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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of June 24, 2004

Members Present: Gary Nolan, David Silverman, Carol Jennings, Theresa Breault, Carl Fortune, Paul Trudell

Members Absent: Jean Wickart

Recorder: Mark Leonard, Zoning Administrator

Guests: Fred Wagner, Darrow Mansfield, Roy Marble, Charles Lambert Jr, Virginia Neel, Travis Apple, Allen Loura, Linda Wood, Donna Wheeler, Albert and Gretchen Besser

Chairman Gary Nolan called the meeting to order at 7:30 PM. Theresa moved to approve the minutes of June 10, 2004. David seconded the motion and it passed unanimously.

WARNED HEARING: ALLEN & SALLY LOURA, 2-LOT SUBDIVISION AND LOCAL ACT 250 REVIEW, LAPORTE ROAD

Gary gave an overview of the application, which will be reviewed under sections 264, 660, 740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 10, 2004. A site walk of the property attended by four DRB members, the zoning administrator, and the applicants was held this evening prior to the hearing. Theresa administered the sworn oath to Darrow Mansfield, Allen Loura, Linda Wood, and Donna Wheeler.

Darrow Mansfield, representing the Louras, presented their proposal to subdivide a 13.8-acre parcel located off Laporte Road, behind the Mountain View Equestrian Center, into two lots (16A and 16B) of approximately 7 acres each. Each lot would be permitted for a single family home. The lots are bisected by the Lawrence Brook floodway; home sites would be on the east side of the brook (outside of the floodway fringe area and the designated wetlands), with no development on the other side. The lots would be accessed from Laporte Road by a private road via a right-of-way across two adjoining lots. Each lot would have its own on-site sewage disposal system. Both lots will have a common shared well located on lot 16A by easement. The property is subject to an Act 250 permit, which the applicants are applying to amend to relocate the access driveway and to subdivide the previously approved lot.

Carl asked if the driveway already existed. Darrow replied that it did and was a driveway, serving three or fewer homes, not a private road.

David asked if any municipal agencies had comments on the application. The ZA said that the fire chief had submitted a letter requesting that any driveway in excess of 100' in length within the subdivision be at least 14' wide, have an adequate turn-around area (at least 30' in diameter) and be maintained on a year-round basis.

David asked Darrow what are the plans for developing the access road. Darrow replied that it would be a gravel surface and that the portion from the entrance to Mountain View Equestrian Center barn back to the three lots would not be to town road standards as that portion would be a private driveway.

Donna Wheeler, speaking on behalf of North Country Animal League (NCAL), noted that the right-of-way to the Loura lots crosses NCAL's property. She said NCAL wanted to ensure that the applicant would be responsible for the cost of any upgrade to the existing access that might be necessary to meet town road standards and that there be a condition of approval requiring sharing of common road maintenance costs.

Gary noted that the portion of the access from Route 100 (Laporte Road) to the fence at the equestrian center barn would now serve six properties (four home sites, NCAL, and the equestrian center) and would need to meet town road standards. Darrow said the Loura's deed granted them a 50' wide right-of-way from the edge of Laporte Road to the lots behind the equestrian center and that the applicant would accept any conditions requiring the lot owners to share road maintenance costs along the common areas in the right-of-way. He said that the 'private road' portion may not meet town road standards, but that it is clearly adequate to handle large vehicles, such as horse trailers, in its current state. Gary thought that that portion may, in fact, meet town road specifications.

Under Section 660, Local Act 250 Review of Municipal Impacts, the DRB must determine that the proposed development will not unreasonably burden the town's municipal and educational services and conforms to the town plan. The board found in its pre-application review that the proposal conforms with the town plan and the responses from the municipal departments and school supervisory union office indicate that they will not be unreasonably burden by the proposed development.

David moved to approve the application as presented with standard conditions. Paul seconded the motion and it passed unanimously.

WARNED HEARING: FRED WAGNER, 2-LOT SUBDIVISION, STAGECOACH ROAD

Gary gave an overview of the application, which will be reviewed under sections 264, 740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 10, 2004. A site walk of the property attended by four DRB members, the zoning administrator, and the applicant was held this evening prior to the hearing. Theresa administered the sworn oath to Fred Wagner and Albert and Gretchen Besser.

