

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD
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Meeting Minutes of April 25, 2013

Members Present: Karyn Allen, Theresa Breault, Brian Irwin, Gary Nolan (Chair), Ron Stancliff & Paul Trudell

Members Absent: Chris Wiltshire

Staff: Todd Thomas, Zoning Administrator & Planner

Guests: Charlie Booher of Warren, Otto Hansen of Colchester (representing RL Vallee), Gary Beal, Jeff Emerson, Lyndon & Loren Burkholder of Hyde Park, Robert Audet, Robert Budliger, Helen Schneider and Dean Whittemore of Morristown.

Call to Order & Minutes: Member Stancliff moved to approve the February 7, 2013 meeting minutes. A vote of 4-0-2 affirmed the motion, with Members Breault and Irwin abstaining. Approval of the February 28 meeting minutes were tabled until a quorum of the members at the 28 February meeting were present to vote.

RECESSED HEARING: Robert Audet, 587 Jersey Hts, \$437 CNCU, \$500 SP & \$630 CU

Member Nolan reopened the recessed application of landowner Robert Audet, who was requesting to change the existing residential use of his non-conforming property to the same residential use plus a Motor Vehicle Sales & Repair Facility use for the sale of up to a maximum of 10 cars at any one time on parcel 07-003 at 587 Jersey Heights, under §265 Lower Village Gateway Commercial Zone, §437 Change of Non-Conforming Use, §500 Site Development Plan Approval & §630 Conditional Use. Member Nolan noted that the Board conducted a site walk of the subject property earlier in the evening. Mr. Audet explained to the Board that he simply wants to be able to legally sell a few vehicles on the property that he brings back from trips to Florida. He explained further that he has no desire for an auto repair shop, and will only be doing work on the for-sale vehicles brought back from Florida. Mr. Audet added that he will be making improvements to the appearance of his property this summer including: siding the garage, putting a door on the storage trailer, removing the wood pile and fixing the fence. Member Trudell asked if the repair of for-sale cars on the property will take place inside and if any new lighting is proposed with the project. Mr. Audet confirmed that the repair of for-sale cars will take place in the garage and that no new lighting was proposed. ZA Thomas noted that a letter suggesting permit conditions had been received from abutting property owner Dominic Couture. Resident Bob Budliger said that the applicant's fence should be fixed and he is opposed to any new curb cut from the property onto Jersey Way. Mr. Budliger asked the Board to conditionally approve the project, provided that the property is cleaned up, thereby improving the appearance of the gateway to the Village. Otto Hansen of Colchester (representing RL Vallee) said that he is not in support of the project, but is not opposed to it because the subject property is more shielded from the gas station than Mr. Booher's property. Member Trudell said that the application, if approved, should have hours of operation restrictions. Member Allen moved to enter into Deliberative Session. A vote of 6-0 affirmed the motion. Upon reentering from Deliberative Session, Member Irwin moved to approve the proposed request for a Motor Vehicle Sales & Repair Facility use, provided that the following conditions are met:

1. the applicant shall submit a to-scale site plan showing buildings, parking and setbacks;
2. The applicant shall repair or install fencing along the subject property's north and west property lines by October 1st (or plant otherwise suitable screening as alternatively approved Zoning administrator);
3. the applicant shall install a door on the storage trailer by October 1st;
4. the applicant shall re-side or paint the barn on the property by November 1st;
5. the applicant shall not park any vehicles in the 10 foot setback along the eastern property line;
6. the applicant shall be allowed a maximum of six cars for sale on the lot at any one time;
7. all car repair work must be done inside at all times;
8. car sales are limited to the hours of 7:00AM-5:30PM Monday through Friday and 8:00AM-12:00PM on Saturday;
9. the applicant is not allowed a freestanding sign on Jersey Heights for car sales; and
10. the approval is subject to the Board's standard lighting language, as well as a one-year Board review (if deemed necessary by the Zoning Administrator).

A vote of 6-0 affirmed the motion.

WARNED HEARING: Sierra Properties, 589 Jersey Hts, §437 CNCU, §500 SP & §630 CU

Member Nolan opened a hearing under §265 Lower Village Gateway Commercial Zone, §437 Change of Non-Conforming Use, §500 Site Development Plan Approval & §630 Conditional Use on behalf of applicant and landowner Sierra Properties LLC, who was requesting to add the Motor Vehicle Sales & Repair Facility use to the existing Motor Vehicle Service Station use for the sale of used cars on parcel 07-004 at 589 Jersey Heights. Charlie Booher, on behalf of Sierra Properties, said that he wishes to sell a maximum of five cars on this property. He said that his garage is primarily a service shop and he will happily submit a site plan showing where the for-sale cars would be parked if the Board were to approve this proposed project. Member Nolan noted that the Board conducted a site walk of the subject's property earlier in the evening. Mr. Booher said that no new lighting was proposed with this project and the for-sale cars would be parked by the fence closest to the gas station and that the back row of parking would be for vehicles that need repair. Otto Hansen of Colchester (representing RL Vallee) that noted a letter of opposition to the project was submitted to the Board earlier in the day and said that if the Board were to approve this project, screening is desired between the proposed project and the gas station, as well as the removal of junk cars or other debris from behind Charlie's Garage as a condition of approval. Resident Robert Budliger said that he is no longer opposed the project, but wanted the Board to impose conditions of approval to clean up the rear yard, requiring the removal of the discarded tires to beautify the gateway to the Village if this project was to be approved. Mr. Booher said the junk car behind the building would be removed shortly. Member Trudell asked if the tires in the same location could also be removed. Mr. Booher said that some of the tires will be removed, but that he cannot afford to remove them all right now. Member Trudell moved to enter into Deliberative Session. A vote of 6-0 affirmed the motion. Upon reentering from Deliberative Session, Member Irwin moved to approve the proposed request for a Motor Vehicle Sales & Repair Facility use, provided that the following conditions are met:

1. the applicant shall submit a to-scale site plan showing the building, parking and setbacks;
2. the applicant shall not park any vehicles in the 10 foot setback along the eastern property line;

3. the applicant shall be allowed to park a maximum of twelve cars on the lot at any one time, with the twelve cars being inclusive of for-sale vehicles, vehicles waiting to be repaired and the applicant's personal vehicles;
4. the applicant shall install a sign on the property directing customers were to drop off for-repair vehicles and said sign shall be installed within a week from site plan approval;
5. tires behind the building must be removed from the property or stored inside by July 1st;
6. junk vehicles or other refuse shall not be longer the stored in a grassy area behind the building;
7. tires shall no longer be stored outside anywhere on the subject property;
8. all car repair work must be done inside at all times;
9. car sales are limited to the hours of 7:00AM-5:30PM Monday through Friday and from 10:00AM-4:00PM on Saturday;
10. the applicant is not allowed a freestanding sign on Jersey Heights for car sales; and
11. the approval is subject to the Board's standard lighting language, as well as a one, three and five-year Board review (if deemed necessary by the Zoning Administrator).

A vote of 6-0 affirmed the motion.

WARNED HEARING: Green Mountain Trailers, Fairgrounds Plaza, §500 SP & §630 CU

Chair Nolan read the hearing notice for the request of applicant Green Mountain Trailer Sales to use a portion of parcel 20-012 at Fairgrounds Plaza for the display and sale of up to five utility trailers via the Commercial Use on land owned by Howard Manosh under §210 Commercial Zone, §500 Site Development Plan Approval & §630 Conditional Use. Chair Nolan noted that he was employed by Howard Manosh and offered to recuse himself from hearing, but said that he did not have a conflict with the application. Mr. Thomas said that the proposed trailer sales on the small paved area in front of Fairgrounds Plaza was the same use as last year, but that he was requiring the applicant to get a permit this year. Mr. Thomas said that the applicant had requested a sign, which he could not grant without a permit for the business at this location (regardless if rent was being paid or not). Lyndon Burkholder of Green Mountain Trailer Sales addressed the Board. He said that he would like to have up to five trailers on display this year, all on the small front paved portion of the Fairgrounds Plaza parcel. He added that no lighting was proposed with the project. Member Allen asked if the requested use was seasonal. Mr. Burkholder said that it was. Resident Robert Audet expressed concerns about the trailer sales causing traffic on Saturdays during the farmers market. In reply, Mr. Burkholder said that he would be responsive to any traffic problems. Member Irwin moved to accept the applicant's proposal for the sale of up to five utility trailers on the subject parcel owned by Howard Manosh. A vote of 6-0 affirmed the motion.

RECESSED HEARING: 199 VT Rte 15W, §345 Prime Ag, §500 SP & §630 CU (Sayce)

Member Trudell moved to accept the applicant's request to recess the McMahon Chevy satellite parking proposal at 199 VT Rte 15W to Thursday July 25, 2013 at 6:30 P.M. to allow for more progress on the proposed waterline from Pinewood Estates to Cadys Falls Road.

WARNED HEARING: LH&A Realty LLC, 735 Brooklyn St., §500 SP & §630 CU

Member Trudell moved to accept the applicant's request to recess the LH&A Realty proposal at 735 Brooklyn Street to Thursday July 25, 2013 at 6:30 P.M. to allow the applicant more time to

submit the required site plan.

WARNED HEARING: Emerson Holdings, Wilkins St, §500 SP & §630 CU

Chair Nolan read the hearing notice for the request of applicant and landowner Emerson Holdings LLC for a Wholesale Distribution use for a popcorn business on parcel 21-101 at 320 Wilkins Street under §230 Industrial Zone, §500 Site Development Plan Approval & §630 Conditional Use. Gary Beal, the owner and operator of the subject popcorn business, appeared before the Board with property owner Jeff Emerson. Mr. Emerson said that he would like to rent approximately 1000 ft.² of space to Mr. Beal for his popcorn business. Mr. Beal said that his operations are minimal because he is the only employee and that his ground shipments go out via FedEx daily and his material shipments arrive only every few months. Member Allen asked about hours of operation, Mr. Beal said that he operates a 9-to-5 business. Member Allen asked about direct sales to customers on site. Mr. Beal said this does happen on occasion, but it is rare. Member Stancliff moved to accept the application is presented. A vote of 6-0 affirmed the motion

The meeting adjourned at approximately 9:30 P.M.

Respectfully submitted by Todd Thomas, ZA.