

Morrisville/Morristown Development Review Board
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Meeting Minutes of 27 April 2022

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

Members Absent: Chris Wiltshire

Staff: Todd Thomas, Zoning Administrator

Guests: Town Administrator Eric Dodge, Selectboard Member Don McDowell, Conservation Commission Co-Chair Ron Stancliff, Poppy Gall, Jim Lovinsky, Annette Johnson, Leslie Small, Jamie Washer, Tamara Bourne, Leah Bronner, David Ring, Emily Locke, Sandra LeBlanc, Guilbert LeBlanc, Engineer Tyler Mumley, Julie, Laura, & David Nepveu

Call to Order: Chair Nolan called the meeting to order at approximately 6:00 PM.

Minutes: Member Wilson moved to approve the February 9th meeting minutes. A vote of 6-0 affirmed the motion, with Member Burnham abstaining.

Hearing: Conditional Use Approval for 8' tall stockade fence on Sterling Valley Rd. (Gall)

Applicant & landowner Penelope (Poppy) Gall appeared before the Board requesting \$630 Conditional Use approval per \$425 for an 8-foot tall stockade fence running along the road frontage of Parcel 15-002 at 449 Sterling Valley Road in the Rural Residential Agricultural Zone. Ms. Gall said that the fence would be located within the tree-line and outside the road right-of-way. Zoning Administrator Thomas said that the Highway Superintendent told him that he had no concerns with the proposed fence or its location. Ms. Gall said that the purpose of the fence was for noise and dust attenuation. Member Trudell moved to approve the fence as proposed. A vote of 7-0 affirmed the motion.

Hearing: \$750 Final Plat Approval to modify Permit 2021-014 on Randolph Rd. (Small)

Applicant & landowner Leslie Small appeared before the Board requesting \$630 Conditional Use approval in the Rural Residential Agricultural Zone to modify Conditions 5, 6 & 7 on Permit #2021-014 regarding a \$340 Environmental Resource Area (Deer Wintering Area) on Parcels 16-139-1-14, 16-139-1-15 & 16-139-1-16, which are accessed via Avas Way & Leslie Small Way. Chair Nolan read a letter into the record from Noel Dodge of Vermont Fish & Wildlife stating that he walked Mr. Small's property, and there was no longer a Deer Wintering Area located thereon. Mr. Thomas explained that the conditions on Mr. Small's January 2021 subdivision decision that created larger setbacks and no-cut zones should be deleted due to the State's aforementioned deer habitat change. Neighboring property owner Annette Johnson said that she still sees deer on her property, and she would like to see the deer related restrictions on Mr. Small's subdivision remain. Member Wilson moved to strike Conditions 5 through 7 on Mr. Small's 13 January 2021 subdivision approval due to the State removing the mapped Deer Wintering Area for the subject property. A vote of 7-0 affirmed the motion.

Hearing: \$750 Final Plat Approval for a 2-lot subdivision at 1864 Cote Hill Rd. (Bourne)

Engineer Tyler Mumley and landowner Tamara Bourne appeared before the Board requesting \$750 Final Plat Approval to subdivide 31-acre Parcel 07-114-4 to create a new 19-acre building lot that will be accessed from Cote Hill Road in the Rural Residential Agricultural Zone. Member Burnham asked about wetlands. Ms. Bourne responded that the driveway location was previously adjusted to avoid wetland impacts. Mr. Thomas said that the proposed subdivision

complied with zoning requirements, but he could not approve it because the new lot utilizes a right-of-way for access, instead of direct road frontage. Member Streets moved to approve the subdivision as proposed. A vote of 7-0 affirmed the motion.

Hearing: §750 Final Plat Approval for a 2-lot subdivision on Golf Course Rd. (Karlin)

Engineer Tyler Mumley appeared before the Board requesting §750 Final Plat Approval to subdivide 4.2-acre Parcel 12-100 to create a new 2.37-acre building lot that will be accessed from Golf Course Road in the Rural Residential Agricultural Zone. Mr. Thomas added that the proposed subdivision complied with zoning requirements, but like the last application, it had to be approved by the Board because the new lot utilizes a right-of-way for access, instead of direct road frontage. David Ring questioned the drinking water source protection isolation zone shown on proposed Lot 2. Mr. Thomas replied that zoning permits will not be issued for new houses on the two subdivision lots until a State wastewater permit was in place, and that said State permit would ensure that the isolation zone was protected. Member LeBlanc moved to approve the subdivision as proposed. A vote of 7-0 affirmed the motion.

