

Morristown/Morrisville Development Review Board
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Meeting Minutes of 12 June 2019

Members Present: Karyn Allen, Susanna Guthmann Burnham, Gary Nolan (Chair), Andrew Strniste (alternate), Laura Streets, Paul Trudell, and Chris Wiltshire

Members Absent: Mary Ann Wilson

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests: Bob Beeman (Selectboard Chair), Dan Demars, Pierce Reid, Gloria Wing, Lisa Mugford, Anne Latulippe, Stefani Capizzi, Patricia Cosgrove, Robin Pugh, Nina Church, Edith Baker, David Riegel, Andrew Gonyea, Barbara Miller, John Rodriguez, June McKinley, Vivian Norton, Dan & Taraleigh Weathers, Jennifer and David Anderson.

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:00 PM. Member Trudell moved to approve the May 1st meeting minutes. A vote of 5-0 affirmed the motion (with Members Strniste and Wiltshire abstaining).

Hearing: 1174 Park St, §630 Home Business location change to barn (Weathers)

Applicants/landowners Daniel & Taraleigh Weathers appeared before the Board requesting §500 Site Plan Approval to modify their existing §460 Home Business permit for a yoga retreat for up to 16 people so they can utilize a portion of the existing barn (instead of the house) at 1174 Park Street, parcel 08-034-1 in the §260 Rural Residential Agricultural Zone. Mr. Weathers explained that he and his wife have no employees and that using the barn for the home business, instead of the inside of their home, would be less intrusive. Zoning Administrator Thomas distributed a spreadsheet showing that the home business would use less than 21% of the total square footage of the structures on the property. Chairman Nolan noted that this percentage was a reduction from the current iteration of the home business. Mr. Thomas read a letter into the record from neighboring property owner Lynda Covatta that expressed concerns regarding the application. Upon a question by Member Allen, it was confirmed that this application would not cause any exterior changes to the barn. Member Wiltshire moved to approve the application as presented. The motion was affirmed by a vote of 7-0.

Hearing: 109 Professional Dr., §500 Site Plan Approval for doctors' office move (Demars)

Applicant/landowner Demars Properties LLC appeared before the Board requesting §500 Site Plan Approval to add a doctors' office inside the existing building at 109 Professional Drive via the Business-Professional Office use on parcel 20-001-1, which is located in the §210 Commercial Zone. Mr. Thomas said that a zoning change was under consideration that, if approved, would make this hearing moot. As such he recommended continuing the hearing until June 26th, at which time the zoning change will have been voted on by the Selectboard. Member Wiltshire moved to recess this hearing to the Board's June 26th hearing. The motion was affirmed by a vote of 7-0.

Hearing: 360 Maple St., §500 Site Plan Approval for substance abuse home (Demars)

David Riegel and Andrew Gonyea of Vermont Foundation of Recovery appeared before the Board requesting §500 Site Plan Approval to house 6 unrelated individuals as a Family unit on parcel 23-178 which is owned by Demars Properties LLC and located at 360 Maple Street in the §250 Medium Density Residential Zone. Mr. Thomas said that he deferred this application to the Board per §402 of the Bylaws because more than the zoning maximum of 4 unrelated people would be living together. Mr. Riegel said that the three-bedroom apartment will be occupied by

six female VFOR clients who will live together as a functional family unit, meeting the Town's definition of Family. He said that VFOR's residents typically stay in a home for 5 months learning to live in a substance abuse free environment. He said that the residents will share all common spaces with the exception of some groceries. Member Guthmann asked if the tenant makeup would be fluid throughout the year. Mr. Gonyea of VFOR said that it could be, but the minimum client stay is 90 days in order to remain in the recovery program. Member Streets asked if any staff would live on-site at 360 Maple Street. Mr. Gonyea said no, that staff time spent on each VFOR house averaged about 10 hours a week, but varied depending on the needs of the particular house. Mr. Gonyea said that VFOR does not house clients that have a history of arson or sexual offenses, but they would house clients with a criminal background. Dan Demars said that Demars Properties currently excludes people with criminal backgrounds from renting its apartments.