Fred Wagner presented his proposal to subdivide a 6.5-acre parcel (tax map #12-066) on Stagecoach Road that he has an option to purchase into two lots (A and B) of approximately 3.25

acres each. Lot A has road frontage on Stagecoach Road. Both lots would be accessed via an existing 50' wide right-of-way on an adjoining lot (#12-070) on the southern side of the parcel. The same right-of-way accesses property below this parcel owned by Al and Gretchen Besser (#12-067). The existing driveway serving Lot A would be improved to Lot B.

Al Besser stated that he had no objection to the proposed subdivision, but wanted to ensure that the driveway in the existing right-of-way on the adjoining lot will continue to allow access to his property below the proposed Lot B. He requested that the right-of-way be depicted on the final survey plat of the subdivision. Gary agreed that the right-of-way should be depicted on the final recorded mylar plat.

Carl moved to approve the application as presented with standard conditions. Paul seconded the motion and it passed unanimously.

WARNED HEARING: WESLEY LANGDELL, 2-LOT SUBDIVISION, CENTER ROAD

Gary gave an overview of the application, which will be reviewed under sections 214, 740, 770, 780, and 810 of the zoning and subdivision bylaws. A pre-application review of the proposal was conducted on June 10, 2004. Theresa administered the sworn oath to Roy Marble and Charles Lambert.

Roy Marble, representing Wesley Langdell, presented his proposal to reconfigure an existing two-acre lot at the corner of VT Route 15 and Center Road and to subdivide one acre from an adjoining 45-acre parcel, resulting in a one-acre lot and a two-acre lot along Center Road. The two lots along Center Road lie within the Commercial zoning district, with most of the balance of the adjoining 45-acre parcel being within the Rural Residential with Agriculture district. A mobile home on the land included in the proposed one-acre lot will be removed.

The applicant does not propose to develop either parcel and therefore does not present any sewage disposal plans in the application. The applicant will apply to rescind the previously approved state subdivision permit that created the two-acre lot and will seek deferral of development state permits for the two new lots. It is presumed that any subsequent owner of the properties will either obtain a sewage disposal permit for any on-site system or will secure access to the village sewer system. Roy noted that Country Home Center, across the road from the proposed subdivision, is already negotiating to hook up to the village system, making it relatively easy for these lots to eventually connect to the sewer line.

Charles Lambert, adjoining property owner, said that he didn't have any objection to the subdivision on its own, but was concerned about any subsequent commercial development of either lot. He understood that any such concerns would be addressed in a conditional use or site plan review hearing.

David moved to approve the application as presented with standard conditions. Theresa seconded the motion and it passed unanimously.

PRE-APPLICATION REVIEW: RICHARD TRAVISANO, 3-LOT SUBDIVISION, COTE HILL ROAD

Richard Travisano presented a proposal to subdivide the 17.7-acre parcel owned jointly

with Cindy Zimmermann at 2040 Cote Hill Road into two 7-acre lots and a 3 acre lot. Paul moved that the proposal conforms with the Town Plan. Carol seconded the motion and it passed unanimously.

PRE-APPLICATION REVIEW: VIRGINIA NEEL, 2-LOT SUBDIVISION, COLE HILL ROAD

Virginia Neel and Travis Apple presented a proposal to create a 10-acre lot from portions of two adjoining lots on Cole Hill Road owned by Virginia Neel. The two adjoining lots, currently 38.2 and 6 acres, would become 27 and 5 acres, respectively. David moved that the proposal conforms with the Town Plan. Paul seconded the motion and it passed unanimously.

PRE-APPLICATION REVIEW: KEITH THOMPSON, 2-LOT SUBDIVISION, ELMORE MOUNTAIN ROAD

Keith Thompson presented a proposal to subdivide his 15.2-acre parcel on Elmore Mountain Road into two lots of 10 and 5.2 acres, respectively. David moved that the proposal conforms with the Town Plan. Theresa seconded the motion and it passed unanimously.

On a motion by Theresa, seconded by Paul, the meeting was adjourned at 8:25 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 7/22/04 TB/DS