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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of June 12, 2003

Members Present: Gary Nolan, David Silverman, Carl Fortune, Carol Jennings, Theresa Breault, Jean Wickart

Members Absent: Paul Trudell,

Recorder: Mark Leonard, Zoning Administrator

Guests: Peter Murphy, BJ Murphy, Sam Ruggiano, Jim Paige, Chris Ransom, Roger & Linda Bolio, Gary Bourne, Roger Foss, Edmund Yaddow, Thurlough Greene, Mette Endreson, Jeffrey Hill, James & Chantal Bingnot, Raymond Belanger, Leon Whitcomb, Rhoda Bedell, and William Gabaree.

Chairman Gary Nolan called the meeting to order at 7:32 PM. Theresa moved to approve the minutes of May 22, 2003. Jean seconded the motion and it passed unanimously. Minutes of the May 28, 2003 deliberative session were also reviewed and approved.

WARNED HEARING: JAMES PAIGE, CONDITIONAL USE, PRIVACY FENCE, 64 BROOKLYN ST

Gary gave an overview of the application. The application will be reviewed under Sections 223j and 425 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to James Paige. Mr Paige explained that he wished to erect a six-foot high stockade fence along the front yard of his residence at 64 Brooklyn Street. The fence would provide some privacy for his family's activities in their yard along the heavily traveled road. The fence would begin at the front corner of the house and extend parallel to the road to the south property boundary with the railroad right of way.

David moved, and Jean seconded, to approve the application as presented. The motion passed unanimously.

WARNED HEARING: MURPHY REALTY, SITE PLAN AMENDMENT, MORRISVILLE PLAZA

This is an amendment to a previously approved site plan for further development of the Morrisville Plaza (former 'Ames' location). A site walk of the property was conducted on May

29, 2003. The application will be reviewed under Sections 450 and 500 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to BJ and Pter Murphy and Sam Ruggiano of Cross Consulting Engineers, appearing for the applicant.

Sam Ruggiano explained that the applicants had been in discussions with potential retail tenants for the vacant Ames store. These clients indicated that they required additional parking spaces in order to consider locating a major retail store on this property. The applicants have redesigned the layout of the existing parking lot and increased the size of the previously proposed new parking area behind the McMahon's car dealership to add 70 additional spaces, bringing the total parking spaces to 509 for the entire plaza. The redesigned plan makes the current spaces in front of the existing shopping center perpendicular, rather than angled, gaining two additional spaces per lane. The planned islands in front of McDonald's and the new Kinney building would be smaller and the width of the roadway traversing the plaza would be reduced.

As part of the parking lot redesign, the applicants propose to install perforated leaching and infiltrating drain pipes to reduce stormwater runoff. Sam reviewed the phasing of the project: building the new Kinney store with sewer and water line extensions, the parking area expansion, and the 14,000sf expansion of the existing shopping center. He reiterated that the proposed changes to the plan were solely to make the property more attractive to a major retailer.

Chris Ransom, while acknowledging the community's interest in having a store come in to replace Ames, expressed concern that the expanded parking areas would add impervious surface to the property, increasing stormwater runoff, and wondered about the impact of a major retail store on small local merchants.

Carol moved to accept the proposed revisions to the site plan. David seconded the motion and it passed unanimously.

WARNED HEARING: BOURNE'S PETROLEUM, CONDITIONAL USE & SITE PLAN APPROVAL, AUTO REPAIR SHOP, FOUNDRY ST

Gary reviewed the application. David acknowledged a business relationship between his employer and the applicant and there were no objections to his participation in this hearing. The application will be reviewed under Sections 208g, 483, 500 and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk of the property was conducted on May 29, 2003. Theresa administered the sworn oath to Gary Bourne, Chris Ransom, and Thurlough Greene.

Gary Bourne outlined his proposal to construct a 47'x64' structure on a vacant lot at the west end of Foundry Street for an auto repair shop. The lot is a pre-existing small lot that can be developed under the provisions of Section 421 of the bylaws. The lot, a former oil storage site, has been identified by the state as contaminated, with some oil in the soil. There is no remediation planned and the proposed development of the lot won't add to the existing problem. Gary indicated that having a business on the property may in fact make it possible to obtain some remediation funding. Some area in front of the new building would be paved for customer parking, with gravel or grass on the remaining sides of the building. Bourne's would move their current auto repair business at the corner of Portland and Bridge Streets to this new location.

Gary noted the somewhat isolated nature of the location, which might increase the potential for vandalism or theft. The building is sized to be able to keep vehicles awaiting service inside after hours. He stated that all waste from the auto repair business would be disposed of in accordance with state and federal regulations.

Carol asked about lighting, landscaping and operating hours. She encouraged the applicant to consider landscaping along the west side of the building to screen it from the walking path along the Oxbow. Gary replied that they planned to have overhanging lights in front illuminating the business' sign and the front of the building and one or two down-shaded metal halide lights on the west side to enhance security and discourage unwanted activities. He agreed landscaping or a hedge would serve a useful screening function, but wanted to keep the vegetation cut below windows on the west side of the building. He also offered to re-site the building along the edge of the setback on the west side and relocate employee parking to the east side to further improve the visual impact of the building beside the walking path. He stated that the business would be open from 7:30am to 5pm weekdays and on Saturday mornings.

