

Morristown/Morrisville Development Review Board
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Meeting Minutes of 25 April 2018

Members Present: Members John Gloss, Susanna Guthmann, Gary Nolan (Chair), Laura Streets, Andrew Strniste (alternate), and Paul Trudell

Members Absent: Karyn Allen, Theresa Breault (alternate), and Chris Wiltshire

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests: Ron Bomer, Brad Blaisdell, Betty Blaisdell, Wayne (Joe) Blaisdell, Engineer John Grenier, Planning Council Chairman Paul Griswold, Planning Councilor Max Paine, Robert Audet, Steve Foster, and Joe Miles

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:30 PM. It was determined that the March meeting minutes could not be approved due to quorum issues.

Hearing: 207 Portland St, §630 CU & §500 Site Plan for lumber buildings (FHS Holdings)

Applicant/landowner FHS Holdings LLC appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval to construct a 24 x 220 lumber storage & sales building, an 85 x 185 open-air drive-through lumber rack building, and a security fence (that does not comply with §425.2) on parcel 21-164-2 at 207 Portland Street in the §205 Central Business Zone. Professional Engineer John Grenier and Joe Miles represented FHS Holdings / RK Miles at the hearing. Mr. Miles spoke to the plans to raze and redevelop the east side of the former Morrisville Lumber property on Portland Street. He said that in addition to the two new lumber buildings, paving would take place, stormwater improvements would be made, street trees would be planted, and a sidewalk would be constructed. The project's site lighting was mentioned as all being downcast and compliant with zoning requirements. John Grenier spoke to the need to fence in the lumber yard to separate it from Oxbow Riverfront Park due to security concerns with the new open-air lumber buildings. The fence was discussed as being 6 feet tall and see-through with green vinyl-coated chain-link. Member Streets questioned the need for a 6-foot tall fence along the site's Portland Street frontage as only a 4-foot tall fence is allowed by the zoning bylaws along any street. Upon a question by Member Strniste, Mr. Miles said that he was unaware of any other cost-effective fencing alternatives. The project's turning movements, the back-up alarms of the forklift, and parking were discussed and found to be satisfactory. Mr. Miles added that they hoped to start construction in late spring and be done by the end of summer. Mr. Miles said that snow would be stored on-site in the winter. Engineer Grenier confirmed for Member Strniste that the proposed lumber-rack building met the setback to the river. Zoning Administrator Thomas clarified that the roof overhang of the lumber-rack was in the setback, but that this overhang does not count towards the town's setback by definition. Member Trudell moved to recess the hearing into Deliberative Session. The motion was approved by a 6-0. Upon completing Deliberative Session, Member Trudell moved to approve the application as proposed, with the following conditions of approval:

1. The proposed chain-link fencing shall maintain a green vinyl coating so it better fits in with the surrounding park and natural setting. Other than the green vinyl coating, all proposed fencing shall remain see-through at all times.
2. The section of fence proposed along Portland Street shall be no higher than 4 feet tall

unless the applicant can, through a new Site Plan Approval application, demonstrate to the satisfaction of the Board that this shorter fence creates a substantial hardship for the business, especially as it involves having a shorter and non-standard gate height.

3. The access easement shown on the plan, for the benefit of public access to Oxbow Riverfront Park, shall be executed and recorded prior to the permits being released for the two new lumber buildings.
4. The Portland Street sidewalk extension shown on the plans, from the Lamoille Valley Rail Trail to Oxbow Riverfront Park, shall be constructed to meet the requirements of the Morristown Sidewalk Policy and be in place prior to the new lumber rack buildings opening for business.
5. The eaves of the new lumber rack building shall include downcast lighting to illuminate the section of the new sidewalk that parallels this building.
6. The proposed landscaping, including the new street trees on Portland Street, shall be in place prior to the new lumber rack buildings opening for business.
7. Other than absolutely essential security lighting, all lighting at RK Miles shall remain off between the hours of 11 P.M. and 6 A.M.

The motion was affirmed by a vote of 6-0.

