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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

P.O. BOX 748

MORRISVILLE, VT 05661

Phone (802) 888-6373

Fax (802) 888-6377

Minutes of June 12, 2008

Members Present: Gary Nolan, Theresa Breault, Ron Stancliff, Karyn Allen, Jean Wickart, David Silverman

Members Absent: Paul Trudell

Recorder: Mark Leonard, Zoning Administrator (ZA)

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Karyn, minutes of the May 22, 2008 meeting were accepted as presented.

WARNED HEARING: PGR CONSTRUCTION INC, CONDITIONAL USE APPROVAL, DUNKIN DONUTS EXTERIOR RENOVATIONS, 157 VT ROUTE 15 WEST

Gary outlined the application, to be reviewed under sections 213 and 632-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to applicant Paul Rebelo. There were no interested parties present for this application.

Mr Rebelo is a contractor working with the Dunkin Donuts franchisee. He explained that the company has developed a new look for its stores and he has been hired to accomplish the renovations at the Morrisville location. These involve interior changes as well as a new mansard exterior finish, with earth-tone colors, cloth awnings over the entrances, and gooseneck-style exterior lighting.

The current roofline will remain at a height of seventeen (17) feet, with a four-foot high extension over the entrances on which the Dunkin Donuts logo will be displayed. Along with these renovations, plans call for enlarging and enclosing the dumpster pad at the rear of the property and re-sealing and striping the parking area. There are no changes to the existing access or internal traffic flow proposed.

Theresa asked what type of material the exterior would consist of. Mr Rebelo said it would be stucco, similar to the exterior materials used at Morrisville Plaza.

Noting the site plans call for new signage, the ZA advised that internally illuminated signs are not allowed in the Town of Village. An existing pole-mounted internally illuminated sign is grandfathered in, but no new internally illuminated signs can be approved.

Gary referred to the 'reverse channel' sign lighting the DRB allowed at Morrisville Plaza, suggesting that Dunkin Donuts consider this type of lighting instead of internally illuminated signs.

David moved, and Theresa seconded, to approve the application as presented, with the condition that any new signs would require a separate zoning permit and could not be internally illuminated. The motion passed unanimously.

GARY & IRENE BOURNE, APPEAL OF ZONING PERMIT DENIAL, 2-FAMILY RESIDENTIAL USE, 26 UNION STREET

Gary introduced the application, to be reviewed under sections 252c, 254, and 640 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Gary Bourne and his consultant Darrow Mansfield and Zoning Administrator (ZA) Mark Leonard. There were no interested parties present for this appeal.

Darrow Mansfield described the applicants' zoning permit application to convert a portion of the existing structure at 26 Union Street, originally used as the Village Road Department's garage and most recently as a business office and vehicle storage & repair garage for a milk hauling company, into two apartments, with the remaining portion remaining in use as a garage & office space. Darrow noted that two-family residential is a permitted use in the Medium Density Residential (MDR) zoning district in which the subject property is located.

The ZA reviewed the zoning requirements for the MDR district. He acknowledged that two-family residential is a permitted use within the MDR, subject to the dimensional requirements for the district. The MDR dimensional requirements (listed in section 254 of the Bylaws) establish a minimum lot size of 8,000 square feet, along with a minimum area per family (i.e., unit) of 6,000 square feet. A two-family dwelling in this district therefore requires a lot size of 12,000 square feet. The subject property is listed in the Town property records as 0.18 acres, or approximately 8,300 square feet. Lacking the minimum lot size for a two-family dwelling, the ZA denied the permit application.

Darrow said there were many other multi-unit dwellings on similarly sized lots in the immediate vicinity of the subject property. The ZA said he presumed these were grandfathered in from before zoning came into effect. He said he was unaware of any permits granted since 2000 for two-family or multi-family use of any property within the MDR that did not meet the MDR dimensional requirements.

Gary Bourne said he hoped to buy this property and redevelop it to make improvements in what he described as a "rough" section of the Village. He could only do so by adding the two rental apartments. Without them, he could not envision a financially viable use of the property.

