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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of April 12, 2007

Members Present: Gary Nolan, David Silverman, Karyn Allen, Theresa Breault, Jean Wickart, Carl Fortune, Paul Trudell

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Chairman Gary Nolan called the meeting to order at 7:33PM. On a motion by David, seconded by Theresa, minutes of the February 22, 2007 meeting were approved. On a motion by Theresa, seconded by Karyn, minutes of the March 7, 2007 deliberative session (as corrected) were approved.

RECESSED HEARING: GREEN MOUNTAIN PROSTHETICS & ORTHOTICS (GMPO) INC. CONDITIONAL USE & SITE PLAN APPROVAL, MEDICAL SERVICES OFFICE & 2-UNIT RESIDENTIAL BUILDING, MANSFIELD AVENUE

Gary reviewed the application, to be reviewed under sections 235-239, 500, and 630-638 of the zoning & subdivision bylaws. This is a continuation of a hearing recessed following the February 22, 2007 meeting in order to receive additional information on potential health risks from materials used in the proposed medical services office, comments from the Highway Superintendent regarding impacts of the proposed stormwater drainage swale on road maintenance, and review of a revised parking plan. Theresa administered the sworn oath to Jim Davis (GMPO president) and Michelle Davis, and adjacent residents Barbara Stevens, Chris Whipple, Elizabeth Carter, Richard & Heather Sargent, and James & Molly Pease.

Scott Meyer, author of a December 2006 VT Department of Labor Worker Compensation and Safety Division report on potential chemical exposure within the workplace environment of the proposed facility, spoke to the board via speakerphone. He sought to explain the findings of the report, detailing the methodology and lab test results of his evaluation of the processes and chemicals used at the applicant's current location. He found that the quantity of potential hazardous materials used was typically low, resulting in levels of exposure to such materials that are well below state OSHA standards for worker safety.

David asked what the impact of exposure to these materials in the quantities and

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frequencies of use described by the applicant would be on residents of surrounding properties. Scott stressed that he was only able to evaluate the potential risk to employees of the facility, not on neighbors, which he said fell under the purview of VT Agency of Natural Resources' Air Pollution Control Division. Asked by David to put the exposure risk in laymen's terms, Scott said exposure levels within the facility would be similar to new home insulation.

Michelle Davis asked how long it took for materials used in this process to bond; Scott said around forty (40) minutes, after which the materials become inert. Compared to spayed-in insulation or truck bed liners, she asked how this type of use compared. Scott said exposure levels were much lower when materials were mixed in liquid form, as in this case, rather than sprayed in the air.

Elizabeth Carter asked what the Air Pollution Control Division report found. The ZA read the January 2007 report's findings that no air pollution control permit was required as emissions of regulated hazardous air contaminants to be used in the proposed facility would be well below state action levels. Gary added that the report said that if the facility were later found to cause emissions that violate nuisance and odor regulations, the Division would require the operator to take corrective action at that time.

Gary noted that the board had requested clarification from the Peases' health care provider of information provided on their behalf in an October 2006 letter, but that no response had been received. Molly Pease said she had spoken with her children's doctor, who felt that the information in the original letter needed no further clarification of the potential health risks to her children from the proposed activity across the street from her home. She reasserted her position that the operation involves manufacturing plastics.

Gary read a memo from the Town Highway Superintendent into the record. The memo stated that the proposed drainage swale along Mansfield Avenue posed no problems to road maintenance and did not hinder the town's ability to operate with the road right of way.

Dick Sargent presented a letter, read into the record, which reiterated his concerns regarding potential impacts on his land from storm water runoff from the proposed development and questioned whether the two separate uses proposed (residential and professional offices) each had separate minimum lot size requirements, which this project did not meet.

Jim Pease reinforced Dick Sargent's comments regarding the storm water discharge issue. He said that the board should, if they approve the application, impose appropriate conditions to prevent damage to downstream properties, rather than to allow the damage to occur and attempt to cure the problem after the fact. He suggested modifying the drainage plan to tie the Davis project into the Copley Hospital drainage system across Washington Highway.

Bill Cardinal, who had developed the condominium units on Mansfield Avenue, said he had approached the hospital with a similar proposal and had been turned down.

David said he wanted to look into the lot size requirement issue raised by Dick Sargent concerning double-counting lot size for separate uses. The ZA said the bylaws were unclear on this question, noting that similar questions had arisen with a number of previous applications. He said the Planning Commission needs to address this issue in the next bylaw update.

Karyn asked Jim Davis to review the revised site plan. Jim explained that, at the Board's request, he had eliminated two parking spaces, which will result in more undisturbed land and less storm water runoff from the site.

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Paul asked Jim how emissions from the prosthetic fabrication process would be vented. Jim said they could either be vented to the outside, through a filter, or contained internally with no emissions being exhausted to the outside.

David moved to recess the hearing to a deliberative session. Jean seconded the motion and it passed unanimously.

RECESSED HEARING: RED BIRD CONSTRUCTION, PRELIMNARY PLAT APPROVAL, 4-LOT SUBDIVISION, 1103 ELMORE STREET

Gary reviewed the application, to be considered under sections 254, 740, 770, 780, and 800-840 of the zoning and subdivision bylaws. This is a continuation of a hearing recessed on January 25, 2007 in order to receive a revised site plan with updated information on storm water drainage provisions, parking, and landscaping. Theresa administered the sworn oath to William Cardinal (representing the applicant) and adjacent property owners Arnold & Beth Piper and Todd Darrow.

