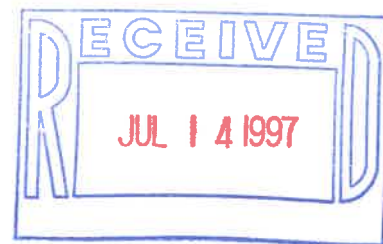


**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 10, 1997

Members Present: Gary Nolan, Rich Furlong, Ralph Wiltshire, Jean Wickart, Tom Bjerke, and Paul Trudell.

Members Absent: None.

Guest: William Moulton, Steven Leach, Brian Greenia, Oneal Demars, Amy Noyes, Chris Ransom, Frank Huard, Kenneth Grimes, William Jarvis, Cherie Jarvis, Alan Thorndike, Roger Cote, and Lee Sturtevent

The meeting was called to order at 7:30 P.M. by Gary Nolan, Chairman.

Ralph made a motion to approve the minutes of June 12, 1997 as written.
Tom seconded the motion and it was approved unanimously.

WARNED HEARING, CHARLES HESS, EXPANSION OF CAR LOT, ROUTE 100 SOUTH.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280, 436, 450-453, 500-503.4 and 630-637 of the Morristown Zoning Bylaws. A site walk of the property was conducted earlier in the evening.

Jean administered the sworn oath to Charles Hess.

Mr. Hess explained that he wishes to move his used car lot closer to the road to give him more visibility for his business. He would like to have 26 cars in front of the tree line. He has seen an increase in sales since the cars have been moved forward.

Tom asked if the front row of cars could be removed.

Mr. Hess said that he could move them.

Ralph asked about the number of cars he is asking for since he had 30 cars out front with the Board went for a site walk.

Mr. Hess responded that he did not realize that he had that many out front and was only asking for 26 cars.

Ralph made a motion to recess the hearing to a deliberative session to immediately follow

the remainder of tonight's hearings.

Paul seconded the motion and it passed unanimously.

**WARNED HEARING, TOWN OF MORRISTOWN, OXBOW RECREATION
PROPOSAL, PORTLAND STREET.**

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 210, 213.f, 320-326, 450-453, 500-503.4, 630-637 of the Morrisville Zoning Bylaws.

Jean administered the sworn oath to Lee Sturtevant, Brian Greenia, Kenneth Grimes, Oneal Demars, William Moulton, Frank Huard, and Chris Ransom.

Brian Greenia gave an overview of the proposed project. The Town is proposing low impact uses that will have nothing permanent located on the oxbow since most of it is located in the flood plain. They are proposing to have a walking path around the out site of the property that will go as far as Foundry Street. The path will be black stammat. The Town will put it in with Town help and equipment. Two wash out areas will be repaired. The construction planned will not increase erosion. The Town has allowed an area for community gardens and leveled and grassed the upper portion which will be for two youth size soccer fields without in ground goal post. The Select Board held two public hearings on the property and as to what the property would be used for. The gardens and soccer fields are on the honor system and their use of the property will be reviewed on a yearly basis. At the site walk it was suggested that the Town put in a play ground with sand boxes, swings, picnic tables etc... The Town Board of Selectmen does not wish to see this happen as it is too close to the water for little kids. The Town has other more suitable playgrounds that are under utilized and they do not want anything in the ground due to the fact the area floods regularly. The Select Board has not decided on what will take place on the lower level and what ever it is it will not have anything permanent in the area it may be large enough for a baseball field or some other use but as of now no plans have been made.

Tom asked about having an engineer review the project as our regulation require and engineer to sign off on the project.

William Moulton explained that he has been working with Barry Cahoon an engineer from the State who will have to issue the Town a permit. He explained that in most permits that the State issues for work near a stream bank has a condition of the approval that willow plugs are to be planted. Mr. Cahoon is happy with the project as long as the Town does not raise the flood plain height with the walking path.

Paul asked about the size of soccer fields.

Mr. Greenia explained that the fields are for youth size and not regulation size.

Tom asked about landscaping.

Brian said that they have been putting big rocks around the parking area to define the parking area and to keep vehicles from driving around on the oxbow. The Town does not propose any other landscaping.

Mr. Moulton said that it is likely that the State will require the Town to plant willow plugs to stabilize the river banks.

Tom asked about the lighting in the parking lot.

Brian Greenia said a total of six lights are planed, Morrisville Water and Light will be installing four surplus light that are new for the area and they will repair the two existing lights. Tom explained that new lighting on the oxbow would have to be down shaded lighting fixture.

Mr. Leach said that the lights are just like the other street lights and that at least one light will be on Portland Street to light the way to the area. The Town does not have money to put in down shaded lighting if they can not put in the lights that they have in the parking lot they will just repair the existing light and install street light(s) on Portland Street.

Mr. Chris Ransom addressed the DRB with his concerns. He is concerned that the location of the path will cause more erosion. The trees that have be cut to allow for twenty-five feet work area for the path will cause the oxbow to erode further. Soil from the community gardens was removed and places on the soccer fields. The path will hurt the wetland on the property. He has aesthetics concerns that the area should fit in with the downtown and no one is looking at aesthetic of the oxbow. The lighting needs to be increased if downtown business employees are expected to park there or else the cars will be broken into and vandalized. Mr. Ransom offered to build the down shaded shields for the street lights that the Village Water and Light Dept. is willing to give to the Town.

