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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of May 23, 2002

Members Present: Gary Nolan, Carol Jennings, David Silverman, Theresa Breault, Jean Wickart

Members Absent: Paul Trudell, Carl Fortune

Recorder: Mark Leonard, Zoning Administrator

Guests: David Conner, Eric Beckstrom, Dennis Smith, Andre Valcour, Brian Parker, David Parker, Eric & Andrea Baringer, John Tonelli, Richard Towns, Randy Towns, Dominic Couture

Gary Nolan, Chair, called the meeting to order at 7:30 PM.

Theresa made a motion to approve the minutes of May 9, 2002, as written.
Jean seconded the motion and it passed unanimously.

**WARNED HEARING: TWO LOT SUBDIVISION, ERIC & ANDREA BARINGER,
WALTON RD.**

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections: 500-503, 730-790 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa swore in the applicants. Eric Baringer proposes to subdivide his 15 acre (approx) parcel into two lots of 3.8 and 11 acres, respectively. He plans to sell the smaller lot with its existing house and build a new house on the larger lot. A state subdivision permit had been applied for.

David made a motion to approve the application. Theresa seconded the motion and it passed unanimously.

**WARNED HEARING: CONDITIONAL USE, HOME BUSINESS (MINI-STORAGE
RENTAL UNITS), ANDRE VALCOUR, 3116 RANDOLPH ROAD**

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 260-263, 460, and 630-635 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk of the property, attended by two board members, preceded the hearing. Theresa administered the sworn oath to the applicant Andre Valcour. There were no interested parties in attendance.

Andre Valcour explained that he wants to convert a 40'x172' (6,880 square feet) former dairy barn into a 34 unit mini-storage rental facility. All modifications would be to the inside of the structure; the exterior would remain as is. Units would be accessed only from the inside with vehicles entering on one end of the building and exiting on the other.

The Zoning Administrator summarized the issue of mini-storage in barns. A bylaw permitting mini-storage in barns as a conditional use (Section 426) had been removed from the Bylaws by vote of the Select Board in December 2001 after it was found to have been inserted without the Planning Commission's knowledge or consent. Without this bylaw, this application could only be considered as a home business under Section 460. The key considerations as a home business were that the activity could only occupy 25% or less of the combined area (floor space) of all structures on the lot and that it must be carried on by family members residing on the property.

David asked if this application met the 25% area provision. Gary said the applicant would have to submit verification of the total square footage of all structures on the lot to the Zoning Administrator.

Carol asked if the applicant planned to add any exterior lighting. Andy said there seems to be sufficient exterior lighting now and that he planned to install interior lights to be activated by motion sensors.

Theresa asked if there would be any traffic increase resulting from this project. Andy replied that he'd expect there to be less traffic than there was when he was actively dairying.

Carol asked what the hours of operation would be. Andy said that customers would have access to the facility on 24/7 basis, and would be the only ones with keys to their individual units.

The Zoning Administrator conveyed the Fire Chief's concerns that no hazardous materials be stored in the units; it would be the applicant's responsibility to get renters' agreement to that restriction.

Theresa moved, and Jean seconded, to approve the application as presented with standard conditions. The motion was approved unanimously.

WARNED HEARING: CONDITIONAL USE AND SITE PLAN REVIEW, BUSINESS OFFICES AND EDUCATIONAL SERVICES, LAMOILLE FAMILY CENTER, BRIDGE STREET

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 215-219, 500-503, and 630-636 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk of the property, attended by three board members, preceded the hearing. Theresa administered the sworn oath to Dan Conner and Eric Beckstrom. There were no interested parties in attendance.

Eric Beckstrom, an architect hired by the applicant, explained the scope and purpose of the proposed project. Lamoille Family Center is seeking to build an approximately 10,000 square foot facility to provide offices, meeting and training areas, and a limited on-site day care area to replace their current facility on Cady Falls Rd. The center has outgrown its present facility and the adjoining parcels it owns have significant cost and environmental obstacles to development. The Family Center has identified property owned by Ken Harvey on Bridge Street,

across from the property owned by CREW, as their desired location. This property lies in the Business Office Park zoning district. Eric presented Computer-Aided Design (CAD) drawings of the proposed facility from different views.

Addressing the question of whether this project was consistent with the stated objectives for the Business Office Park district, Eric reviewed all the properties in the district and noted that opportunities for the kind of development originally envisioned there are limited. He said the only districts which specifically permit both business or professional offices and day care facilities are the Neighborhood Commercial and Mixed Mercantile-Residential, but that a suitable site could not be located in either.

Gary asked what conditional use this application met. Eric explained that the project has elements of several uses, but is primarily business or professional offices. The bulk (80-90%) of their facility needs are for staff offices. The remainder of their space needs are for training areas for the classes offered and a child care area for young children of clients participating in life skills programs at the center. Eric and David stressed that the child care activity is strictly an adjunct to the life skills program; it would not be open to the public or even to program participants outside of program hours. It would accommodate 10-20 children.

David asked how this proposed use was different from any other office use. David Conner, co-director of the center, described its programs and activities. The center's staff of 35 provide community outreach programs, classes for parents and child care providers, home visits, supervised child visitations, and administer various government programs designed to assist families in the county. The staff works with area schools, local and state governments, and other non-profit social service agencies. They are a non-profit agency, but are not tax-exempt.

Theresa asked how far back from Bridge Street would the facility be. Eric said it would be more than 150' back, well protected from traffic, and would be screened from view from the road by existing trees. She asked about the timeframe for the project. David Conner said it was probably several years off as they would have to raise funds and obtain grants before proceeding.