The ZA said the Planning Commission was currently reviewing all zoning districts and it might be the case that minimum lot sizes and district boundaries affecting this property could change in the next bylaw revision, but that the current bylaws prohibit the proposed use due to insufficient lot size.

Gary Nolan said a variance under Section 650 of the bylaws could not be granted and that the DRB could only waive up to 15% of the lot size requirement (1,800 square feet in this case). He added that the Board had similarly upheld the dimensional requirements in other applications.

David moved to grant the appeal. Karyn seconded the motion and it failed on a vote of 0 in favor, six opposed.

WARNED HEARING: GARY & IRENE BOURNE, CONDITIONAL USE & SITE PLAN APPROVAL, CONVENIENCE STORE/GAS STATION RENOVATIONS, 81 BRIDGE STREET

Gary introduced the application, to be reviewed under sections 208, 500, and 632-636 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Gary Bourne and his consultant Darrow Mansfield and adjoining or adjacent property owners Sam Guy and Chris Ransom. David recused himself due to potential conflict of interest, being related to adjoiner Sam Guy, and left the meeting.

Darrow Mansfield reviewed previous proposals to renovate the existing gas station & convenience store at the corner of Portland and Bridge Streets and described the current proposal. The current application is to renovate and expand the existing 30x52 structure, adding a 5x42 section on the rear of the building and an 8x32 section along the west side. The expanded & renovated convenience store would include a drive-up service window on the west side of the building, with vehicles flowing along the north side (facing the Guy property) and west side (facing an apartment building also owned by the applicant) before exiting onto Bridge Street. There are no changes planned for the gas pump islands. Plans call for installing fencing and/or guardrails along both the Portland and Bridge Street frontages to more effectively & safely control vehicle access onto and off the site.

Jean asked if the existing garage extension on the adjoining apartment property would be removed, as was planned under the previous applications. Gary said it would.

Theresa expressed reservations about the traffic flow in and out of the site, particularly in light of the proposed drive-up service window. She said she's observed a number of miscellaneous items stacked up on the property in the area where the drive-up window traffic would flow, as well as that there would be very little room between that traffic and tenants' parking on the adjoining apartment lot.

Gary referred to traffic studies conducted for the previous applications that purported to show very little traffic impact from an expanded convenience store with three residential units above it. He added that the proposed guardrails would likely better control vehicle flow onto and off the lot. He conceded that those studies did not specifically consider traffic impacts with the proposed drive-up service window.

The ZA asked if the plans could be modified to move the service window from the west to the east side of the building, eliminating the need to drive around the back & side of the building, close to adjoining properties. Darrow responded that the location of underground fuel storage tanks and parking along the Portland Street side of the lot make this impractical.

Sam Guy questioned whether the depicted property lines were accurate. The site plan shows the common boundary between his and Gary's lots being 14' 6" from the back of the proposed expanded building when previous plans indicated this distance as 11' or 12'. Darrow referred to the survey done by Fred Reed, dated September 6, 2005, on which the site plan was based.

Ron asked what the proposed operating hours would be. Gary said he would likely extend the night closing time beyond the current closing time and resume Sunday hours, but that he has no intention of establishing 24-hour, 7-day a week operating hours.

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Chris Ransom said that the existing 'Shell' sign on the corner presents a visual obstruction for drivers at the Portland & Bridge Street intersection. He'd like to see it moved or reduced in size. He noted that refrigeration units would be located outside and in back of the building and expressed concern about their noise. Gary said newer refrigeration units are much quieter than older models and being mounted above ground level, should produce very little, if any, objectionable noise. Chris added that the current business has been leaving its gas pump island lighting on long past when the business is closed. He asked that the town & village restrictions on external lighting be observed and enforced.

The ZA inquired about snow removal arrangements. Gary said that other than very heavy snowfalls, there is room to push snow into the adjoining apartment building backyard. When snowfalls exceed that capacity, he would have to have the excess snow trucked away.

Jean said she would like to visit the site prior to reaching any decision on the proposal.

Theresa moved to recess the hearing until June 26th, with a site walk to be conducted prior to resuming the hearing. Karyn seconded the motion and it passed unanimously.

The meeting adjourned at 9:00 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 6/26/08