

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

April 12, 2012 Meeting Minutes

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Ron Stancliff, Paul Trudell, Chris Wiltshire & Jean Wickart

Members Absent: Brian Irwin

Guests: Howard Manosh, Warren Wolf, Susan Low, Ernie Patnoe, Tracy Patnoe, Liz Romano, Ryan Romano, Ben Wein, William Kempe, Kathy McDonnell & John Duffy

Call to Order: Chair Nolan called the meeting to order at 6:30 P.M. Member Breault moved to approve the March 8, 2012 meeting minutes. The motion was affirmed by a vote of 4-0-2, with Members Nolan & Stancliff abstaining. Member Wickart arrived immediately following the approval of the meeting minutes.

WARNED HEARING: Mud City Kids, 1092 Park Street, §500 SP & §630 CU

Chair Nolan introduced the hearing for §500 Site Development Plan Approval & §630 Conditional Use for applicant Ernie & Tracy Patnoe's proposal to construct a 1,440sf addition to the existing Day Care Facility at 1092 Park Street (parcel 08-030 in the LDR zone). Mr. Patnoe explained the project to the Board, which consisted of a two-story addition to the existing day care facility with a footprint of 1,440sf. He added that the addition would allow Mud City Kids to provide care for 27 additional children and 4 more staff members. Member Breault received confirmation from Ms. Patnoe that no additional exterior lighting was included with the application. ZA Thomas said that the proposed addition conforms to all setbacks, all previous conditions of approval and that the existing parking seemed to be more than adequate. Mr. Patnoe said that most of the on-site parking is seldom used, as the clients of Mud City Kids tend to only use the children drop-off and pick-up area. Member Wiltshire moved to approve the proposed application. The motion was affirmed by a vote of 7-0.

WARNED HEARING: Manosh Realty Corp, 65 Northgate Plaza, §500 SP & §630 CU

Chair Nolan introduced the hearing for §500 Site Development Plan Approval & §630 Conditional Use for applicant Manosh Realty Corp, who was proposing to change the use of two business suites at 65 Northgate Plaza (parcel 08-085 in the COM zone) from Retail Delivery of Goods and Services to Health Care Facility & Business/Professional Office. ZA Thomas noted that no Development other than the aforementioned change of use is proposed by the application. Chair Nolan said that he felt he could sit on the hearing without bias because his job at HA Manosh had no involvement with the retail operations. Member Trudell disclosed that his firm drew the site plan, but also felt he could sit for the hearing without bias. Property owner Howard Manosh said that the proposed tenant, Community Health Services of Lamoille Valley, would occupy the suites that formerly housed JC Penny and Taylor's Color World. ZA Thomas said that the existing parking was more than adequate to accommodate the proposed development and that no new exterior lighting was proposed by the application. ZA Thomas added that the proposed Health Care Facility use was not an allowed use in the COM zone, but could be permitted therein via the Commercial Use. Member Wiltshire moved to approve the proposed application. The motion was affirmed by a vote of 7-0.

WARNED HEARING: Pall Spera, 14 VT Route 15 W, §437 Change NC Use & §630 CU

Chair Nolan introduced the hearing for §437 Change of Non-Conforming Use and §630 Conditional Use on behalf of applicant Pall Spera, who was requesting the existing non-conforming residential use at 14 VT Route 15 W (parcel 08-132) in the COM zone be changed to a non-conforming commercial use. ZA Thomas said that no Development other than the aforementioned change of use was proposed and a site plan would be submitted to the Board at a later hearing if the change of use is granted. Current property owner Warren Wolfe was present for the discussion. Upon a question from Member Wiltshire, ZA Thomas said the non-conforming nature of the 0.4 acre parcel is because of the 1.0 acre minimum lot size in the COM zone for both residential and commercial uses. ZA Thomas added that the Board's main determination, per §437 of the zoning bylaw, was if a non-conforming commercial use would be more in character with the neighborhood than the non-conforming residential use. Board Members agreed that the neighborhood was now commercial, but questioned what was proposed for the lot and how it would fit within the dimensional requirements. ZA Thomas said that such a design would be difficult, but the review of it would come when the §500 site plan was submitted at a later hearing. Member Wiltshire moved to approve the application and change the use of the lot from residential to commercial. The motion was affirmed by a vote of 7-0.

DISCUSSION: Ben Wein, 4826 Randolph Road, §500 SPA

ZA Thomas introduced the final agenda item of the evening and reminded the Board that it was not a warned hearing, but an informal discussion that was designed to remedy a potential zoning violation at 4826 Randolph Road. ZA Thomas told the Board that abutting property owners requested review of Home Business permit 98-133 at 4826 Randolph Road (parcel 16-109 in the RRA zone) operated by Bein Wein of SSW Erectors. ZA Thomas said that he, like the Mr. Wein and the neighbors, could benefit from clarification on the existing Home Business permit (98-133) and specifically Condition 2 thereof. ZA Thomas added that without more direction on what constituted "Mr. Mickelson's shop" in said condition, zoning enforcement could not practically take place. Mr. Wein told the Board that he bought the property in 2009 from John Rubino, whose Home Business permit was the same use as SSW Erectors – welding and steel fabrication. Mr. Wein said that he has 14 employees that start work at 8:00 A.M., but predominantly work off-site. Abutting property owners Chris & Liz Romano spoke about the impacts that the business causes them and that the current business is much more intense and disruptive than what they experienced living next to Mr. Rubino's operations. The Board, Mr. Wein and the neighbors discussed the situation at 4826 Randolph Road and its impacts on neighboring Gray Farm Road at length. The Board decided that a site walk of the property would be beneficial and scheduled such for 6:00 P.M. on Thursday April 26th.

The meeting adjourned at approximately 8:30 P.M.

Respectfully submitted by Todd Thomas, ZA