Hearing: Site Plan Approval for 19 housing units at 82 Portland St. (Nepveu)

Julie Nepveu appeared before the Board, representing Normand Nepveu, who was requesting §206 Design Criteria, §207 Historic Preservation Criteria, §500 Site Plan Approval, and a full §451 Waiver of the 23 required on-site parking spaces, for the conversion of the vacant building at 82 Portland Street, Parcel 21-170 in the Central Business Zone, into 19 apartments with 1,598 ft² of ground-floor retail space. Ms. Nepveu detailed previously expired permits for the subject property, as well as the proposed new application. She acknowledged that the building would need to be sprinkled, and per the Fire Chief's submitted project comments, an FDC connection would be added to Hutchins Street as part of any redevelopment. Chair Nolan read project comments letters into the record from the Morristown Selectboard, Capstone Community Action, the Fire Chief, Jeff McCarthy and Lisa Hawthorne. Chair Nolan noted the size of the proposed apartments, which average about 300 ft² each. Member LeBlanc said that she thinks the proposed apartments are much too small. Member Trudell cautioned the applicant that the proposed bathrooms are too small to meet code (inadequate space between the toilet and the sink). Ms. Nepveu disagreed with Architect Trudell, and added that the 19 apartments would be leased or managed by Capstone Community Action or Lamoille County Mental Health. Member Streets commented, due to how small the proposed apartments were, that the Town's Zoning Bylaws only allow two people per apartment (with children under 5-years old not counting towards that 2 people per unit limitation). Jim Lovinsky of Lamoille Housing Partnership said it was not good policy to have an entire building, as proposed, to be low income. He explained that mixed income developments were now the accepted approach.

Member LeBlanc said that there appeared to be inadequate overnight parking available in the municipal parking lot during the winter months to substantiate the parking spaces that the applicant was requesting the Board to waive for the proposed 19 residential apartments. Mr. Thomas explained that 4 of the 23 parking spaces needed per the Zoning Bylaws are for the ground floor commercial use, and that there was enough parking availability in the daytime for these 4 spaces to be waived. Mr. Thomas then directed the Board to the parking study he conducted in 2019 that detailed use and availability of overnight parking. He opined that based

on this study, that there were not 19 overnight spaces available for the residential component of the requested waiver. Mr. Thomas clarified for Board Members that the granting of parking waivers is based on availability, and the Board could not waive parking that the Town did not have available in the municipal parking lot overnight during the winter months. Ms. Nepveu showed the Board photos that she had taken of available parking spots in the municipal parking lot at various time of the day (but said photos were not submitted into the hearing record). Member Streets added that with many people working from home due to the pandemic, the town can no longer count on overnight residential parking to clear out in the morning for the typical daytime business use of the municipal parking lot. Member Burnham countered that the low-income nature of the proposal should mean less parking demand than what typically comes with an apartment building of this size. Members Snipp and LeBlanc suggested that 8-10 parking spots (not 19) seem to be available on average overnight based on the parking study of the municipal lot that Member Nolan requested to be included in the Board's meeting package. Pending improvements to the municipal parking lot were discussed, as well as how the new brewery, and its loading dock, may negatively impact evening parking availability. Mr. Thomas clarified that no parking would be reserved for the brewery, and that parking in the municipal lot is available on a first-come-first served basis. Mr. Lovinsky of Lamoille Housing Partnership suggested that the Nepveu Family look to obtain their State building permit prior to finishing the local zoning process to definitively determine how many apartments could fit into the building, thereby determining the size of the parking waiver request needed (which is on a 1 to 1 basis to the amount of apartments proposed). Member Wilson moved to continue the discussion in Deliberative Session. A vote of 7-0 affirmed the motion. At the conclusion of the Deliberative Session discussion, Mr. Thomas was directed to inform the applicant that the developments plans shall be revised to show a total of 9 total residential apartments in the building, as the Board was disinclined to grant a waiver for more than 9 parking spaces due to limited overnight parking availability during the winter parking ban months. Mr. Thomas was also asked to convey to the applicant that a full sized site plan shall be submitted, along with full sized elevations drawings, which shall be revised to include more details, such as window sizes, trim board widths and materials, clapboard widths and materials, etc. so full compliance with §206 Design Criteria & §207 Historic Preservation Criteria could be determined by the Board (with said submittals due to the Zoning Office by May 31st). Mr. Thomas was also asked to mail out recess notices to the applicant, and all Interested Parties, stating that the hearing would be continued on 8 June 2022 at 6:00 PM.

The meeting adjourned at 9:30 P.M. - Respectfully submitted by Zoning Administrator Thomas