The Board then took comments from abutting property owners. Robin Pugh questioned the chosen location for this proposal and said it would negatively impact the safety of a neighborhood inhabited by lots of children. Barbara Miller said that Demars Properties illegally forced her out of the subject apartment to make way for this VFOR recovery home. John Rodriguez said that his living room sits less than 30 feet from the property line of the proposed VFOR house, begetting privacy and property value concerns. Nina Church echoed concerns about property values and said that her experience living close to a home for abused women has shown her that good management of the group home is critical for ensuring that it does not negatively impact its host neighborhood. She also expressed concern about an acute concentration of these type of group home uses in this neighborhood. Vivian Norton said that she is concerned for the safety of her granddaughter and great-grandchildren who just signed a lease for the neighboring apartment. David Anderson said he was concerned about recidivism and asked how many clients had to be removed from VFOR's other homes in the last month, Mr. Riegel said that three tenants either had to be removed or left VFOR's other homes last month. A representative of the Recovery Center on Brooklyn Street said that his team will be supporting this VFOR house if it is approved. Pierce Reid said this is a poor location for a VFOR home and said that he was concerned about clients that fail out of the program returning to crime to feed their drug habit. Bob Beeman, Chair of the Selectboard, said that he had spoken to all of the Selectboard members except one, and the Selectboard was opposed to a VFOR home being located on Maple Street.

With no new comments from the public, Member Wiltshire moved to continue the discussion in Deliberative Session. The motion was approved by a vote of 7-0. At the conclusion of the Deliberative Session, the Board made the following findings:

1. The 6 unrelated VFOR clients living together, as proposed, met the Bylaw's definition of Family.
2. The two easternmost parking spaces on the submitted site plan located closest to the sidewalk do not meet with Bylaw's 35 foot front setback requirement.
3. The parking lot was not adequately landscaped from roadside view due to the aforementioned two parking spots violating the front setback.
4. These two parking spaces were needed for tenant parking, but should be moved elsewhere on the property per the approval of the Zoning Administrator.

5. The two parking spots that are being abandoned shall be used to screen the parking lot from roadside view per §505 (landscaping Standards) of the Bylaws.
6. To ensure compatibility with the host neighborhood, this application shall be subject to 6 month, 1 year, and 2 year permit reviews.

Member Wiltshire moved to approve the application as proposed subject to permit conditions that addressed the aforementioned findings. The motion was approved by a vote of 6-1, with Chairman Nolan opposed.

Hearing: 416 Bridge St., §640 Appeal of ZA's denial for a multi-family home (McKinley)

Under §640 Appeals, June & JB McKinley (Family Trust) appeared before the Board to appeal the Zoning Administrator's denial of a zoning permit for a Dwelling-Unit Multi-Family Use of the existing duplex at 416 Bridge Street, parcel 07-304, in the §250 Medium Density Residential Zone. Ms. McKinley said that there used to be a third dwelling on the subject property, but that house was consumed by fire sometime in the 1970s. She added that if the Board grants the appeal, she will add an efficiency apartment inside the existing duplex at 416 Bridge Street. The Board, by consensus, agreed that ample parking was available to accommodate this third apartment. Mr. Thomas explained that he did not approve Ms. McKinley's original permit request because the dwelling unit multi-family use was not allowed in the Medium Density Residential Zone. Member Wiltshire moved to continue the discussion in Deliberative Session. The motion was approved by a vote of 7-0. At the conclusion of the Deliberative Session, Member Wiltshire moved to approve the appeal as presented. The motion failed to carry by a vote of 0-7.

The meeting adjourned at 8:45 P.M. - Respectfully submitted by Zoning Administrator Thomas

