

Morristown/Morrisville Development Review Board
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Meeting Minutes of June 24, 2014

Members Present: Karyn Allen, Theresa Breault (Alternate), John Gloss, Brian Irwin, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire. Member Susanna Guthmann arrived during the Fitzgerald Road Home Business hearing.

Members Absent: None

Staff: Todd Thomas, Zoning Administrator

Guests for the VT Acer / Butternut hearing: Applicant & landowner Ira Marvin

Guests for the Stafford Ave / MSI hearing: Engineer David Ring & Attorney Jim Mahoney

Guests for the Greaves to CHSLV subdivision hearing: Kevin Kelly, Sharon Rowell and Engineer Chris Austin

Guests for the Tewhill subdivision hearing: Applicant & landowner Allison Tewhill, abutting property owners Cathy & Guy Smythe and Engineer Chris Austin

Guests for the Southall subdivision hearing: Applicants & landowners Sarah & Henry Southall and abutting property owner Greg Ward

Call to Order & Minutes: Member Breault moved to approve the June 12 meeting minutes. A vote of 6-0-1 affirmed the motion, with Member Trudell abstaining.

Hearing: VT Acer LLC boiler room addition on Industrial Park Dr., \$500 SPA & \$630 CU

Applicant and landowner Ira Marvin appeared before the Board to explain the proposed 26x40 addition to the boiler room of Butternut Mountain Farms. Zoning Administrator Thomas noted that this is a small addition with respect to the existing facility and that the proposed addition met all setback requirements. Mr. Thomas added that the two Vermont Acer owned parcels shown in the Board's meeting package had recently been merged to eliminate the internal lot line. Member Allen asked about exterior lighting. Mr. Marvin confirmed there was no additional exterior lighting proposed. Member Wiltshire moved to approve the application as proposed. The motion was affirmed by a vote of 7 to 0.

Hearing: Sunrise Development 47,000 ft.² expansion on Stafford Ave, \$500 SPA & \$630 CU

Engineer David Ring and Attorney Jim Mahoney appeared before the Board and presented a proposed 47,000 ft.² addition that would connect what are commonly referred to as the sawmill and engine house buildings located respectively at 153 Stafford Ave and 191 Stafford Ave. Mr. Thomas noted that the proposed addition would cross the lot lines of parcels in separate ownership and that merger of the two parcels should be a condition of any approval. Mr. Thomas added that the sawmill property at 153 Stafford Ave. was split by the Commercial Zone and the Industrial Zone. He said that in a split zone situation, the Board could review the proposal in either zone at the applicant's request and that the applicant had requested that the saw mill (parcel 20-014) at 153 Stafford Ave. be reviewed in the Commercial Zone. Mr. Thomas also explained that it would not be possible under the current bylaw to add commercial zoning and the retail use commonly associated with it to the engine house (parcel 20-015). Attorney Mahoney said that his client was amenable to a merger condition, but he asked the condition be

required prior to construction. Attorney Mahoney said that he would like to speak to his client more about proposed uses in regard to this split zone issue. Mr. Thomas added that a revised site plan should be submitted that shows the property lines, including the internal lot line running between the two existing buildings that would be bridged by the proposed 47,000 ft.² addition. Member Wiltshire moved to recess the hearing until 6:30 PM on July 24 to allow for a revised site plan and the applicant's description of what uses would be proposed on each existing parcel. The motion was affirmed by a vote of 7 to 0.

Hearing: Greaves Farm subdivision on Washington Hwy, §750 Final Plat Approval

Attorney Jim Mahoney remained in front of the Board representing seller Greaves Farm Corp. and was joined by Kevin Kelly of CHSLV, representing the buyer of the proposed subdivision at 667 Washington Hwy. in the §235 Special Use Zone. Atty. Mahoney noted that the existing 17 acre parcel 24-019 would have a 4 acre lot split from it if §750 Final Plat Approval were to be approved. Mr. Thomas noted that this was a compliant subdivision application, but that the shed straddling the lot line, as noted in the plans, should be razed or moved as a condition of approval. Member Wiltshire moved to approve the subdivision as proposed, provided that the shed be moved or razed prior to the zoning permit being released. The motion was affirmed by a vote of 7 to 0.

