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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of June 25, 2009

Members Present: Gary Nolan, Ron Stancliff, Jean Wickart, Theresa Breault, Karyn Allen, Chris Wiltshire, Paul Trudell

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator (ZA)

Attendees: see attached list

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Jean, minutes of the June 11, 2009 meetings were approved as presented.

WARNED HEARING: DEBORAH WHEELER, SETBACK WAIVER, 482 LONG BRANCH CIRCLE

Gary introduced the application, to be reviewed under sections 264 & 650 of the zoning & subdivision bylaws. Gary noted that a site walk of the subject property, attended by three DRB members and the ZA, preceded the hearing. Theresa administered the sworn oath to applicant Deborah Wheeler. No other interested parties were present.

Deborah Wheeler explained her request for a setback variance in order to construct an addition onto her home. She had initially understood that her property line was approximately 25 feet from the closest point of the proposed addition. She subsequently discovered a 1970 survey of her property that indicated the boundary line was closer than she originally thought, placing the corner of the proposed addition approximately eight (8) feet from the property line, as identified on the 1970 survey. The minimum setback in this zoning district is fifteen (15) feet.

Ms Wheeler acknowledged that the boundary line depiction on the survey is imprecise and that she could not definitively verify the actual boundary location. The survey references a 'boundary wire' which is no longer in existence. She said she had asked several people familiar with surveys to identify the boundary line and there was no consensus on its actual location.

Gary noted that it is extremely difficult to meet the five criteria laid out in state statute and embodied in the local zoning bylaws for a variance. The fact that the 'hardship' for which the applicant seeks a variance is created by the applicant's desire to locate her addition in a particular location when other possible sites exist makes it impossible to meet one of the criteria.

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Ron reviewed Ms Wheeler's property deed, which references the 1970 survey. The deed clearly states the 'boundary wire' (as annotated on the survey) is the property boundary. Without that wire, a surveyor would have to re-establish the boundary line using other reference points.

Gary suggested that once the property boundary is clearly established and if the proposed addition in fact lies within the property line setback it might be possible to negotiate a lot line adjustment with the adjoining property owner to increase the distance from the proposed addition to conform to the setback. Ms Wheeler said she had approached her neighbor with this idea and the neighbor was not interested in pursuing it.

Chris moved to recess the hearing on this application until such time as a survey of the property boundary line clearly established the location of the boundary line. Ron seconded the motion and it passed unanimously.

WARNED HEARING: ROBERT HEANUE, REVISED PRELIMINARY PLAT APPROVAL, 4-LOT SUBDIVISION, 406 JERSEY HEIGHTS

Gary introduced the application, to be reviewed under sections 259, 730, 740, 780, and 810-860 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Robert Heanue, consultant Bernie Chenette, adjoining property owners Michael & Terry Alexander, and County Forester Ray Toolan. Adjoining property owners William Swanson & Susan DeColaines submitted written comments regarding the application. The ZA noted an administrative error in the warning notice; the correct location of the subject property is 406 Jersey Heights.

Bernie Chenette, speaking on behalf of the applicant, explained that the original proposal for a six-lot subdivision, consisting of an existing residential structure on one lot with five new residential lots, had been granted preliminary plat approval by the DRB in December 2008. Since then, the applicant has re-configured the plan to establish only three new lots plus the existing lot. As a result of this change, the previously proposed private development road would now only be a shared driveway serving those three new lots. The reduction in new impervious surface and reduction in stormwater flow negated the need for a planned stormwater retention pond at the bottom of the access road/driveway.

Bernie described other changes to the plan originally presented in 2008. A revised stormwater discharge plan, using rooftop stormwater collection systems, is now planned. Additional tree plantings (six pines) along the north side of the driveway and a ten (10) foot wide 'no clear' buffer zone along the adjoining Alexander property line at the foot of the driveway are planned to provide screening from vehicles entering and exiting the new lots.

Paul asked if the proposed private driveway was located in the same location as the previously proposed private road. Bernie said it was.

Ron asked if the driveway would be paved and who was responsible for its maintenance. Bernie said the first fifty (50) feet, closest to the town road, would be paved with the remainder gravel. The property owners of the three lots would share responsibility for its upkeep.

Paul asked if the line shown inside the proposed new lots across from the adjoining Coffin & Swanson properties was a 'no clear' buffer zone. Bernie said it was not; the line represents only the structural setback mandated by the zoning bylaws.

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Gary read the Swanson/DeColaines email into the record. In it, they request additional screening on the Heanue lots to provide screening of any new development from their property and the adjoining Coffin property. Gary recalled that the Board had conducted a site walk of the property during earlier hearings and observed the area in question as being fairly well wooded as is. He felt the property was adequately screened and sufficiently far from residences on the Swanson/DeColaines & Coffin properties that additional screening was not warranted.

Mike Alexander said he was pleased to see the project reduced in scope, but still had concerns about potential visual impacts of vehicles entering & exiting the property next to his residence, disturbance of his property for utility line installations, site blasting, and stormwater runoff. He said existing mature trees along the common property line do not afford much screening due to the leaves & branches being too high above ground level.

Bernie assured Mike Alexander that any utility work done in the public right of way on his property would restore the land to its pre-development condition. He said the portion of the driveway closest to the Alexander residence would be below the current grade, effectively blocking lights from cars on the driveway from shining into the Alexander residence.

Ron noted that the proposed drainage swale along the 10% grade of the driveway would likely need stone fill, rather than grass, in order to function properly and avoid erosion. Bernie agreed, saying that would be updated on the final plat plans.

County Forester Ray Toolan reviewed the existing tree inventory on the property and the proposed forestry management and gave a fascinating thumbnail history of forestry in Vermont.

Chris moved to grant preliminary plat approval to the revised plan. Ron seconded the motion and it passed unanimously.

The meeting adjourned at 8:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 7/23/09