

Morristown/Morrisville Development Review Board
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Meeting Minutes of 26 May 2021

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

Members Absent:

Staff: Todd Thomas, Zoning Administrator

Guests: Selectman Eric Dodge, Architect Mark Bromley, Engineer George McCain, Nick Donza, Sam Guy, Barbara Miller, David Riegel, Becky Gonyea, Morristown Police Officer Garth Christensen, and John Rodriguez

Call to Order: Chair Nolan called the in-person meeting to order at 6:00 PM.

Minutes: Member Wiltshire moved to approve the April 14th meeting minutes. A vote of 4-0-3 affirmed the motion, with Members Burnham, Trudell, and Wilson abstaining.

Hearing: §630 Cond. Use, home in §300 Drinking Water Protection Area (Urban & Salam)

On behalf of landowners Elizabeth Urban & Maya Salam, Architect Mark Bromley and Engineer George McCain appeared before the Board requesting §630 Conditional Use in the Rural Residential Zone to construct a single-family home and septic system on Parcel 07-042-1-4, which is located to the rear of 545 Walton Road, on land encumbered by a §300 Drinking Water Source Protection Area. Zoning Administrator Thomas said that this new house triggered a VT e911 road naming requirement, and the Selectboard just approved the name of Fern Hill Lane for the access road to the proposed homes and neighboring homes. Architect Mark Bromley described the architecture of the proposed home for the benefit of the Board. Engineer George McCain explained that the proposed leachfield for the house is located on the edge of Morristown Corners Water Corp's Zone 2 drinking water source protection area. Member Wiltshire asked if the Morristown Corners Water Corp had expressed any concerns about this application. Mr. Thomas explained that after some initial questions, he believed the Water Corp was ok with the proposed house and septic system. George McCain told the Board that drinking water division of Vermont's Department of Environmental Conservation had approved the proposed septic location in relation to the §300 Drinking Water Source Protection Area. Member Streets moved to approve the application as presented provided the contaminants listed in §305 of the Zoning Bylaws are prohibited on the subject property per a condition of approval. A vote of 7-0 affirmed the motion.

Hearing: §500 Site Plan Approval for storage yard at 161 Portland St (Lamoille Grain Co.)

Sam Guy appeared before the Board of behalf of applicant/landowner Lamoille Grain Company who was requesting §500 Site Plan Approval in the Central Business Zone for a storage yard (Warehouse & Storage Facility use) on Parcel 21-158, which is located at 161 Portland Street. Mr. Guy said that he only recently found out that he owned some addition land on the north side of the building at 161 Portland Street, and that he had recently initiated some outdoor storage in this area. He added that he had always had outdoor storage in front (east side) of 161 Portland Street, so he considered his new north side storage area to be allowable because it was grandfathered. Mr. Thomas explained that storage yards (unless grandfathered) under the Warehouse and Storage Facility use, we not allowed in the Central Business Zone. Neighboring property owner Nick Donza mentioned that the new storage area in question was fully encumbered by a right-of-way easement that benefitted his adjacent property. Mr. Donza said

that he was ok with some short term outdoor storage in this area, but he may need this area in a couple of years for a future driveway to a townhouse that he planned to build on the corner of Foundry and Portland Streets. Mr. Guy said his business needed this additional outdoor storage area. Chair Nolan said that what Mr. Donza's easement over this area said was civil matter, and it should not be considered as part of the zoning request at hand. Member LeBlanc said if there has always been outdoor storage on this parcel, the applicant's request was for a grandfathered use, and it should be granted. Member LeBlanc moved to approve the application as proposed because the Warehouse and Storage Facility use is grandfathered on this parcel. The motion was approved by a vote of 7-0.

