

Morrisville/Morristown Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of 8 June 2022

Members Present: Susanna Burnham, Gary Nolan (Chair), Laura Streets, Paul Trudell, Mary Ann Wilson, and Chris Wiltshire

Members Absent: Melissa LeBlanc

Staff: Administrative Assistant Judi Alberi, & Zoning Administrator Todd Thomas (via phone)

Guests: Selectboard Member Don McDowell, Conservation Commission Co-Chair Ron Stancliff, Engineer Tyler Mumley, Allen Ross, Cindi Ross, Robert Ross, Tim Magee, Chris Brutzman, Sam Lukens, Dick King, Joseph Wagner, Selina Rooney, Susan Sinnott, Tim Cookson, Julie Nepveu

Call to Order: Chair Nolan called the meeting to order at approximately 6:00 PM.

Minutes: Member Wilson moved to approve the April 27th meeting minutes. A vote of 6-0 affirmed the motion, with Member Wiltshire abstaining.

Hearing: §750 Final Plat to modify subdivision permit 2022-020 on LaPorte Rd. (Chen)

Engineer Tyler Mumley and John Chen (via the phone) reappeared before the Board on behalf of applicant/owner Stowe Land LLC to modify Conservation Subdivision Permit 2022-020 in the Rural Residential Agricultural Zone which resizes the 6 house lots that were recently created by subdividing 41.26 acre Parcel 16-044, with said lots accessed from First Light and Eventide Lanes. Engineer Mumley explained that the prime ag soil mitigation portion of the State's permit process for this subdivision required altering some of the previously approved lot sizes. Engineer Mumley clarified that these changes did not change the size of the recently conserved open space parcel. Conservation Commission Co-Chair Ron Stancliff strongly opposed the creation of lots smaller than 2-acres. Member Wiltshire moved to approve the modified subdivision as proposed, while retaining the subdivision's previous conditions of approval. A vote of 6-0 affirmed the motion.

Hearing: Site Plan for addition in floodplain at 194 Cadys Falls Rd (Sterling Autobody)

Chris Brutzman and Sam Lukens appeared before the Board, representing Cady's Falls Holdings LLC, who was requesting §500 Site Plan Approval in the Industrial Zone to add an 84x20 addition to the existing auto-body shop on Parcel 07-321-2 at 194 Cadys Falls Rd, with said project located in a studied §320 Special Flood Hazard Area. Mr. Brutzman noted a typo on the hearing notice regarding the size of the addition, and went on to explain that his Sterling Autobody business has been growing since the current building on Cadys Falls Rd was purchased 4 years ago. The proposed addition was discussed, especially in relation to the adjacent studied floodzone. Member Streets moved to approve the application with the following conditions of approval:

1. No fill shall be placed in the floodway for the parking lot expansion.
2. A spot grade of the addition's slab shall be submitted to the Zoning Administrator prior to vertical construction commencing to confirm elevation above the base flood.
3. The applicant shall submit a LOMA to FEMA at the conclusion of construction to document that the entire Autobody Shop is located above the 635 foot base flood elevation, and removed from the floodzone.

A vote of 6-0 affirmed the motion.

Hearing: §750 Final Plat Approval to create 3 new house lots off Walton Rd (Tomlinson)

Bruce Tomlinson appeared before the Board requesting a §795 Lot Line Change of Parcel 07-154, §630 Conditional Use, and §750 Final Plat Approval to subdivide 17.5-acre Parcel 07-154-3, which is located in both the Low Density Residential Zone and the Rural Residential Agricultural Zone, to create 3 new lots (Parcels 07-154-5, 07-154-6, & 07-154-8) that can be accessed from both Walton & Stagecoach Roads. Mr. Tomlinson explained that he is nearing retirement and is creating 2 new house lots for his children, while also setting the B&B Nursery property on its own parcel so it could be sold separately from the family home-site. Member Wiltshire asked why §630 Conditional Use was warned, Mr. Thomas explained it was due to the property being split along the internal roadway by the Low Density & Rural Residential Agricultural Zones. Board Members noted that Lot 4 was the only substandard sized lot that needed split zone assistance. It was agreed that Conditional Use was not needed if a small area from either adjacent Lot 6 or Lot 4 could be given to Lot 1 (which would ensure that all of the lots comply with minimize size requirements). Member Wilson moved to approve the subdivision as proposed with the conditions that no dwellings shall be approved on the new lots until corresponding wastewater permits are recorded, and that a revised final plat be submitted to the Zoning Administrator that shows Lot 1 having at least the minimum of 80,000 ft² of land area required by the Zoning Bylaw. A vote of 6-0 affirmed the motion.