Thurlough Greene, adjacent property owner, expressed concern about the groundwater contamination from the previous use and also about the impact of a new commercial structure on designated historic buildings directly across the street and on usage of the nearby Oxbow recreation facilities. He also had concerns about increased parking requirements.

Chris Ransom, adjacent property owner in the historic foundry building across from the proposed development, noted the increasing foot traffic along Foundry Street by Oxbow users. He was also concerned about the impact of additional lighting in the area and of arrangements for snow removal in the relatively narrow end of Foundry Street.

David moved to recess the hearing to a deliberative session. Carol seconded the motion and it passed unanimously.

WARNED HEARING: JEFFREY HILL/METTE ENDRESON, 2-LOT SUBDIVISION, CHURCHILL RD

Gary gave an overview of the application. The application will be reviewed under Sections 264, 344, 740, 780 and 810 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A pre-application review of the plan was held on May 29, 2003. Theresa administered the sworn oath to Jeff Hill, Mette Endreson, and James and Chantal Binginot. Jeff Hill presented a proposal to subdivide a 10 acre parcel on Churchill Road into two 5 acre lots. The same plan had been approved by the Planning Commission in 1989, but no action to divide the lots was taken and the local permits expired. State permits for the original application are still valid. The plans include a bridge or culvert across Bedell Brook in a designated wetland to serve both lots. The Binginots, adjoining property owners along Bedell Brook, noted the frequent high water along the stream and expressed concern that the proposed bridge or culvert would increase the possibility of flooding on their property.

David indicated he would like to do a site walk of the property before considering the application in deliberative session; several other board members agreed.

David moved to recess the hearing to a site walk to be scheduled and noticed to interested parties. Jean seconded the motion and it passed unanimously.

WARNED HEARING: CHARLES NELSON, 6-LOT SUBDIVISION, NEEDLE EYE RD

Gary gave an overview of the application. The application will be reviewed under Sections 264, 740, 780 and 810-870 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A pre-application review of the plan was held on March 13, 2003. A site walk of the property was conducted on May 29, 2003. Theresa administered the sworn oath to Charles Grenier, Edmund Yadow, and Roger Bolio.

Charles Grenier, representing the applicant, outlined the plan to create six single family home lots, ranging in size from 3.3 to 11 acres, on the 37-acre parcel off Needle Eye Road that is surrounded on the east, south and west by Lake Lamoille. The owner plans to establish building site tree-cutting restrictions in the deeds to the lots.

There will be a 1400' development road to access the six lots. Charles noted that two 200' sections would be at 10% grade. He and the applicant would like to make the roadway 20' wide, with two foot shoulders on either side, but understand that the town road specifications are pending clarification on road width requirements. David suggested that the matter of town road specifications be taken up by the Planning Commission, together with the Town Administrator.

Adjoining land owners Roger Bolio and Edmund Yadow expressed general support for the subdivision proposal, but both were concerned about the additional traffic it would generate on Needle Eye Road, especially through the narrow railway underpass.

Theresa moved to approve the application with the condition that the development road shall be constructed to meet the road specifications in the Morristown Road Policies (i.e., a 24-foot wide roadway with 2-foot shoulders on both sides), unless said Road Policies are subsequently amended to require a lesser width. Jean seconded the motion and it passed unanimously.

WARNED HEARING: RAYMOND BELANGER, 5-LOT SUBDIVISION, LAPORTE RD

Gary gave an overview of the application. The application will be reviewed under Sections 264, 740, 780 and 810-870 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A pre-application review of the plan was held on December 12, 2002. The initial warned hearing was recessed on January 9, 2003 pending submission of additional information by the applicant. Sites walks of the property were conducted on February 1, 2003 and April 12, 2003. Theresa administered the sworn oath to Raymond Belanger, William Gabaree, Leon Whitcomb, and Rhoda Bedell.

Ray Belanger presented an updated site plan with the additional information the board had requested. The revised plan shows erosion control plans, utility easements, and modifications to the driveway and development road. VT AOT has approved his access permit application for the development road to connect onto Route 100.

William Gabaree expressed concern about increased stormwater runoff as a result of the proposed development. He stated that his land is wetter since the applicant has graded some of the adjoining land.

Leon Whitcomb stated that he feels the grading that has already occurred on the Belanger lot has contributed to the erosion of his land across Route 100 along Ryder Brook. He estimates

he has lost an acre and a half due to additional runoff from the Belanger property and other development upstream of his property. It is his opinion that the area that has been graded on the Belanger lot acted as a natural stormwater retention area. He would like to see some sort of retention pond added to the subdivision site plan.

David moved to recess the hearing to a deliberative session. Carol seconded the motion and it passed unanimously.

OTHER BUSINESS:

Ken Campbell, representing the Winona Campbell estate, presented a proposal to subdivide a 70-acre parcel on the corner of Randolph and Stancliff Roads into two lots of 60 and 10 acres for pre-application review. David moved and Theresa seconded that the proposal conforms to the requirements of the town plan. The motion was approved unanimously.

The ZA will schedule a site walk on June 19, 2003 at the Hill/Endreson property on Churchill Road. The deliberative sessions on tonight's applications will be held in the Municipal Building immediately following the site walk.

On a motion by David, seconded by Jean, the meeting was adjourned at 10:00 PM.

Respectfully submitted,

Mark Leonard, Recorder