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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of April 10, 2008

Members Present: Gary Nolan, Theresa Breault, Ron Stancliff, David Silverman, Karyn Allen, Chris Wiltshire (alternate)

Members Absent: Paul Trudell, Jean Wickart

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached sign-in sheet

Chairman Gary Nolan called the meeting to order at 7:30 PM. Owing to a lack of a quorum of those present on February 14 & 28 and March 27, meeting minutes of those dates were accepted without comment or vote. Gary welcomed new member Ron Stancliff and new alternate member Chris Wiltshire.

WARNED HEARING: NORTH COUNTRY ANIMAL LEAGUE (NCAL): CONDITIONAL USE PERMIT REVIEW & REQUEST TO MODIFY PERMIT CONDITIONS, 3524 LAPORTE RD

Gary introduced the application, to be reviewed under sections 632-636 of the zoning and subdivision bylaws. He stated that this was a five-year review of NCAL's compliance with the original Conditional Use permit conditions. Theresa administered the sworn oath to NCAL Executive Director Tom Kelly and Ernie Rusky (NCAL board member).

Tom Kelly reviewed a letter to the DRB describing the current restrictions on having dogs outside of the NCAL facility, including: no more than three dogs outside at one time, each on a leash with a handler, only between the hours of 8AM and 6 PM, barking dogs to be brought inside immediately, and no dogs on the adjoining Schillhammer property. He stated that NCAL has been scrupulously complying with these restrictions and immediately corrects any infractions when they become aware of them. He was not aware of any complaints from neighbors about noise or other disturbance from the animal shelter.

Mr Kelly informed the Board that NCAL had recently acquired the former Schillhammer property, a 10-acre adjoining parcel on which the animal shelter's septic system disposal field is located. NCAL wishes to have the restriction on walking dogs on this property lifted. The parcel has a fenced enclosure immediately adjacent to the main NCAL property. They would like to be able to walk dogs within this enclosure, as well as on a path around the perimeter of the new lot.

Gary recalled the lengthy review and approval process for the animal shelter (going back to 1999), noting that noise from the dogs, especially when outside, was a primary concern of neighbors and the subject of several studies and reports by sound experts. He expressed some reservation about modifying conditions imposed to minimize or prevent noise from barking dogs when outside of the facility.

Tom said he understood the noise studies were inconclusive, noting that road noise from Route 100 was likely to be more noticeable to neighbors than anything at the shelter. He appreciated the concerns from neighbors about possible noise when the project was originally reviewed, but felt that over the past five years, the shelter has not caused a noise problem and that most neighbors seem to be satisfied with the operation.

David recalled that the original noise studies, and resulting permit conditions, were predicated on activities on the NCAL property, not the Schillhammer parcel. The focus on noise mitigation at the time was on soundproofing the building and ensuring that windows & doors were kept closed.

Gary asked if NCAL volunteers are trained on and comply with the permit conditions regarding dogs being outside. Tom replied that these are part of the extensive training its volunteers undergo.

Gary read a letter from adjacent property owners William and Ann Danforth into the record. The letter and accompanying photos identified instances when permit conditions on keeping doors closed and not using the Schillhammer property for dog walking were violated. They opposed lifting the restrictions.

David suggested approving a one-year trial period during which dogs could be walked on the Schillhammer property, subject to all other existing conditions and restrictions, including that dogs be leashed, even inside the fenced enclosure.

Ron asked if any dog walking activity would be done in or around wetlands on the Schillhammer property. Tom said they would not.

David moved, and Karyn seconded, to modify the permit conditions to allow use of the former Schillhammer property for dog walking, subject to all existing restrictions, with the conditions that the approval be reviewed after one year and that no activity shall take place within the wetlands area of that property. The motion passed unanimously.

WARNED HEARING: CHRISTINE & STEWART WILLIAMSON, CONDITIONAL USE, HOME BUSINESS (DOG TRAINING), 516 COTE HILL RD

Gary introduced the application, to be reviewed under sections 263, 460 and 630-635 of the subdivision bylaws. Theresa administered the sworn oath to applicants Christine & Stewart Williamson and adjoining property owner Henry Schaarschmidt.

Christine Williamson explained that she and her husband have built a 50x60 steel workshop/garage in which she trains her three dogs for obedience and agility competitions. In talking to other dog owners who enter their dogs in such competitions, she became aware of a demand for an indoor training facility in this area.