Hearing: Non-Conforming & Site Plan for large animal vet at 171 Stancliff Rd (Wagner)

Dick King and Joey Wagner appeared before the Board, representing applicant/owner Run Shea Run Holdings LLC, who was requesting §630 Conditional Use and §500 Site Plan Approval for a §435 Expansion of a Non-Conforming Use that would re-offer large-animal veterinarian services on Parcel 12-159-3 at 171 Stancliff Road in the Rural Residential Agricultural Zone. Mr. Wagner explained that he was relocating his existing large animal (mostly equine) from Waterbury Center to Morrisville. Mr. King explained how the barn on Parcel 12-159-3 was previously used by Doctor Sequist for the same use, but that his proposal would be a separate operation from the neighboring Sequist Vets office (which was now under new ownership). Mr. Wagner said that his operation would be partially mobile, but he, along with a couple of employees, planned to treat animals on-site from 8am to 5pm Monday through Friday, while also providing off-hours emergency care. A brief discussion about lighting ensued, where it was explained that floodlights were not allowed, and that all lighting must be down-shielded, housed in cut-off fixtures, and turn off at 10 PM. Member Wiltshire moved to approve the project as proposed with the aforementioned limitations on the hours of operation, while requiring compliant exterior lighting. A vote of 6-0 affirmed the motion.

Hearing: Home Business request for farm weddings on Mud City Loop (Rooney)

Siri Rooney appeared before the Board, representing her family, stating that they were withdrawing their request under §630 Conditional Use and §500 Site Plan Approval for a §415 Home Business that includes hosting weddings in the field of Parcel 11-094 at 2693 Mud City Loop / Bull Moose Road in the Rural Residential Agricultural Zone. Ms. Rooney cited neighbor opposition to the proposal as the reason for the withdrawal. She noted that one wedding was already planned later this summer, but there would be no rent paid to the farm, so a permit was not required therefore. The Board thanked Ms. Rooney for coming in.

Recessed Hearing: Site Plan Approval for 19 housing units at 82 Portland St (Nepveu)

Julie Nepveu reappeared before the Board, representing Normand Nepveu, who was requesting §206 Design Criteria, §207 Historic Preservation Criteria, §500 Site Plan Approval, and a full §451 Waiver of the 23 required on-site parking spaces, for the conversion of the vacant building at 82 Portland Street, Parcel 21-170 in the Central Business Zone, into 19 apartments with 1,598 ft² of ground-floor retail space. Members Streets and Wilson noted that they both had attended recent Selectboard meetings where this project was tangentially discussed, but hearing said discussions would not impact their ability to impartially preside at this hearing. Chair Nolan asked the applicant if they would like to proceed or recess the hearing because only 5 Board Members were seated (Member Wiltshire did not participate in the continued hearing because he did not attend the previous hearing on this application). Julie Nepveu, representing the applicant, said that she would like to proceed with the hearing as planned. Ms. Nepvue noted that the permits on the previously approved 9-unit apartment building with ground floor retail space expired about 5-years ago. She presented revised drawings that reduced the number of proposed dwelling units from 19 (at the April 27th hearing) to 18, as well as new on-street parallel parking on Hutchins Street. Chair Nolan said that the Board had requested a reduction to 9 residential units, not 18, based on maximum available overnight parking in the municipal lot during the winter parking ban months. The Board discussed that the new parking allotment shown along Hutchins Street, which was partially located within the Town's right-of-way, could not be recognized by the Zoning Bylaws because it was not available overnight during the winter months. Ms. Nepvue requested that the Board waive all of the required off-street parking spaces, particularly for the 18 proposed residential apartments, as a Reasonable Accommodation of the Fair Housing Act. It was discussed at length that the applicant submitted no parking data of their own, and the Town's most recent parking study showed an average of 8 to 10 parking spaces available overnight during the winter in the municipal parking lot. After a lengthy discussion, Chair Nolan said that the applicant had, in writing, declined to comply with the Board's written direction, from the last meeting, to reduce the size of the apartment building to 9 housing units to match the available overnight winter parking. At the request of Ms. Nepveu, a letter from Emily Rosenbloom of Stowe was read into the record stating that 22% of Lamoille County renters do not own automobiles. Ms. Nepveu stated that the Selectboard recently formed a parking committee that would create enough future parking for her family's development proposal. Member Burnham moved to continue the discussion in Deliberative Session. A vote of 5-0 affirmed the motion. At the conclusion of the Deliberative Session discussion, and back in the Open Meeting, Chair Nolan moved to approve the project as proposed. The motion failed to carry by a vote of 2-3, with Members Burnham and Trudell in favor, and Members Nolan, Streets, and Wilson opposed.

The meeting adjourned at 8:30 P.M. - Respectfully submitted by Zoning Administrator Thomas