

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD**

P.O. BOX 748

MORRISVILLE, VT 05661

Phone (802) 888-6373

Fax (802) 888-6378

Minutes of May 25, 2006

Members Present: Gary Nolan, David Silverman, Theresa Breault, Carl Fortune, Steve Berson (alternate)

Members Absent: Jean Wickart, Paul Trudell

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 David, minutes of the May 11, 2006 meeting were approved.

WARNED HEARING: JOHN PITROWSKI, PRELIMINARY PLAT APPROVAL, 6-LOT SUBDIVISION, LAPORTE ROAD

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, and 810-860 of the zoning and subdivision bylaws. Gary noted that a site walk of the subject property, attended by three DRB members and the ZA, was conducted on May 11, 2006. David recused himself due to a potential conflict of interest arising from business dealings with the applicant. Theresa administered the sworn oath to the applicant, John Pitrowski.

John proposes to subdivide a 17-acre parcel currently owned by Heath and Sandra Eiden into six single-family home lots and to redraw the boundary with the adjoining three-acre Eiden homestead parcel to add one acre to it. The six lots would each have a drilled well and would share a community wastewater disposal system, to be located on the Eiden homestead property by easement.

Access to the subdivision would be from a single private road off Laporte Road (Vermont Route 100). The applicant has received preliminary AOT approval for this access point. As part of this approval, two existing driveways on the Eiden homestead parcel, at a location with poor sight distances, will be replaced by a new driveway further to the south.

John noted that there is a wetland surrounding a pond in the center of the parcel and that the lower portion, at the back of the parcel, lies within a flood zone. No development will be allowed in either area and a shared easement around the pond will provide access to the pond for all lot owners. Any storm water runoff would flow inward from the lots surrounding the pond.

Gary read a letter from property owners across Route 100 from the proposed subdivision

expressing concern that the new homes would impair their views. John said that the home sites would be at least 700 feet back from Route 100 and lower than surrounding homes so that they were not likely to block any views from across the road.

Theresa made a motion to go into deliberative session on this application at the end of the warned hearings on the agenda. Carl seconded the motion and it passed unanimously.

WARNED HEARING: RED BIRD CONSTRUCTION INC, PRELIMINARY PLAT APPROVAL, 4-LOT SUBDIVISION, 1103 ELMORE STREET

Gary introduced the application, to be reviewed under sections 254, 730, 740, 780, and 810-860 of the zoning and subdivision bylaws. Gary noted that a site walk of the subject property, attended by four DRB members and the ZA, preceded tonight's hearing. Theresa administered the sworn oath to the applicant, Bill Cardinal, and neighboring residents Ed and Carol Lambert, Arnold and Beth Piper, and Marci Young.

Red Bird Construction owns a two-acre parcel in the Medium Density Residential zoning district. The parcel has three structures: a four-unit residential building and two single-unit buildings. They propose to subdivide the parcel into four lots. The four-unit building would remain on one 36,000 square foot lot. The two smaller buildings would be removed and three single-family building lots would be created. All lots would share the existing driveway, which would be slightly realigned, off Elmore Street.

Gary asked Bill Cardinal if he was amenable to relocating the driveway further to the right in order to preserve some mature trees. Bill replied that he was.

The parcel is served by municipal water and sewer systems. There is an existing low water pressure deficiency in the area of this property. Red Bird proposes to install water pressure pumps for each unit and noted that there would only be a net increase of one residential unit.

Arnold Piper addressed the existing water pressure problem and provided a letter from the state water Supply Division to Morrisville Water & Light (MW&L) Department which stated that no new hookups would be approved by the Division until the water pressure problem is fixed. The ZA noted that MW&L's project review response referenced the Division's position.

Edward Lambert also raised the water pressure issue. He objected to any new development in the low pressure area and asked what responsibility MW&L had to correct it, regardless of any new development proposals.

David inquired as to the long-term fix for this problem. Gary said that was outside the DRB's purview and that the Water & Light department would have to address that issue.

David noted the lack of a storm water drainage and erosion control plan on the project site plans. He moved to go into deliberative session on this application at the end of the warned hearings on the agenda. Carl seconded the motion and it passed unanimously.

WARNED HEARING: GREEN MOUNTAIN PROSTHETICS & ORTHOTICS (GMPO), INC, CONDITIONAL USE & SITE PLAN APPROVAL AND SETBACK WAIVERS, MEDICAL SERVICES BUILDING, MANSFIELD AVENUE

Gary introduced the application, to be reviewed under sections 238, 239, 453, 500 and

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630-635 of the zoning and subdivision bylaws. A site walk of the subject property, attended by five board members and the ZA, was conducted prior to this evening's hearing. Theresa administered the sworn oath to Jim Davis, president of GMPO, current property owner Marcia Shafer, and neighboring residents Barbara Stevens, Carol Chanania, Richard & Heather Sargent, Jim & Molly Pease, Roxanne Manning, and Robert Del Colle.

Jim Davis detailed his proposal. He proposes to purchase a pre-existing 12,650 square feet (0.29 acres) lot that is currently joined with the Marcia Shafer parcel and construct a 3,300-square foot, single-story medical services building for his business, fabricating and fitting prosthetic and orthotic devices, with approximately 1,000 square feet available for lease to another medical services business. The building would be designed to match the appearance and style of surrounding residences and medical services buildings. The lot is located on the corner of Mansfield Avenue and Washington Highway in the Special Use zoning district. He operates during regular business hours (Mon-Fri, 8:30-5:00).