Mr. Moulton explained that there is a ditch and berm by the gardens. This was created when the soccer fields were leveled off and it will be corrected this fall after the gardens are harvested and the whole area will be leveled off.

Frank Huard stated that he is concerned about erosion from the changes that the Town has made to the property. He feels that an engineer should have to sign off on the changes that are planed. The area should be public area and not soccer fields. He said that he was at both of the public meetings and he did not hear anyone even mention soccer fields at either hearing.

Gary explained that he did not recall hearing about soccer fields at any of the meetings, but this is not the proper forum to get into what uses should be allowed. Mr. Huard should take his concerns to the Select Board.

Mr. Huard asked if the Town will be in charge of the maintenance of the oxbow.

Mr. Greenia said the Town is mowing some of the areas now. The soccer group has offered to keep that part mowed. However, in the end one way or another the Town will be responsible.

Tom made a motion to approve the Towns plan for the oxbow with the following conditions; our standard conditions, the Town may relocate the existing lighting in the parking lot to line up with the streetlights on Portland Street, new lights on the Town oxbow property will be down shaded with zero cut offs.

Jean seconded the motion and it was approved unanimously.

WARNED HEARING. JARVIS CINEMA CORP. TO ADD A FOURTH THEATER, PORTLAND AND BRIDGE STREET.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 210, 213.i, 450-453, 500-503.4 and 630-637 of the Morrisville Zoning Bylaws.

Jean administered the sworn oath to William and Cherie Jarvis.

Mr. Jarvis gave an overview of the project. The fourth theater will be where Critter & Things was located. They are proposing a 56 seat theater where for the time being people will receive a ticket in the existing theater and walk next door into the fourth theater. If the venture is successful six months from now then a door will be constructed between the two sections of the building and close off the existing outside door. If it not successful then the space will be turned back into a retail space. The movies that will be shown in the new theater will be films that have played two to three weeks, due to his contracts to get new films when they come out he has to agree to show them for a certain period of time and this will allow him to meet this commitment and get more new films in. Most of the traffic will be at night when other business are not using the parking lot.

Ralph made a motion to approve this application with our standard conditions.

Rich seconded the motion and it passed unanimously.

PRE-HEARING, ANNE CHRIS COTE FOUR LOT SUBDIVISION, COTE HILL AND WHITE BIRCH ROAD.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 220, and 310 of the Morristown Subdivision Bylaws.

Jean administered the sworn oath to Roger Cote.

Mr. Cote gave an overview of the subdivision. Mr. Cote divided his property into 10 plus acre lots mostly for his children. Mr. Cote built a development road and had the Town take over White Birch Road. In the State's opinion that when the road was taken over all lots with property on both sides of the road were separate lots. The state considers it a subdivision and is requiring Mr. Cote to get subdivision permits from the State and Town. So the portions of three lots with property between Cote Hill Road and White Birch Road will be made into a single lot. All four lots, the new lot and the three existing will be smaller as a result of the road and all will be between 6.9 and 7.7 acres.

Gary noted for the record that all property line must be shown to the edge of the road right of way not the centerline of the road.

Ralph made a motion to classify this as a major subdivision and rule that it meets the Town Plan.

Paul seconded the motion and it passed unanimously

Ralph made a motion to go into deliberative session on the Charles Hess application at 9:48 P.M.

Jean seconded the motion and it passed unanimously.

Rich made a motion to come out of deliberative session at 10:12 P.M.

Tom seconded the motion and it passed unanimously.

Ralph made a motion to approve the Charles Hess application with conditions.

Paul seconded the motion and it passed unanimously.

Other Business:

Concept II: Alan Thorndike representing Concept II asked about the merger of lots. Concept II would like to purchase the Manosh building that they are renting but they do not wish to have it merged with their other parcels in the industrial park. Mr. Thorndike find it confusing as to when a lot merges with another lot. He agrees with Steve Stitzel that if the lot is under sized and then at the purchases they becomes merges, but not if the lots meet the lot size. If a lot meets the size but has built a structure over the lot lines or closer that the setback requirement then it would merge, but not if the lot is of sufficient size and meets the dimensional requirements of the Zoning Bylaws.

The DRB feels that it the lots would remain separate the way Mr. Thorndike outlined above.

The DRB asked Rich if the Planning Commission could look at this section and try to make it clear what their intent is for this section.

Amelia Wheeler: Ms. Wheeler is interested in starting up a special education day care facility for children ages 4 to 15. Ms. Wheeler is look at a couple of downtown sites located in the Central Business District.

The DRB does not feel that this is an allowed use in the CBD district, however it is allowable in residential district in the Village and would be willing to work with her to find a suitable location.

Bruce Righi- Classic Homes Subdivision road violation, Ken will send to Steve Stitzel

North Country Animal League - Harold Shonio location. The DRB would still like to see it located in an existing barn. They will need additional information as to what their plans are for the Shonio property to make an informed decision.

The hearing was adjourned at 10:38 PM.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.