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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of June 11, 2009

Members Present: Gary Nolan, Ron Stancliff, Jean Wickart, Theresa Breault, Karyn Allen, Chris Wiltshire, Brian Irwin (alternate)

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 April 30, 2009 meetings were approved as presented.

WARNED HEARING: ROBERT SMALL, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, ELMORE MOUNTAIN ROAD

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, & 810 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Robert Small. No other interested parties were present.

Robert Small described his proposal to subdivide his 60.5-acre parcel on Elmore Mountain Road into two lots. Lot 2C, containing his existing house, would be 58.5 acres; lot 2B, intended for a new single-family home, would be 2.0 acres. He noted that he had subdivided another 2-acre lot (Lot 2A) from the main parcel several years ago, which had been conveyed to his stepson for a single-family home.

The new lot will have its own on-site water and wastewater disposal systems; a state water supply & wastewater disposal system (WW) permit is pending. Access to the new lot would be via an existing right-of-way across Lot 2C which also serves Lot 2A. The driveway off Elmore Mountain Road begins in Stowe and continues onto the Morristown parcel (Lot 2C).

Ron noted that most of the subject parcel lies within an identified deer wintering yard and required review by the Agency of Natural Resources (ANR) Fish & Wildlife (F&W) Department under section 341 of the Town's zoning bylaws. Robert said he had not sought such review on the previous subdivision application and felt that one additional house lot, with minimal clearing for the house site and septic system, should not impair the functional integrity of the deeryard. Ron agreed, but said any further subdivision of the property should require review and a conditional use determination by F&W.

Ron moved to grant preliminary plat approval of the application. Theresa seconded the motion and it passed unanimously.

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**WARNED HEARING: DANIEL DONZA, CONDITIONAL USE APPROVAL,
EXPANSION OF NON-CONFORMING USE, 525 STERLING VALLEY ROAD**

Gary introduced the application, to be reviewed under sections 263, 435, & 632-636 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicant Daniel Donza. No other interested parties were present; adjoining property owner Penelope Gall submitted written comments regarding the application.

Dan Donza explained that he has operated two businesses, self-storage rental units and auto repair, on his property at 525 Sterling Valley Road since before zoning was adopted in the Town. He currently has four structures on the 6-acre parcel containing 12 self-storage units, auto repair facilities, a woodworking shop, and three residential units. He proposes to build a new structure of up to 2,500 square feet (36x70) for an additional 17 self-storage units and three vehicle repair bays.

Ron asked if the new building would be of similar size and appearance as the existing structures; Dan replied yes. Ron inquired if there would be any additional employees. Dan said for now he intends only to have immediate family members working there.

Gary read Penelope Gall's email into the record. In it, she requested that materials and/or vehicles associated with Dan's businesses be stored out of sight from her property or otherwise screened from view. She also asked that any new exterior lighting be directed away from her property and that noise from the businesses and residential units be kept under control at night.

Jean moved to approve the application with the conditions that outdoor storage of materials and vehicles related to the business be screened or located out of view of adjoining properties and that any exterior lighting on the new building be shaded and motion-activated to reduce glare and lighting falling on adjoining properties. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS: Scott Mansfield, representing Virtual Realty, presented a revision to a 22-lot subdivision for which the DRB had granted final plat approval in September 2008. That approval was appealed to the Environmental Court and as part of the settlement of the appeal, two of the planned 22 duplex lots were being eliminated, with the space becoming a common area for use by all residents of the development, and building envelopes on Lots 11 & 12 were relocated away from adjoining properties.

The Court issued an order on June 3, 2009 amending the DRB's September 2008 decision to incorporate these changes and directing the applicant to submit a mylar survey plat of the revised plan to the DRB for signature and recording in the Town land records. DRB Chairman Nolan reviewed and signed the mylar survey plat of the revised Pope Meadow 20-lot subdivision off Elmore Street.

The meeting adjourned at 8:25 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: June 25, 2009