The building would be sited within the 15-foot rear setback and the paved parking area, with twelve spaces, would be within the 15-foot side setback. The parking requirement for a medical services building of this size is 13.2 spaces. The building would be accessed from a single driveway on Mansfield Avenue. The plan also calls for removing the existing mature trees along both Washington Highway and Mansfield Avenue in order to provide sufficient space for the project. Jim is seeking a 15% (2-foot) waiver of the side and rear setback requirements and DRB approval for a lesser number of parking spaces.

Steve Berson noted that there did not appear to be sufficient maneuvering room for vehicles exiting the parking spaces on either end of the parking lot. Carl added that there was only one designated handicapped space. Jim replied that this meets the federal handicapped accessibility guidelines.

David asked about any landscaping plans. Jim said there would be grass along the property boundaries and road frontages and that he planned to replace the trees along Washington Highway with smaller trees or shrubs. He also planned to put up a split-rail fence along the propertylines adjacent to the Shafer and Stevens properties.

Carl noted that the site plan lacked key information, including a storm water drainage plan. Jim said he had drawn the plan up on his own, with some assistance from family members who had construction planning experience.

Dick Sargent questioned whether this type of business is a 'professional health care office' as allowed within this district. He said it seemed more like an industrial facility in that it involved the fabrication of medical devices, rather than patient treatment. Jim took exception to this characterization. Dick was also concerned about the prospect of deliveries being made directly from Washington Highway, rather than being made from Mansfield Avenue, and about excess storm water runoff from almost 7,400 square feet of impervious surface running onto his property across Washington Highway.

Carol Chanania expressed objections to the size of the building on such a small lot, its impact on the character of the area, and the prospect of increased traffic. Jim addressed the traffic issue by saying that his clients would not be traveling down Mansfield Avenue as he'd be right on the corner and that most of his clients would already be in the area for other medical appointments.

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Barbara Stevens added her concerns about storm water runoff, saying the area is already subject to water pooling at the Washington Highway/Mansfield Avenue intersection during heavy rains, increased traffic delays at that intersection, and provisions for snow removal from the parking lot next to her home.

Roxanne Manning objected to the project on the basis of its non-residential nature, lighted signs, and increased traffic in an area where small children live.

Molly Pease said she did not think this use was consistent with the zoning, even if this is in the 'special use' district for health care services. She questioned what type of tenant might occupy the additional rental space. She also expressed concern about potential environmental health hazards from the materials used by GMPO.

Heather Sargent voiced concerns about storm water runoff, soil erosion, property depreciation, traffic, and pedestrian safety.

Marcia Shafer, current owner of the subject property, said she's tried to sell her house before and any prospective buyers wanted to use it as medical offices. She sees GMPO's proposed use as fully consistent with the stated objectives of the Special Use district.

Carl moved to go into deliberative session on this application at the end of the warned hearings on the agenda. David seconded the motion and it passed unanimously.

WARNED HEARING: MORRISTOWN RESCUE SQUAD (MRS), CONDITIONAL USE & SITE PLAN APPROVAL, BUILDING ADDITION, 579 WASHINGTON HIGHWAY

Gary introduced the application, to be reviewed under sections 238, 239, 453, 500 and 630-635 of the zoning and subdivision bylaws. A site walk of the subject property, attended by five board members and the ZA, was conducted prior to this evening's hearing. Theresa administered the sworn oath to Pat Miller, MRS president, MRS board member Liz Fox, Town Administrator Dave Crawford, project manager Sonny Demars, and adjoining property owners Richard & Heather Sargent.

Liz Fox and Pat Miller described MRS' plans for a 2,700-square foot addition to the rescue squad building at 579 Washington Highway. They noted the site plan showed a 40x45 main addition with a 10x17 connector to the existing building and said that they now propose a 40x60 main addition in order to accommodate all their vehicles. They also propose to move the main addition about fifteen feet closer to the property boundary than currently depicted in order to reduce the number of existing parking spaces that would be eliminated.

The entire footprint of the added structure would lie on the existing paved parking area, so no new impervious surface would be created. There would be a loss of ten parking spaces, leaving more than thirty available for MRS and Copley Hospital staff.

David asked what exterior lighting was planned. Liz said lights over the doorway entrances and the garage doors would be installed. Adjoining property owner Dick Sargent had no objections to the lighting, provided they lights were motion sensor activated.

Steve asked if any new landscaping was planned. Sonny said there was none, noting that a gravel strip between the MRS lot and adjacent Copley parking lot, as well as the grassy area on the north end, was needed for storm water drainage and snow plowing.

David moved to approve the application with the conditions that a revised site plan

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reflecting the changes described herein be submitted and that any exterior lighting be motion sensor activated. Theresa seconded the motion and it passed unanimously.

The board closed the public hearings and moved into deliberative session on the Pitrowski, Red Bird, and GMPO applications.

On a motion by Theresa, seconded by Steve, the board unanimously approved the application by John Pitrowski for preliminary plat approval for a 6-lot subdivision on Laporte Road.

On a motion by David, seconded by Carl, the board unanimously voted to recess the hearing on the application by Red Bird Construction for preliminary plat approval for a 4-lot subdivision at 1103 Elmore Street pending submission of a revised site plan showing a storm water drainage plan and relocating the driveway.

A motion by Theresa, seconded by David, to approve the application by GMPO for a 3,300-square foot medical services building and waivers of setback and parking requirements, failed with none in favor, all opposed. The bases for denying the application were insufficient parking, lack of a storm water drainage plan, and inadequate setbacks.

OTHER BUSINESS:

The ZA advised the board that three recent appeals of DRB decisions had been remanded or sent to mediation by the Environmental Court. He provided copies of the Court's decisions for the board's review ahead of the next meeting, when the board would discuss how to proceed on the remanded cases.

On a motion by Gary, seconded by Theresa, the meeting adjourned at 10:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 6/8/06 TB/CF