Hearing: \$500 Site Plan review of VFOR sober house at 360 Maple St (Demars Properties)

David Riegel appeared before the Board of behalf of applicant Vermont Foundation for Recovery (VFOR) for the 2-year review of \$500 Site Plan Approval Permit #2019-058. Condition #8 thereof allowed up to 6 unrelated people to live together as a "function family unit" in a substance abuse recovery home/apartment on Parcel 23-178, which is owned by Demars Properties LLC, and located at 360 Maple Street in the Medium Density Residential Zone. Mr. Riegel reminded the Board that the local approval of the Morrisville recovery home's function as a single-family home was appealed by abutting property owners, and the Board's decision was upheld in Environmental Court. Regarding the existing recovery home operations, Mr. Riegel said that 33 VFOR clients had lived at 360 Maple Street over the last year and a half, and 17 of those people are now in full recovery, and contribute to society again. Mr. Riegel also spoke to the recent drug overdose death that took place inside the Maple Street VFOR recovery home. Member Streets asked if there was a full-time on-site property manager. Mr. Riegel said no, but that a VFOR employee spends about 15 hours per week helping the their Morrisville recovery home run successfully, with 7 to 10 of those hours being spent on-site. Member Burnham asked how long the clients were staying in the Morrisville recovery home on average. Mr. Riegel responded that the average tenant stay is 1.8 months so far in this recovery home, but 5-6 months at VFOR recovery homes in other areas. Mr. Riegel explained this length of stay discrepancy by saying that the Covid-19 pandemic was negatively impactful, as was the behavior of neighboring property owners (in terms of making the VFOR women feel comfortable). Chair Nolan asked Mr. Riegel to explain the 11 Morristown EMS transports, and over 30 police calls, that were attributable to the VFOR home since the permit was approved in May of 2019. Mr. Riegel responded that these were that same town services utilized by any family in Morrisville, and that no one knows if there are families living with substance abuse issues behind the private walls of other homes in this community. Member Streets expressed doubt that there was a family elsewhere in the community populated by six people in a roommate situation all trying to recover from substance abuse at the same time. Mr. Riegel responded that the issue before the Board is the definition of Family and that the VFOR recovery home on Maple Street meets this definition due to its shared spaces.

John Rodriguez said that he had peacefully lived at 328 Maple Street for approximately 30 years without incident until Demars Properties leased the apartment directly across from his living room window to VFOR. Mr. Rodriguez described the recovery home as a transient party hotel, and not a family. He said his records show that 81 clients have come through the adjacent VFOR recovery home since it opened, not just the 33 clients that VFOR claims. Mr. Rodriguez said he

has witnessed drug dealing all around his home that did not exist before VFOR arrived. He said he watched and called the police about the drug deal in the parking lot of the village garage that led to the fatal overdose mentioned earlier. He added that was the fourth separate drug deal he had witnessed just that week. Besides concerns about the new crime in the area, Mr. Rodriguez said that the behavior of the VFOR tenants had stripped him of the privacy and enjoyment of his home, and especially his outdoor areas (where he is often shouted at across the fenced property line). Mr. Rodriguez concluded his comments that the late night noise from the VFOR tenants, who do not seem to need much sleep, made it so his daughter could no longer sleep at his house.

Barbara Miller testified that she was illegally pushed out of the apartment that the recovery home currently leases because Demars Properties could rent it to VFOR for more money. She said that the rent she used to pay for this apartment could never match the \$140 a week that VFOR is charging per bed in her old apartment now. Chair Nolan explained that Ms. Miller being pushed out of her apartment, illegally or not, was unfortunately not a zoning issue.

Upon a question from Gary Nolan, Morristown Police Officer Garth Christensen said that there has been a high amount of noise complaints from the VFOR property over the last year and a half, mostly from Mr. Rodriguez. Officer Christensen noted that the VFOR tenants often do not answer the door when the police visit regarding noise complaints. Mr. Rodriguez said he owned the only single-family home adjacent to the VFOR recovery apartment, and the other surrounding Demars tenants that were told to deal with VFOR's tenants or find a new apartment elsewhere (which is presently nearly impossible to do in a hot real estate market). Member Wiltshire moved to continue the conversation in Deliberative Session. That motion was approved by a vote of 7-0. At the conclusion of the evening's Deliberative Session, it was determined that Town Counsel would be contacted to answer the Board's legal questions, and that the Deliberative Session discussion would continue at 6:30pm on June 23rd. A vote of 7-0 affirmed the motion.

The meeting adjourned at 8:40 P.M. - Respectfully submitted by Zoning Administrator Thomas