

Morristown/Morrisville Development Review Board
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Meeting Minutes of June 12, 2014

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

Members Absent: Paul Trudell

Staff: Todd Thomas, Zoning Administrator

Guests for St. Cyr subdivision hearing: Applicants and landowners Leo St. Cyr, Larry St. Cyr, Patty St. Cyr and Land Surveyor Carroll Peters

Guests for Portland Street manufacturing hearing: Applicant Jonathan Mogor & landowner Graham Mink

Guests for Winter Street Cake & Crumb hearing: Applicants Susan Camley and Julie Rogers, landowners Richard and Francine Page, along with the residents Burta Pykosz, Annamary Anderson, Agnes Bornemann and Gary Smith.

Guests for Fitzgerald Road home business hearing: Applicants Shirley Fitzgerald & Chris Fitzgerald, along with neighbors Susan and Barry Russo

Call to Order & Minutes: Member Irwin moved to approve the April 24 meeting minutes. A vote of 4-0-2 affirmed the motion, with Members Gloss and Breault abstaining.

Hearing: St. Cyr Subdivision on Cote Hill Road, \$750 Final Plat Approval

Applicants and landowners Leo St. Cyr, Larry St. Cyr, Patty St. Cyr and Land Surveyor Carroll Peters appeared before the Board seeking subdivision approval to create a new 2.06 acre lot with and existing mobile home thereon from parcel 07-136-1 at 246/248 Cote Hill Road in the §260 RRA Zone. Surveyor Peters noted that the intent of the subdivision was to put son Larry's mobile home on its own lot. Zoning Administrator Thomas stated that the submitted subdivision was compliant with regulations and recommended it be approved. Member Breault asked if the mobile home would use the existing curb cut. The St. Cyr family said that it would. Member Wiltshire moved to approve the subdivision as proposed. A vote of 6 to 0 affirmed the motion

Hearing: Maple View LLC requests manufacturing on Portland St, \$500 SPA & \$630 CU

Applicant Jonathan Mogor & landowner Graham Mink appeared before the Board seeking §500 Site Development Plan Approval & §630 Conditional Use to add Light Industry & Manufacturing uses to parcel 21-171 at 74 Portland St in the §205 Central Business Zone for furniture manufacturing. Mr. Mogor explained that his company makes high-end custom furniture and would be relocating his business to the Water & Woods Building. He said he planned to construct his furniture in the rear portion of the building with a retail space showing his work, along with local artists, facing Portland Street. Mr. Mogor said that he also hopes to include a wine bar and a coffee bar in his retail space. Chair Nolan asked if the rear entrance to the building from the municipal parking lot will be active. Property owner Mink said this entrance is best served for employees only. Member Wiltshire asked about proposed hours of operation. Mr. Mogor said that the retail part of his business will be open from 7 AM to 10 PM

and that the manufacturing in the rear would keep hours of 8 AM to 4:30 PM. Mr. Mogor said that he hoped to have the art gallery openings / showings in his retail space until 11 PM on Saturday evenings. Member Irwin moved to approve the application as presented with the hours as stated by Mr. Mogor provided the applicant install a Knox Box as requested by the Fire Department. A vote of 6 to 0 affirmed the motion.

Hearing: Cake & Crumb Bakery on Winter Street, §437 CofNC Use §500 SPA & §630 CU

Applicants Susan Camley and Julie Rogers, along with landowners Richard and Francine Page appeared before the Board is under §437 Change of Non-Conforming Use, §500 Site Development Plan Approval & §630 Conditional Use to add a Restaurant Use to the preexisting nonconforming Retail Delivery of Goods & Services use for a cake shop with a café in the former Peck's Flower Shop location on parcel 23-077 with an address of 27 Winter Street in the §245 HDR Zone. Susan Camley explained that she was looking to open a bakery for her existing Cakes for All Occasions business along with three tables (six total seats) which could be used for customers who want a cup of coffee, a cupcake, etc. She clarified that no changes were planned to the outside of the building. Member Irwin asked about planned hours of operation. Susan Camley said that her hours would be from 6:30 AM to 5 PM Tuesday through Saturday. She said she only plan to open sporadically on Sunday if needed to complete an order for a Sunday event. Resident Burta Pykosz said that she is concerned about the growth of this business and would like the Board to condition any approval to ensure the small-scale proposed. She asked that any permit the Board gave tonight be revisited if the business grew to need more café seating or outdoor seating. Abutter Burta Pykosz also asked about parking and trash. Property owner Paige said that the trash will be stored in the garage. The Board spoke about potential conditions of approval to ensure that the new business meshed with the residential neighborhood. Mr. Thomas was instructed to condition any permit on a maximum of six customer seats, parking only as designated via signage, typical lighting requirements, no outside seating, a Knox Box installation (as requested by the Fire Department) and a limit on hours of operation as proposed. Member Wiltshire moved to approve the as conditioned application to allow a bakery via the Restaurant Use in the former Peck's Flower Shop location, provided that the aforementioned conditions were met. A vote of 6 to 0 affirmed the motion.

Hearing: Fitzgerald Home Business use request, Fitzgerald Rd., §500 SPA & §630 CU

Applicants Shirley Fitzgerald & Chris Fitzgerald appeared before the Board seeking §500 Site Development Plan Approval & §630 Conditional Use to add a Home Business use for landscaping and wood-splitting on parcel 13-145 at 1060 Fitzgerald Rd in the §260 Rural Residential / Agricultural Zone. Chair Nolan read letters from three abutting property owners (Nancy Reed, Derek Barrett, and an unidentified Elmore Mountain Road resident) into the record opposed to the granting of the requested permit. The letters from the neighbors also claimed that Chris Fitzgerald did not live on the property. Neighbors Susan and Barry Russo refuted the allegations contained in said letters by saying that the existing property management business across the street from their house did not impact their enjoyment of the property. They further added that the subject property management business has resulted in an improved appearance of Shirley Fitzgerald's property. Mr. Thomas noted that the Home Business use application before the Board was a result of a zoning inquiry made about a business operating without a permit (neighbor complaint). Shirley Fitzgerald testified that Chris Fitzgerald lives at the property. Chris

Fitzgerald said that he spends a reasonable amount of time at his girlfriend's house, but he also insisted that he lives at 1060 Fitzgerald Rd. Chris Fitzgerald further explained that his business use of the property consists of parking for 6 to 7 trucks, a storage trailer and a 12 foot mini conveyor with a muffled wood splitter. He said that he cuts wood on the property during bad weather days, but that he only did about 28 cords worth last winter. He added that he is amenable to not cutting wood on the property or doing so within agreed upon hours. Member Wiltshire asked about hours of operation. Chris Fitzgerald said that his hours are generally from 6:30 AM to 7 PM. He added that because he uses his trucks for plowing in winter, weather sometimes causes him to operate outside these hours. Chris Fitzgerald said he currently parks his work vehicles very neatly in a screen portion of the lot and that he would like to build a pole-barn (once the budget allows) to store his vehicles inside. As Member Guthmann arrived, Member Gloss said that the site plan does not show the house and the full 4.3 acres of land. Member Wiltshire expressed a desire to walk the property. It was decided that 5:15 PM sidewalk on Thursday, June 26th would be scheduled. Upon a motion made by Member Irwin, the Board closed the hearing and agreed to decide on the project in Deliberative Session subsequent to the site walk on June 26th.

The meeting adjourned at approximately 8:45 P.M.

Respectfully submitted by Todd Thomas, ZA.