Hearing: 29 Bridge St, §630 CU & §500 Site Plan for law office conversion (LH&A Realty)

Robert Audet appeared before the Board on behalf of Applicant/landowner LH&A Realty requesting §630 Conditional Use & §500 Site Plan Approval to convert the ground floor offices of Sargent Law, at 29 Bridge St, parcel 21-049, into an additional residential apartment contrary to §209.3e of §205 Central Business Zone. Zoning Administrator Thomas explained that the former Sargent Law Office at 29 Bridge Street has been fully converted to residential use. He explained that he issued a permit for the rear ground floor apartment, but not the second ground floor apartment that occupies the space with the storefront window. He said that the downtown zoning prohibited the conversion of commercial / business space fully into ground-floor residential space without first receiving Conditional Use approval from the Board. Member Guthmann confirmed that there were two existing apartments on the second level and only one of the two new apartments on the ground-floor (in place of Sargent Law) was illegal. Mr. Thomas corroborated the assertion that the ground floor apartment closest to Bridge Street is at issue. Mr. Audet said that the front apartment with the storefront window was built so it could easily be converted back into a commercial use (only a kitchenette was added). Mr. Thomas noted an abutter comment received about a lack of parking availability from Gary Bourne. Mr. Audet added that less parking is needed now at this property with the two apartments in place of Sargent Law. Mr. Thomas told the Board that he did not have a satisfactory site plan submittal yet, but Dave Peatman was working on surveying the property. As such, he said that the Board should have a good site plan that was based off a survey for its next meeting. Upon a motion made by Member Trudell, the hearing was recessed until 23 May at 6:30 P.M. to allow time for submittal of the site plan and a copy of the lease for the new, illegal apartment occupying the storefront window space. A vote of 6-0 affirmed the motion.

Hearing: 194 Fairwood Parkway E., §640 Blaisdell Zoning Appeal (Bomer)

Under §640 Appeals, Ronald Bomer, of 186 Fairwood Parkway East, appeared before the Board appealing the Zoning Administrator's written determination advising that there is no zoning

violation taking place next-door on Bradley Blaisdell's property, 194 Fairwood Parkway East, parcel 08-029-3, in the §250 Medium Density Residential Zone. Mr. Bomer began the meeting by submitting bound materials to the Board with multiple appendices. He also provided the Board with video evidence that Mr. Blaisdell's trailer was making loud noises as it drove by his bedroom windows during off hours. It was determined that this trailer noise generally originated when Mr. Blaisdell was going to or coming home from work. Zoning Administrator Thomas said that he was sympathetic to Mr. Bomer's situation, but he lacked the authority to regulate road noise under the zoning bylaws. He said that none of Mr. Bomer's complaints rose to the level of a zoning violation. Mr. Bomer added that he was negatively impacted by the glare coming off the yellow plastic of Mr. Blaisdell's salt spreader when it was left within view of his bedroom window. Member Strniste opined that this appeal seemed to be a dispute amongst property owners that was not properly before the Board. Chair Nolan agreed with Member Strniste and said that the Board had no jurisdiction regarding Mr. Bomer's complaint. Mr. Thomas agreed, and said that he suggested the appeal option in his contested March 8th zoning letter as a way for Mr. Bomer to be heard. Member Guthmann asked Mr. Blaisdell if employees were coming to his property, such as to gather work equipment. Mr. Blaisdell said that his employees do not come to his house. He said that he rents land for his business in Wolcott and that he picks-up his employee that work alongside him up every day on the way to the job site. Member Strniste asked Mr. Bomer to point to the section of the bylaw that is being violated. Mr. Bomer replied that it was the Home Occupation language regarding objectionable noise. Mr. Bomer cited firewood being cut in close proximity to his property as additional evidence of Blaisdell business activity. Brad Blaisdell and Joe Blaisdell said that this firewood was cut for their own personal use over the winter. Planning Council Chair Paul Griswold cited the dozen or so private plow companies that turn around past his house to service homes on Magoon Road and said that getting road-noise and headlights in your windows from work trucks is part of living in Vermont. He added that regulating what trucks use a road and/or how much noise they make is not a power of zoning. Mr. Thomas agreed and said that if the Board were to side with Mr. Bomer's appeal, he would have to issue zoning violations all over town for road noise from work trucks, including the Perras Brothers Home Business that sends haul trucks down Randolph Road. Member Trudell moved to uphold the Zoning Administrator's written determination that there is no violation taking place on Bradley Blaisdell's property, 194 Fairwood Parkway East. A vote of 5-1 affirmed the motion.

The meeting adjourned at 9:25 P.M. - Respectfully submitted by Zoning Administrator Thomas

