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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of June 8, 2006

Members Present: Gary Nolan, Theresa Breault, Carl Fortune, Jean Wickart, Paul Trudell, Karyn Allen

Members Absent: David Silverman

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Gary Nolan called the meeting to order at 7:30PM. On a motion by Theresa, seconded by Carl, minutes of the May 25, 2006 meeting were approved.

WARNED HEARING: DAVID & DEBORAH YACAVONE, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, MANSFIELD AVENUE

Gary introduced the application, to be reviewed under sections 238, 730, 740, 780, and 810 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicants, David and Deborah Yacavone, and adjacent property owners Barbara Stevens and Elizabeth Carter.

The Yacavones are seeking approval to subdivide their 0.6-acre parcel on the corner of Washington Highway and Mansfield Avenue in the Special Use zoning district into two roughly equal 0.3-acre lots. The existing single-family home on the property fronts on Washington Highway. The proposed new lot would be behind the existing home and would be accessed from Mansfield Avenue. Both lots would be served by municipal water and sewer systems.

Carl moved to approve the application as presented. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: ALPINE SNOWGUARDS, CONDITIONAL USE & SITE PLAN APPROVAL, 3750 SQUARE FOOT BUILDING ADDITION, 289 HARREL STREET

Gary introduced the application, to be reviewed under sections 238, 239, 453, 500 and 630-635 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Norm Andrews and Tom Langlois, representing the applicant, and Karen Lynch, representing the property owner, Lamoille Economic Development Corporation (LEDC). Gary disclosed that he

was an LEDC board member and that he felt he could nonetheless objectively review this application. There were no objections to his participation.

Alpine Snowguards is seeking approval to construct a 50x75 single-story addition on the front of its existing manufacturing facility. The addition would be of the same color, style, and construction as the existing building. There would be no change to the site's access or parking areas. The addition would provide additional manufacturing and storage space for the business.

The building addition would require relocating the existing septic leachfield further toward the road. The proposed new leachfield and replacement area, which increases the projected load factor from 20 to 30 employees, meets all applicable state standards and setback requirements. A revised state water and wastewater disposal system permit and amended land use (Act 250) permit are pending.

Paul moved to approve the application as presented. Jean seconded the motion and it passed unanimously.

WARNED HEARING: HEATH & SANDRA EIDEN, CONDITIONAL USE APPROVAL, EIGHT FOOT PRIVACY FENCE, 4354 LAPORTE ROAD

Gary introduced the application, to be reviewed under sections 263, 425 and 632 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Sandra Eiden.

The Eidens wish to erect an eight-foot tall stockade fence along their road frontage on Laporte Road (Vermont Route 100). Their house is very close to the roadway and they have a semi-circular driveway which passing motorists often use. The driveway has poor sight distances in both direction, creating potential safety hazards. They have recently reached an agreement with the Agency of Transportation to abandon the existing driveway and establish a new one approximately 150 feet to the south. The proposed fence would block off the former driveway access points and provide protection and privacy to the residents from passing traffic.

Sandra Eiden said the fence siting had been reviewed and approved by AOT to ensure that it did not infringe on their right of way.

Theresa moved to approve the application with the condition that no portion of the fence be placed within the highway right of way. Carl seconded the motion and it passed unanimously.

OTHER BUSINESS:

The ZA updated the board on the status of three recent appeals of DRB decisions that had been remanded or sent to mediation by the Environmental Court:

The appeal by Leikert of the Board's denial of his application for Conditional Use and Site Plan approval for a home business was remanded back for a new hearing. At such time as the applicant submits a new application, a new hearing will be scheduled.

The appeal by Bourne of the Board's denial of his application for Conditional Use and Site Plan approval for an expanded convenience store with drive-through service window was ordered to mediation. The Board indicated they would accept a modification to the proposal to allow the building expansion but without the service window due to traffic flow concerns and lack of adequate setbacks. A mediation meeting is scheduled for June 21st.

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The appeal by Debra Wickart of the Board's approval of a six-lot subdivision on Stagecoach Road was remanded by the Court for "whatever further action it determines to be appropriate". The Court's decision, dated May 15, 2006, states that "it will be for the DRB to determine whether sufficient evidence was presented in the record from which it can draft adequate findings and conclusions, or whether it wishes to reopen the hearing to take any supplementary evidence". The Board concluded that there was sufficient evidence in the record of this application that a new hearing is not necessary. The Board will solicit draft findings and conclusions from the appellant and applicant that it may consider in preparing a new written decision based on the evidence in the application record.

On a motion by Paul, seconded by Carl, the meeting adjourned at 9:15 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 7/13/06 TB/JW