MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6377

Minutes of July 8, 2010

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire

Members Absent: Brian Irwin, Ron Stancliff & Jean Wickart

Recorder: Todd Thomas, Zoning Administrator (ZA)

Guests: Ray Belanger, Lynn Delaire & Lorrie Johnson

Member Nolan called the public meeting to order at 7:35 PM. Member Breault moved to approve the minutes of the July 1, 2010 meeting as presented. The motion was affirmed by a vote of 5-0.

WARNED HEARING (RECESSED): Maple House Inn at 3 Maple Street (Jolyri, LLC)
Chair Nolan introduced Applicant Lynn Delaire's request to hold functions and operate as a Home Business at the Maple Street Inn at 103 Maple Street, currently owned by Jolyri, LLC. The application was being heard under §250 Medium Density Residential, §254.2 Special Requirements, §460 Home Business, §500 Site Development Plan Approval and §630 Conditional Uses of the Morristown Zoning and Subdivision Bylaws. Chair Nolan noted for the record the site walk conducted at the property on June 24, 2010 by members of the Board, ZA Thomas and the Town Administrator. Chair Nolan noted an email dated July 8, 2010 from Paul Cerutti, Assistant State Fire Marshall, confirming permitted occupancy of 8 sleeping guests and 49 other guests for functions on the premises. Chair Nolan also noted an email received by abutter Lorrie Johnson on July 8, 2010 asking the Board to consider certain aspects of the application during permitting. The Board reviewed the sketch plan of the parking lot and determined that there was ample parking under §450 Parking and Driveway Requirements for the applicant's proposed use.

ZA Thomas informed the Board that since it last met on this application, a sign permit application was received for the premises. He added that the sign permit would need a variance because the front setback was being exceeded by approximately 2 feet and this issue should be discussed and decided upon with the other permits currently under consideration. Applicant Delaire discussed her recent signage request and its proposed illumination. Chair Nolan said the sign could be permitted as proposed via the Bylaws' 15% waiver allowance.

The Board discussed the square footage of the structures on the premises because a §460 Home Business cannot account for more than 25% of the combined area. The Board concluded that this calculation was quite difficult in this instance and decided to simply count the full area of the pool room and great room against the total area of all the structures on the parcel to determine compliance with the 25% business area maximum. The Board asked Applicant Delaire to

provide the ZA with the total square feet of all the structures on the parcel, along with the area of the pool room and the great room. Member Wiltshire moved to go into deliberative session to discuss the application. The motion was affirmed by a vote of 5-0.

In deliberative session, the Board decided that it needed to condition any approval based on proof being provided by the Applicant that the 25% square foot maximum was being complied with. The Board, by consensus, agreed that per §635.10, one, three and five year reviews of the project should be required by condition. Member Breault moved to approve the application and grant conditional use for no more than 49 people per event, provided that the property remain compliant with the Town's existing noise ordinance, no on-street parking is allowed, parking is only allowed in designated areas, one, three and five year reviews of the project are required and the Applicant can successfully submit the requested calculations proving that the pool room and great room together are not greater than 25% of the total square footage of all the structures on the parcel. The motion was affirmed by a vote of 5-0. Member Trudell moved to grant a front setback waiver for one foot, which would allow the Maple House Inn sign to be located as proposed, partially within the front setback. The motion was approved by a vote of 5-0.

WARNED HEARING (RECESSED): Lamoille Construction Inc at 325 Cady's Falls Road

Chair Nolan introduced Applicant Ray Belanger's request to move a building for cold storage onto the property at 325 Cady's Falls Road, currently owned by Lamoille Construction Inc. The application was being heard under §215 Business Enterprise District, §219.2 Special Requirements, §500 Site Development Plan Approval and §630 Conditional Uses of the Morristown Zoning and Subdivision Bylaws. Chair Nolan noted for the record an email dated July 8, 2010 from ZA Thomas regarding the Planning Commission's opinion on locating a metal-sided building within the Business Enterprise District. Chair Nolan said he did not agree with the Planning Commission's interpretation because the word "shall" was not found in §215.1 Prohibited of the bylaw. Chair Nolan also said he did not see the argument for precedent in the this specific case because an existing building was being moved from an adjacent lot to a building site on an adjacent parcel that has more than adequate screening from the right-of-way based on existing topography and vegetation. Applicant Belanger said that he did not think it made sense to have him build or purchase a new building when he could recycle and re-use the empty building located across the street. The Board, by consensus, agreed with Mr. Belanger. Member Trudell moved to approve conditional use for the application, which relocates an existing visible building on an adjacent property to a non-visible location on an adjacent property where the building site will be sufficiently screened by existing topography and vegetation, provided that the building's roof shall be painted if the Board finds it to be visible and objectionable within six months from the day the structure is moved. The motion was approved by a vote of 5-0.

The meeting adjourned at 9:15 PM.

Respectfully submitted,
Todd Thomas, Recorder

Minutes approved on: July 22, 2010