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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of May 8, 2003

Members Present: Carol Jennings, Paul Trudell, Theresa Breault, Kelly Rogers (Alternate)

Members Absent: Gary Nolan, David Silverman, Jean Wickart, Carl Fortune

Recorder: Mark Leonard, Zoning Administrator

Guests: Linda Wood, Ernie Ruskey, Allen & Cindi Ross, Robert & Judy Ross, Sherry Wilson, Peter Koeck, Martha Ansley, Wilhelm Jaremczuk, Carol Lambert, Alexis McLean, Sonny Demars, Heath Eiden, Patrick Miller, Carroll Lawrence, Katie Neil, and Charles Burnham

Acting Chairman Paul Trudell called the meeting to order at 7:50 PM. Approval of the minutes of April 24, 2003 was deferred due to lack of a quorum of those present on that date.

NORTH COUNTRY ANIMAL LEAGUE, CONDITIONAL USE (ANIMAL SHELTER) PERMIT REVIEW, LAPORTE ROAD

This is the one-month permit review of NCAL's Conditional Use permit to operate an animal shelter on Laporte Road. Permit reviews at the one, three, and six month and one, three, and five year year dates from opening were required in the DRB's approval of NCAL's Conditional Use application in April 1999. The animal shelter opened for business on April 5, 2003. Purpose of the reviews is to determine that the permit holder is meeting the conditions of approval. Theresa administered the sworn oath to Linda Wood, Ernie Ruskey, and all other interested parties.

Linda Wood, NCAL executive director, stated that the shelter is open from 11am to 6 pm on Tuesdays and 11 am to 4:40 pm on Wednesday to Saturday. No dogs are allowed outside the building except on a leash with a handler. She expressed the opinion that the shelter will allow NCAL to serve the community's needs much better than their previous facility.

Ernie Ruskey, project architect, reviewed the building plans. The facility has 18 cat cages, 16 dog kennels, and 3 puppy kennels. Trees which were required in the approval have yet to be planted; the organization is raising funds for this and other finishing items at the facility. Ernie stated that they would like the Fire Chief to inspect the building at his earliest convenience.

Carol inquired about retail activities at the site. Linda said they are selling a limited number of pet supplies, in accordance with the permit conditions.

Dr Jaremczuk, adjacent property owner, expressed concern that NCAL employees are walking animals on the adjacent Darden (formerly Schillhammer) lot in violation of the permit conditions and that the required trees have not been planted. He reiterated his position that all conditions must be scrupulously observed. Linda Wood responded that they have clearly marked the boundary between the NCAL and Darden properties and instructed their staff to remain on NCAL property. The ZA explained that with new construction, the permit holder typically has one year to complete all work authorized in the permit; this would include planting of any mandated trees or shrubs.

Carol Lambert asked to read two letters from adjacent property owners who could not attend tonight's meeting. The first, from Gene Ann Condon, stated that she had observed NCAL handlers and animals using the adjacent Darden property and the fenced area on the Darden property on occasion. The second, from Maureen Rago, noted dogs being out of the building outside of the hours permitted in the approval and at least one occasion of dogs barking excessively. She also questioned the number of parking spaces at the building and suggested that NCAL plant hedges along Route 100 to screen the building and provide some measure of safety for any animals that may get loose from traffic on Route 100. Ms Lambert also produced photos of two dogs inside the Darden fenced area. Linda Wood stated that the dogs in the photos were Ms Darden's pets, not dogs in NCAL's care.

When queried, the ZA said he had not received any noise complaints to date about the animal shelter and had had one phone call regarding dogs being out outside of the authorized hours. He reported seeing a dog with a handler at 8:30 am on one recent occasion.

Carol asked about any upcoming summer camp activities at the shelter. Linda said they would have the same sort of activities as in past summers, involving 8-10 children per week, though she was unsure of the exact dates. She emphasized that any activities associated with the summer programs would comply with all permit conditions.

Paul stressed to the permit holder the importance of meeting all conditions imposed with the permit approval. He said that the DRB would likely conduct a site visit in conjunction with the three-month review in July.

KATIE & DALE NEIL: 5-LOT SUBDIVISION, LAPORTE RD

Paul reviewed the application. The application will be reviewed under Sections 264, 740, 780, and 800-870 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A pre-application review of the proposal was conducted on April 24, 2003. Theresa administered the sworn oath to Katie Neil, Charles Burnham, and all other interested parties.

Charles Burnham outlined Katie Neil's plan to subdivide a 115-acre parcel on the west side of Laporte Road, in the vicinity of Lawrence Farm Road. The current owners would retain approximately 27 acres west of Lawrence Brook. The Neils would create three single family home lots of 2.3, 2.5, and 3.0 acres, respectively, to be located toward the center of the current lot near the brook. Of the remaining 80+ acres, approximately 30 acres along Laporte Road would be used as a horse farm, with the balance the property undeveloped at this time.

Mr Burnham reviewed previous subdivision plans for the property. He noted that it had received an Act 250 permit in the early 1990s to subdivide into 22 building lots, but that the

owners had not followed through with their plans. The project had received state approvals for development along a flood zone and for protection of deer wintering areas in the area being retained by the current owners. There is a permit application pending with the Agency of Transportation for a single access point on Route 100. He stated that the three single family home lots were in substantially the same location of three of the previously approved lots. He explained that the applicant might consider subdividing several more lots for single family homes at some point in the future and that these would also generally follow the previously approved lot locations, primarily to meet flood zone restrictions.

Several questions from the floor concerning location of the proposed horse barn structure and fencing. Paul noted that as an agricultural use, the planned horse farm would be exempt from local zoning requirements and are not properly subject to this hearing. Adjacent property owners expressed satisfaction with the proposal, saying the horse farm would be a good fit aesthetically with the area and that it was certainly preferable to the previous 22-lot subdivision.

Allen and Robert Ross raised concerns about runoff from the farm contaminating their wells across from the property on Route 100. Charlie Burnham responded that the project was still subject to Act 250 review and any such issues would be properly examined in that forum.

Theresa moved to go into deliberative session on this application following all other items on the agenda. Carol seconded the motion and it was approved unanimously.

DEMARS PROPERTIES: CONDITIONAL USE APPROVAL, EXPANSION OF NON-CONFORMING USE (OFFICES), 197 HARREL ST

Paul reviewed the application. The application will be reviewed under Sections 435 and 630-635 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Sonny Demars.

Sonny Demars explained that with the closing of the Demars hardware store, he was seeking to convert the space to offices for rent. He noted that the previous retail use and the adjoining use by Community College of Vermont were pre-existing non-conforming uses. He would be expanding the office use within the existing building; no additional floor space or parking would be added. There would be no additional traffic or changes to access to the site.

Theresa moved to approve the application with standard conditions. Carol seconded the motion and it was approved unanimously.

OTHER BUSINESS:

The ZA presented a proposed final site plan for the ^{Morrisville} ~~Northgate~~ Plaza building expansions. The plan deviates from that previously approved by the DRB by creating approximately 25 additional parking spaces in the northwest corner of the parcel. The ZA asked if this change required formal review and approval by the DRB. The members present agreed the change was significant enough to require a formal review and directed the ZA to schedule a hearing on it.

The board went into deliberative session on the Neil subdivision application at 9:15pm. Theresa moved to approve the application subject to receipt of a final survey plat depicting all items listed in Sections 780-790 of the bylaws. Carol seconded the motion and it was approved unanimously.

On a motion by Paul, seconded by Carol, the meeting was adjourned at 9:40 PM.

Respectfully submitted,

Mark Leonard, Recorder