Jean asked if the center planned to retain its current facility if this one were built; David said no, they would look to sell that property.

David asked how much the facility might change from the plans presented today. Eric replied that the design is, in his estimation, 80-85% accurate, but might be modified during the planning process. In such case, they would come back before the DRB to get specific site plan approval for the final plan. Eric explained that there were before the DRB seeking conditional use approval before proceeding any further on discussions regarding purchase of the property.

Gary said he wanted to consult with the Planning Commission to get their view on whether this application was consistent with their objectives for the Business Office Park district. He asked the applicant to meet with the Planning Commission on June 4, 2002 and then come back to the DRB.

David moved to recess this hearing to June 13, 2002. Theresa seconded the motion and it was approved unanimously.

**WARNED HEARING: CONDITIONAL USE, PRIVACY FENCE, JOHN TONELLI,
4233 STAGECOACH ROAD**

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 425 and 630-636 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk of the property, attended by three board members, preceded the hearing. Theresa administered the sworn oath to John Tonelli. There were no interested parties attending.

John Tonelli wishes to erect a six-foot high stockade-style fence along approximately 300 feet of his road frontage along Stagecoach Road. He wants to erect the fence to protect his children and animals from traffic along the road, to provide some privacy for his family as the heavily traveled road is quite close to his house, and to reduce noise from vehicles passing by his property. He also intends to apply for a zoning permit for a four-foot high picket fence, a permitted use, along 650' of road frontage further down from his house on his property. He stated that trees previously planted along the proposed stockade fence line had provided some measure of privacy and noise reduction, but had died due to road salt runoff.

David expressed concern that the fences might reduce views of the valley below and mountains across the valley, especially in the area where the picket fence was planned. Other members and Mr Tonelli noted that the terrain in this area slopes down and away from the road, so views would not be significantly impacted. As a permitted use, it was not an issue which the DRB could impose any conditions on in any case.

Gary noted that under Section 425, any fence along streets and roads must not be placed in the road right of way or closer than ten feet from the edge of the road where the road right of way is less than ten feet.

Theresa moved to approve the application. Jean seconded the motion and it was approved unanimously.

**APPEAL OF ZONING VIOLATION NOTICE, RICHARD TOWNS, 589 JERSEY
HEIGHTS**

Gary opened the hearing and gave an overview of the application. Richard Towns is appealing the Zoning Administrator's Notice of Zoning Violation, dated April 19, 2002 which stated that storage of portable toilets is not allowed at Mr Towns' property at 589 Jersey Heights under current zoning bylaws or under any permits previously issued for this property and requesting their removal from the premises. Gary read the Zoning Administrator's notice and Mr Towns' Notice of Appeal into the record. The application will be reviewed under Sections 255-258, 430-432, and 640-643 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Richard and Randy Towns and Dominic Couture (adjoining property owner).

Mr Towns stated that he had recently allowed Casella Waste Management to store an indeterminate number of portable toilets on his property at 589 Jersey Heights and that he was receiving \$250 per month from Casella for this use. He expressed his belief that this activity was no different than those which had been permitted when Green Mountain Sanitation and later Casella Waste Management operated at this property and should be allowed to continue.

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The Zoning Administrator reviewed the permit history for this property and the adjoining property, also owned by Mr Towns. Previous permits had allowed Green Mountain Sanitation and later Casella Waste Management to conduct a waste disposal and trucking business and Peregrine Parcel to operate a parcel shipping service. Casella terminated its operation at this location in 1999 and Peregrine Parcel moved out in 2000. The only currently valid permits are for use of the adjoining property as a truck and automobile repair business.

The Zoning Administrator explained that all current and prior permits are or were for non-conforming uses in this zoning district that had been in existence prior to the adoption of the zoning bylaws. Under the bylaws, non-conforming uses can be continued indefinitely provided they are not re-established if the non-conforming use has been discontinued for a period of one year or more, changed to a different non-conforming use, or added to by commencement of a different non-conforming use. In his interpretation of the bylaws and the permits issued to these properties, the departure of Casella Waste Management in 1999 without a waste removal or trucking business being re-established within one year precludes any such activity from being permitted at this location.

Gary read an excerpt from the DRB minutes of Sept 23, 1999 in which Mr Towns states he is out of the garbage business and cannot go back into it for four years. He states that his son may occasionally park a scrap metal truck on the property but that no garbage trucks would be at the property.

Jean asked how many portable toilets were being stored on the property and if and where were they cleaned. Randy Towns replied that the number of units varied as they were shipped out to and returned from customer sites, but were in the range of 50-80. He stated they were rinsed out prior to being stored on the property.

Theresa noted that there had been complaints about noise and smell dating back to when Green Mountain Sanitation operated there. She asked whether the property could be shielded from adjoining properties. Mr Towns said he had planted some trees along the property edge.

Dominic Couture said he had asked the DRB two years ago to allow a fence between his property and Mr Towns' but had been turned down. He is concerned with the safety of neighborhood kids due to these toilets being stored outside on the property, as well as the sight and smell of the units detracting from the character of the neighborhood.

David asked when Mr Towns had purchased the property; he replied that he'd owned it since the '80s. Mr Towns stated that he was just trying to earn some revenue from his property.

Randy Towns asked what they could do with the property if they were not allowed to use it as they had in the past. Gary said they could apply for any permitted or conditional uses allowed in that district.

David moved to uphold the Zoning Administrator's Notice of Zoning Violation. Carol seconded the motion and it was approved unanimously.

On a motion by David, seconded by Carol, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Mark Leonard, Recorder