Bill Cardinal reviewed the changes to the site plan. The width of the driveway is now correctly depicted as twenty (20) feet, within a 50' right-of-way. Ten (10) parking spaces are provided on Lot #1 for the five residential units in the existing structure on this lot. Additional landscaping is planned along the road frontage on Elmore Street, while mature trees are preserved. The proposed storm water drainage ditch (two-foot deep, stone-lined) along the north and east property boundaries has been relocated to remain entirely within the property boundaries.

Paul asked if there were plans for a sidewalk along Elmore Street. Bill replied he could add that on the west side of the road frontage, from the driveway towards the village center, but that the area to the east of the driveway was in a low area that was frequently wet and which would be part of the site drainage plan.

Theresa inquired about how much clearing would be required along the common boundary with the adjoining Piper property. Bill said none; the only significant area of clearing would be along the boundary with the Sugar woods property on the north end of this parcel.

David asked who would be responsible for maintenance of the drainage swale. Bill said the eventual lot owners would be responsible, with this spelled out by covenant.

Carl asked if Bill intended to build spec houses on the three new lots or if this would be left to the eventual property owners. Bill said he planned to build spec houses.

Jean moved to recess the hearing to a deliberative session. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: BOURNE'S INC, CONDITIONAL USE APPROVAL, EXPANSION OF EXISTING CONDITIONAL USE (BULK FUEL STORAGE), 1474 LAPORTE ROAD

Gary introduced the application, to be considered under sections 263, 481, and 632-637 of the zoning and subdivision bylaws. David recused himself due to a potential conflict of

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interest. Theresa administered the sworn oath to Peter Bourne (representing the applicant).

Peter Bourne explained that in order to comply with federal Environmental Protection Agency (EPA) requirements, Bourne's is seeking to put four existing and two new fuel oil storage tanks on concrete pads within a spill containment area at their site on Laporte Road. They would also construct a new covered fuel loading pad, with its own spill containment area. There would be no change to the existing access point on Laporte Road or to the separate propane tank storage area on the 5.34-acre parcel.

Carl asked about storm water runoff on the concrete pads. Peter said it is collected within drains on the pad, then discharged into the surrounding soil after determining there are no fuel contaminants in it.

Paul asked if the new facilities would be visible from the road. Peter said the existing tanks and loading pad are partially obscured from view. Paul asked that the final site plan include additional landscaping.

Paul moved, and Theresa seconded, to approve the application with standard conditions and the additional condition that planned landscaping improvements be shown on the site plan. The motion passed unanimously.

WARNED HEARING: HOWARD MANOSH, CONDITIONAL USE & SITE PLAN APPROVAL, CHANGE OF USE (NURSING HOME TO OFFICES/MEDICAL SERVICES), 72 HARREL STREET

Gary introduced the application, to be considered under sections 220, 450, and 632-637 of the zoning and subdivision bylaws. Gary recused himself due to a conflict of interest and david assumed the chair. Theresa administered the sworn oath to Howard Manosh, Denise Trombley, Jim Rainville, and adjacent property owners Bill & Carol Moulton, Marvin & Marg Alexander, and Curt Barbour

Howard Manosh explained that he is negotiating for the purchase of the former Genesis nursing home and would like to convert a portion of the existing30,000sf facility into offices and to use the remainder for medical day treatment services. As he has not yet purchased the property, he is unable to say definitively what type of business and medical services might be tenants. In addition to extensive interior renovations, he plans on adding 88 additional parking spaces on the open area on the west side of the parcel. The existing single access point on Harrel Street would be unchanged.

Jean read a brief note from adjacent property owners Richard & Sandra Gillen expressing opposition to any offices or treatment center that would serve drug programs or criminal clients.

Curt Barbour voiced similar objections, adding that he would not want to see a residential treatment center at the site due to concerns about noise and security. He said his family had been allowed by the former owners to use the open, grassy area for recreation purposes and said that the proposed new parking area would end that use.

Marvin & Marg Alexander said they, too, were opposed to any kind of drug treatment center at this location.

Howard noted that the former use of the facility as a nursing home fell within the same zoning definition as any other medical treatment facility and as such any prospective medical services, for either outpatient or residential treatment, would not constitute a change of use. Only the prospective non-medical offices would require change of use approval.

Karyn asked if there was a fence or other barrier between this property and adjoining lots; Howard said he did not think there was.

Bill Moulton said that adding offices and day treatment services would likely produce more vehicular traffic in and out of the site and along Harrel Street than the former nursing home. He urged the board to consider these traffic impacts before approving any new uses.

Howard said that his purpose in coming to the board at this stage was to get a clearer idea of what uses would or would not be acceptable to both the board and to the surrounding neighbors. He said he was not going to ask for any use approval at this time, but would come back when he had a specific proposal.

The board adjourned the public hearings to meet in deliberative session. After discussion, on a motion by David seconded by Carl, the board voted unanimously to approve the GMPO application for a medical services and two-unit residential structure on the corner of Mansfield Avenue and Washington Highway, with standard conditions and the following additional conditions: the edge of the drainage swale along Mansfield Avenue must be raised to a height of six inches above pavement level to prevent roadway storm water runoff from being collected in the drainage swale, and that all emissions from the prosthetic fabrication process will be internally contained using the filter systems described in the VT Department of Labor Worker Compensation and Safety Division report.

On a motion by David seconded by Carl, the board voted unanimously to approve the Red Bird Construction application for a 4-lot subdivision at 1103 Elmore Street, with standard conditions and the following additional conditions: deeds for lots 2, 3, and 4 will include covenants requiring the property owners to maintain the storm water drainage system and the developer, in consultation with the town highway department, will construct a sidewalk along Elmore Street from the left edge of the driveway to the end of the property in the direction of the village center.

On a motion by Karyn, seconded by Paul, the meeting adjourned at 10:00 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 4/26/07_