Hearing: Tewhill subdivision on Magoon Rd, §750 Final Plat Approval

Applicant and landowner Allison Tewhill and Engineer Chris Austin appeared before the Board seeking §750 Final Plat Approval to create a new 12 acre subdivision lot from 23 acre parcel 12-042-6 at 582 Magoon Road in the §260 Rural Residential Agricultural zone. Mr. Thomas noted that this parcel also contains a portion of the §300 Drinking Water Source Protection Area for the Morristown Corners Water Corp. Engineer Austin said that he received a letter from Ken Yelsey of the State drinking water department expressing no concerns with the proposed subdivision plan with relation to the Morristown Corners Source Protection Area. Engineer Austin also noted that the new 12 acre lot relies on a 50 foot right-of-way for access to the Magoon Road cul-de-sac. Mr. Thomas said that it was unclear what the Board would require for construction standards for the driveway in the proposed right-of-way. He noted that the Board often required right-of-ways to meet town road standards, but he opined that this was more a driveway than a situation that warranted road construction that would meet town standards. Mr. Thomas suggested that the Board could allow a driveway in this case and require that the road be brought up to town standards if another lot was ever created from either of the subject parcels. Mr. Thomas added that the Fire Chief requested that a fire pond be constructed as a condition of subdivision approval. Engineer Austin said that the fire pond request may not be proportional to one additional lot being created. After some discussion, the Board agreed to ask Ms Tewhill to work with her neighbor regarding getting a dry hydrant installed in the existing pond to the southeast of her property. Neighbors Kathy and Guy Smythe requested screening along the proposed subdivision lot along their property line. They said they would like to retain the privacy that they had become accustomed to at their house throughout the years. Member Wiltshire said there is some existing vegetation already in place according to the ortho photos provided with the application that should provide some screening for the newly proposed lot. The Smythe's responded that these trees were not healthy. Engineer Austin said that the building zone shown on the plan exceeds side setback requirements by a multitude of two or three and that the Smythe

house is upwards of 300 feet from the proposed building zone. Member Gloss said that he thought requesting landscaping to buffer the neighbors as requested was reasonable. Member Irwin moved to approve the application as proposed, provided that the building zone be shown on any future zoning permit application for this lot and the proposed house be located therein, that town road standards shall be applicable for entire right-of-way being created by this subdivision if either subject parcel is subdivided again in the future and that the applicant is encouraged to work with her neighbors regarding getting a dry hydrant installed in their existing pond. The motion was affirmed by a vote of 6 to 1, with Member Gloss opposed due to screening not being required.

Hearing: Southall subdivision on Washington Hghy, §750 Final Plat Approval

Applicants & landowners Sarah & Henry Southall appeared before the Board seeking §750 final plat approval to create a 29,900 ft.² lot from the existing 1.5 acre parcel 23-240 at 427 and 439 Washington Highway in the §235 Special Use Zone, as well as a §239.1 Waiver for 15% of the Minimum Lot Width requirement. Member Allen recused herself from the hearing because she lives at the subject property and Member Guthmann replaced her on the Board. The Southall's explained that the intent of the subdivision was to put the existing medical building and the existing single-family home on separate lots to facilitate the sale of both properties. Mr. Thomas explained that the waiver request resulted from the medical building's parking lot being shown at the 15 foot minimum setback from the side lot line, which narrowed access to the residential property on the adjacent lot. Mr. Thomas noted that the application also proposed that the common access to each parcel had been reduced to 40 feet in width from the existing approximately hundred feet in width. He added that ensuring this access was reduced on the ground, as proposed, as well as ensuring that the parking lot remained 15 feet from the side lot line should be conditions of any approval in exchange for the requested Waiver. The Board discussed different ways to keep a gravel parking lot 15 feet from the side lot line. The Board decided that the parking lot shall be demonstrated to be 15 feet from the side property line on the ground prior to a zoning permit issuing, and also required the installation of 4 to 5 precast curb stops at the edge of the parking lot to ensure the parking lot would not inch closer to the side setback line due to plowing. Member Wiltshire moved to approve the proposed subdivision and the requested Waiver for Minimum Lot Width provided that 4 to 5 precast curb stops be installed along the western property line of the parking lot and that the parking is demonstrated as being 15 feet from the side lot line and that the access along Washington Highway be reduced to at least 40 in width, all prior to a zoning permit being released. The motion was affirmed by a vote of 7 to 0.

The meeting adjourned at approximately 9:00 P.M.

Respectfully submitted by Todd Thomas, ZA.

