MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 8, 1999

Members Present: Tom Paine, David Silverman, Jean Wickart, Gary Nolan, Carol Jennings, and Paul Trudell.

Members Absent: Mary Brainard.

Guest: Ylian Snyder, Jean Grassette, Keven O'Riorden, Ruth Goodell, Mary Ann Wilson, William Alexander, Nick Silvesto, John Standish, Richard Workman, Ed Wilson, Laura Weickert, Christine Tricomi, Santos Tricomi, Heather Sargent, Dick Sargent, Dana Wildes, Andy Broderick, Lucy Leriche, Susan Aikman, Carol Collins, Jim Libby, Linda Wood, William Danforth, Geene Condon, Ernie Ruskey, Hal Stevens, and Gail Coulliard, and Cindy Knouff.

The meeting was called to order at 7:33 PM. by Gary Nolan, Chair.

David made a motion to approve the minutes of June 10, 1999, as corrected.
Paul seconded the motion and it passed unanimously.

WARNED HEARING, H.A. MANOSH CORP. AGGREGATE PROCESSING PLANT, ROUTE 15.

Gary opened the hearing and explained that the applicant is asking this hearing to be recessed until July 22, 1999 as the applicant can not attend the meeting.

Tom made a motion to recess the hearing to July 22, 1999

David seconded the motion and it passed unanimously.

The Tricomi's asked why they were not told this earlier when they called Mr. Sweetser at home an hour ago.

Gary said it was a last minute decision and Ken had not been informed.

EDWARD AND MARYANN WILSON, HOME BUSINESS, FRAZIER ROAD (TO CORRECT THE PERMIT RECORD).

Gary opened warned hearing and gave an overview of the application. The application is to be reviewed under Sections 260, 263.a, 450-452, 460-462.7, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Gary sworn in Ed and Mary Ann Wilson.

Gary explained that they Wilson's had a permit for a home business on Sunset Drive and about ten years ago they built a new home on Frazier Road. The Zoning Administrator transferred and that a new permit should have been issued as permits run with the land.

Mr. Wilson explained that they now have two employees who do not live in the dwelling. Their office in their garage section of the home and they use one bay of the garage. Some repairs are done in the garage if they can not be repair at their normal locations. They have warehouses may be dropped of at this location, but usually they meet the truck at some point on the road. The employees come in the morning and leave for the day. They have been operating the business out of this location for the past ten years.

David made a motion to approve application with our standard conditions.

Paul seconded the motion and it passed unanimously.

WARNED RECESSED HEARING, LAMOILLE HOUSING PARTNERSHIP, LAMOILLE COUNTY MENTAL HEALTH, AND COPLEY HEALTH SYSTEMS, 20 BED LEVEL III MENTAL CARE FACILITY AND THREE APARTMENTS, WASHINGTON HIGHWAY.

Gary gave an overview of the application. The application will be review under Sections: 2235,258.g.f.j. 450-452, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Gary administered the sworn oath to Andy Broderick, Heather Sargent, Dick Sargent, Ylian Snider, William Alexander, Lucy Leriche, and Ruth Goddell.

Ms. Leriche said this is a 20 bed level III mental care facility and three apartments, one for an employee and two for transient population.

Mr. Alexander went over the plans for operation of the facility. The plans are for a level III care facility not a maximum security jail. This facility will have at least one staff member on duty. The two apartments for transient population will be for stable people, who live on their own and for some reason have lost their housing. If people the people need more care they will have a staff person with them. They use a LOCUS grading system to determine their needs. The back yard will be fenced in so that they can exercise the people in the 20 bed section in a safe secure area. For acute care they will have 24 hr wraparound service. Mr. Alexander read from the plan, This facility is their home the doors are not locked, but wanderers have bracelets that sound when they go by a certain point and buzzer will sound when anyone gets close to the door. It is his responsibility to do the risk management for the facility, they have a good reputation, and do not wish to jeopardize it by having problems at this facility. The transient housing people will use it for short period of a month or less.

Ms. Sargent said she has worked in the field of mental health and people can and do leave. They can not put a bracelet on a patient without the patient's permission. When they do get out people have been killed. These people can and have been violent.

Mr. Alexander responded that the staff uses prompts and questions with the patients to assess their conditions. They can not force them to stay, however they would stop a person from a dangerous situation. He is an advocate for these people and the law allows them to live as near normal life as possible.

Ms. Goodell said people do get out and they can be violent.

Mr. Alexander said they suffer from dementia, schizophrenia, and aging and that they are not violent. They have been running the Waterville facility for about a year without violence problems. This is not Waterbury State Hospital and LCMH will not endanger the neighborhood.

Mr. Sargent asked if there will be two or three apartments for people in transition.

Mr. Alexander said two the third would be for a care giver if needed

Paul made a motion to recess the hearing to a deliberative session to immediately follow tonight's hearings.

Tom seconded the motion and it passed unanimously.

WARNED HEARING, TOM BJERKE AND DANA AND DORIS WILDES, LOT LINE CHANGE, DEMARS ROAD.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under the Morrisville/Morristown Zoning Subdivision Bylaws.

Gary administered the sworn oath to Dana Wildes.

Mr. Wildes explained the lot line change. When the original lot line change was made a few months ago was not well thought out as to we would mow the lawn by the shop. The change is to allow the lawn by the shop to be with the shop and land with the house to be with the house. This works out better for both parties and the acreage will still be over two acres per lot.

