed Route 100 bypass is planned to pass along the east side of the storage facility lot and would likely be taking some or all of the trees down for the highway right-of-way.

David asked if the applicant would be able to accommodate a condition of approval requiring that they provide a reasonable amount of landscaping as feasible in the highway right of way. Wayne said they would do what they could within the constraints on the land imposed by the highway project.

Theresa asked if the site was lit. Wayne said there are two security lights that are down-shaded to prevent glare on adjacent properties.

Jean moved to approve the application with the condition that the applicant make reasonable efforts to screen the property as feasible along the proposed highway route. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: FRANK HUARD, CONDITIONAL USE, HOME BUSINESS (CONCRETE CONTRACTING & FIREWOOD PROCESSING), GALLUP ROAD

David introduced the application, to be reviewed under sections 460 and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicants, Frank and Karen Huard, and to Gert Lepine, Paul Griswold, Lisa Prive, Bill Westerman, and Michael and Melinda Henry as interested parties.

Frank Huard explained that he was seeking approval to move his home business, which involves separate concrete contracting and firewood processing operations, to the adjoining property of Gert Lepine. The home business, which had been approved with conditions by the DRB in October 2004, was not allowed on his lot under restrictive covenants for his and surrounding properties. Ms Lepine's property is not subject to those covenants.

Frank detailed both operations. He said the concrete contracting business involves storing concrete forms and materials on-site which are transported to and from his clients' building sites. He has three non-family member employees who typically drive to his property, gather up the materials needed for the day's job, take them to and from the job site, and depart from his property at the end of the work day. He acknowledged that he and his crew often depart for job sites early in the morning, around 6:00 to 6:30 AM.

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The firewood processing operation involves delivery of two truckloads of logs during the year that Frank then cuts and splits into cords for drying and eventual delivery to his customers. He does this work by himself, using a chain saw and log splitter and two commercial-size pickup trucks. He had previously split up as much as 59 cords in a given year, but might not do as much this year. All work on both the concrete and firewood operations is conducted outside.

Karen Huard read the home business definition of the zoning bylaws, which allows home businesses in "an accessory building to a residential dwelling unit or on a lot adjacent to the lot containing the permanent residential dwelling unit of the business owner". The area of Gert Lepine's property, a 190-acre parcel, that Frank proposes to conduct his business on is located approximately 700-1000 feet from the nearest neighbor (the Prives), farther away from the neighbors than where he had been operating on his own lot. The proposed work site would be accessed from Gallup Road on the portion that is a Class 4 town highway.

Paul Griswold spoke on behalf of other property owners along Gallup Road and presented a sketch of the proposed business site in relation to nearby homes. He submitted a letter (copy attached) signed by a number of neighbors describing the character of the neighborhood and expressing concerns about noise and increased traffic along Gallup Road from Frank's businesses.

Paul referred specifically to section 462 of the zoning bylaws that state that the home business "shall be carried on within the principal of accessory structures and shall occupy less than 25% of the combined area of all structures on the lot", that prohibit exterior storage and indications of the home business that are at variation with the residential character of the neighborhood, that the home business not produce any "objectionable noise, vibration, odor, smoke, dust, electrical disturbances, heat or glare", and that the home business shall not generate traffic in greater volumes than would normally be expected in the neighborhood. He stressed that Frank's operations were not conducted within any type of structure, that they did produce 'objectionable noise', and did generate traffic in greater volumes than would be normally expected in this neighborhood.

Lisa Prive said that she hears Frank's trucks heading out very early in the morning, in addition to the noise from the log-splitting operation, and stated her opinion that this business use is not appropriate in this area.

Gert Lepine spoke on behalf of Frank's application, stating her belief that he was a hard-working person trying to support his family in a traditional occupation in a very remote area. She chastised the opposing neighbors for being, in her view, 'unfair' to Frank. Paul Griswold disputed Gert's characterization of the neighbors' actions.

David asked Gert if the land in question was subject to any conservation easements. Gert replied that it was and that the use Frank proposed on it was consistent with the restrictions of the easement.

David asked the neighbors present if Frank had been complying with the conditions imposed by the Board's previous decision. They responded that he appeared to be, but that there was nonetheless objectionable noise and traffic.

Paul Griswold asked Frank if he planned to put any part of his business operations within a structure; Frank responded no. Paul then asked him to consider moving the business operations further away from the adjacent homes.

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David suggested that the Board make a site visit before deliberating on this application. Theresa made a motion to recess the hearing until a site walk, scheduled for 6:00PM on July 28, was conducted. Jean seconded the motion and it passed unanimously.

OTHER BUSINESS:

Sharon Rowell presented a proposal for a two-lot subdivision for pre-application review. Greaves Farm Inc proposes to carve off a one-acre lot from an existing 19-acre parcel of open land on Washington Highway in the Special use District near the hospital. Theresa moved, and Kelly seconded, that the proposal meets the requirements of the Town Plan. The motion passed unanimously.

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

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 7/28/05 TB/JW