She proposes to establish a home business where dog owners could train their dogs themselves or have her provide the training. She anticipates one or two training sessions a day,

though not on a daily basis. A maximum of seven dogs would be trained during any session. In warmer weather, training would take place outdoors. She emphasized that the dogs that would be brought to her business would already be well-trained and under the direct supervision of their owners throughout the training sessions.

The training facility location is at least 300' from the nearest neighbor's residence and is not visible to adjoining properties or the public road. Adjoiner Henry Schaarschmidt asked if there would be any dog boarding or 'day care' associated with the business; Christine emphatically said there would not.

David noted the home business restriction of no more than 25% of the area of all structures on the property being used for the business. He said that the 3,000-square foot building would exceed this amount. Christine said not all of the building would be dedicated for use by the business; some of it would be used for her personal requirements.

David moved to approve the application as presented, with the condition that all home business requirements, including no more than 25% of the area of all structures on the property being used for the business, be observed. Theresa seconded the motion and it passed unanimously.

**WARNED HEARING: WAYNE Jr, BETTY, & BRADLEY BLAISDELL,
PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, FAIRWOOD PARKWAY
EAST**

Gary introduced the application, to be reviewed under sections 254, 730, 740, 780, and 810 of the zoning and subdivision bylaws. Theresa administered the sworn oath to the applicants and Roy Marble, consultant.

Roy explained that the Blaisdells wish to subdivide a four-acre lot off their 49-acre parcel (#08-029), located between VT Route 15A and Fairwood Parkway East. Bradley Blaisdell intends to build a home on the proposed new lot, which will have its own drilled well and on-site wastewater disposal system. The lot would be accessed via an existing right-of-way at the north end of Fairwood Parkway East.

David moved to grant preliminary plat approval for the proposed subdivision as presented. Ron seconded the motion and it passed unanimously.

**WARNED HEARING: MAX & LORRAINE PAINE, PRELIMINARY PLAT
APPROVAL, 5-LOT SUBDIVISION, LAWRENCE ROAD**

Gary introduced the application, to be reviewed under sections 264, 730, 740, 780, 810, and 860 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Max Paine, project engineer John Pitrowski of Trudell Consulting, representing the applicant, Conservation Commission member Steve Rae, and adjoiner Todd Ziegler.

John Pitrowski described the applicant's proposal to subdivide a 12-acre parcel on Lawrence Road into five single-family home lots, ranging in size from 2.14 to 2.9 acres. Each lot will have its own drilled well. A community septic system will serve all five lots. A state Water & Wastewater (WW) permit (EC-5-4655) for the project has been issued.

Lots would be accessed directly from Lawrence Road via a common, shared driveway. The ZA noted that driveways serving three or more homes are considered private roads and must be built to town road standards. He added that the Highway Dept and Fire Dept would need to review and sign off on the plans.

Steve Rae asked about Class II wetlands on the property. John provided a report from Gilman & Briggs Environmental consultants stating the proposed development, with the exception of the replacement septic disposal field location, avoids these wetlands. He also provided a FEMA determination document stating that areas of the parcel identified on FEMA special flood hazard area (SFHA) maps are not, in fact, located in a SFHA.

Adjoiner Todd Ziegler voiced concern about the potential impact on the town road (Lawrence Road) from additional usage due to these additional homes. He also questioned whether the development would adversely impact groundwater for wells on surrounding properties and the possibility of septic contamination of his well from the proposed community wastewater system. Letters from his parents, Rudolph & Barbara Ziegler, raising similar concerns were read into the record. After reviewing the site plans, he was satisfied that the project did not appear to present these risks.

David said he would like to do a site walk of the property, along with others planned on May 3rd. He moved to grant preliminary plat approval of the project as presented, pending final plat approval after the site walk. Theresa seconded the motion and it passed unanimously.

Following the hearings, David noted the more frequent attendance at and participation in DRB hearings by members of the Conservation Commission. He suggested to Conservation Commission chair Steve Rae that both groups should meet to discuss their role in the development review process. Steve agreed this would be beneficial. Gary said this would be scheduled ahead of the warned hearings on May 8th.

The meeting adjourned at 9:10 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 5/8/08