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

Paul seconded the motion and it passed unanimously.

WARNED HEARING, LAMOILLE HOUSING PARTNERSHIP, VARIANCE REQUEST TO ALLOW THREE APARTMENTS WITHOUT MEETING THE MINIMUM LOT SIZE REQUIREMENT, 144 UPPER MAIN STREET.

Gary went over the application and explained that it appears to be about the same as the previously reviewed a few weeks ago.

Ms. Leriche explained it has changed slightly now that it can meet the parking requirements. Plans and a letter on why they felt the variance should be approved.

Gary explained that variance are extremely rare and have to meet all sections under the variance criteria.

Ms. Leriche explained its for social services they provide. This project It is tied to the second floor over the new Post Office. The location is close to the school so they do not need a lot of land. They need at least two units in this building and will amend the applications to read so. Gary accepted the application and gave an overview of the application. It will be reviewed under Sections: 250,253.f, 450-452, 500-503.4, 630-637 and 650-657 of the Morrisville/Morristown Zoning and Subdivision bylaws.

Gary administered the sworn oath to Lucy Leriche, Andy Broderick, Jim Libby, Kevin O'Riordan, Jeanne Grassette, Yiian, Snyder, and Susan Aikman.

Ms. Leriche said this project is directly tied to Portland Street project. There is a covenant on the deed that says it must be used for low and moderate income housing. This property can not be used for a commercial business. The building has very expensive infrastructure within it. Sterling Areas Associates owes $ 90,000. and it would just not fall into the low and moderate income bracket. She past out the deed and read her reason why she felt a variance was deserved. The location is the problem as it would be allowed in other districts. The building is falling into disrepair and if LHP buys it their budget will allow it to be well maintained building.

Jim Libby the attorney for Housing Vermont made a presentation. The group home did not work out and now they have a building to be used for low to moderate income housing. The population that the group home provided is served in other ways. The covenant is in perpetual with the deed.

Ken asked that his understanding of covenants was that if Housing Vermont gets this building back they can remove the convents since they were the ones who put on the covenants and they would fully own it.

Mr. Libby said that is correct, but they have had only had a few defaults and did not think they removed the covenants to sell the property off.

Andy Broderick explained how that no allowing this could jeopardize the two projects. They will have to go back and get new financial approvals which takes time. Mr. Ferris may not give them time to redo the financing.

Mr. O'Riordon said Sterling Area Service serves 31 people in the area. The current method serve people with individual services rather than group homes. They now have no use for the building. By going to an individual service provider they were able to cut the cost by 40%. They have a concern on what will happen to the building if LHP does not end up with it.

Ms. Aikman spoke in support of this project. She is the director of the Cairina Howard Nichols shelter. That this type of housing allow women and children to have a home. This type of housing meets their need and the site is accessible.

New plans showing two apartments were presented.

Paul asked if two spots off each street could be done as our regulations do not allow for driveway or parking area in the setbacks unless approved by this Board after a snow removal plan is in place.

Ms. Snyder said this could be done and they can add green space in the setbacks

Tom made a motion to recess this hearing to a deliberative session to follow the remainder of tonight's hearings.

Paul seconded the motion and it passed unanimously.

Ms. Leriche asked that they make a decision tonight on this application due to time and they could wait longer on their other application

Gary replied so noted.

<u>NORTH COUNTRY ANIMAL LEAGUE, ANIMAL SHELTER, RECONSIDERATION OF CONDITION IN WRITTEN DECISION OF APRIL 22, 1999, LAPORTE ROAD.</u>

Gary opened the hearing and read from the instructions per Stitzel, Page and Fletcher on holding this hearing. For reconsideration the Applicant must show that the DRB made an mistake or their was a reason why the Applicants were unable or not allowed to present this information.

Attorney Stevens object since NCAL did not send a copy of the letter to all of the interested parties.

The Board reviewed the applicants letter requesting changes to the conditions.

Mr. Ruskey said that for example a berm was discussed but not a part of the final plans.

Gary read Section 636 on extra conditions the Board may place on an application.

David made a motion to recess the hearing to a deliberative session to immediately follow tonight's hearings.

Jean seconded the motion and it was approved unanimously.

Other Business:

J.B. Mckinley's building on Hutchins Street: Ken explained that there had been an inquire as if the condition of the building would allow a party to tear down the building and put up a new three apartment building. Ken's opinion was this could not be done, however he was willing to take it to the DRB. Gary read from the bylaws where is says if a use is discontinued more than one year it loses the use and this building has been vacant for more than a year

Orton Family Foundation Video: The would like to have one or two DRB representatives on the steering committee. David and Paul will be the representatives.

David made a motion to go into deliberative session at 10:40 PM

Paul seconded the motion and it passed unanimously.

Paul made a motion to recess the LHP/LCMH/CHS application to a deliberative session on July 29, 1999 at 6:00 PM in the Town Clerk's Office Building.

Tom seconded the motion.

Jean made a motion to come out of deliberative session at 11:00 PM

Paul seconded the motion.

David made a motion to approve the variance for Lamoille Housing Partnership application for 144 Upper Main Street.

Tom seconded the motion and the motion was unanimously defeated.

Gary made a motion to approve the reconsideration of the conditions on the North Country Animal League as presented.

David seconded the motion and it was defeated unanimously

Paul made a motion to adjourn the hearing at 11:05 PM

Tom seconded the motion and it passed unanimously

Respectfully submitted,
Kenneth J. Sweetser, Scribe.