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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of April 8, 2004

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

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator

Guests: Peter Bourne, David Sequist, Joseph & Marcella Lanphear

Chairman Gary Nolan called the meeting to order at 7:30PM. Theresa moved to approve the minutes of March 25, 2004. Jean seconded the motion and it passed unanimously.

WARNED HEARING: CONDITIONAL USE/SITE PLAN REVIEW, EXPANSION OF EXISTING CONDITIONAL USE, DAVID SEQUIST, 147 STANCLIFF ROAD

Gary gave an overview of the application, which will be reviewed under sections 630-637 of the zoning bylaws. Theresa administered the sworn oath to David Sequist. David presented his plans to build a 35'x35' addition onto his animal hospital for additional work space and offices. The addition falls within the building footprint and would be no closer than 75' from the nearest property line. There would be no change to the hospital's operating hours or activities. No new vehicular access points would be created and no additional traffic is anticipated.

David S. moved to approve the application as presented. Carol seconded the motion and it passed unanimously.

WARNED HEARING: CONDITIONAL USE PERMIT REVIEW, PETER BOURNE, 171 BRIDGE ST

Gary gave an overview of the underlying conditional use permit granted three years ago for Bourne's to convert an apartment building into business offices. Peter reported that they have had no traffic or parking problems or any other issues with the business at this location. The ZA reported that he had not received any complaints or concerns about this property and believed it was in compliance with all permit conditions.

David S. moved to waive the requirement for a 5-year permit review. Theresa seconded the motion and it passed unanimously.

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WARNED HEARING: 2-LOT SUBDIVISION, JOSEPH & MARCELLA LANPHEAR, 637 FITZGERALD ROAD

Gary gave an overview of the application, which will be reviewed under sections 264, 740, 780, and 810 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Joseph and Marcella Lanphear. A pre-application review of the proposal was conducted on March 25, 2004.

The Lanphears propose to subdivide their 5.11 parcel into two lots of 2.83 and 2.28 acres, respectively. Lot 1, with a single-family home and detached garage, is proposed to be 2.28 acres; lot 2 would be 2.83 acres. Each lot will have its own on-site sewage disposal system and will share the existing water supply on Lot 1 via an easement. Lot 2 will have a driveway off Fitzgerald Road.

Carl moved to approve the application as presented with standard conditions. Jean seconded the motion and it passed unanimously.

WARNED HEARING: 2-LOT SUBDIVISION, EVELYN GEER, 1504 MOREN LOOP

Gary gave an overview of the application, which will be reviewed under sections 264, 740, 780, and 810 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Evelyn Geer. The DRB conducted a pre-application hearing on September 25, 2003 and a site walk of the parcel on November 1, 2003. A warned hearing on December 11, 2003 was postponed at the applicant's request.

Evelyn Geer owns a 6.8-acre parcel at 1504 Moren Loop in the Rural Residential with Agriculture District. The parcel currently has a single-family home with detached garage and a pond. She proposes to subdivide the parcel into two parcels. Lot 1A, with the existing structures, is proposed to be 4.8 acres; lot 1B would be 2.0 acres. Each lot will have its own water supply and on-site sewage disposal system. Her original site plan envisioned a separate driveway onto the new lot from Moren Loop. As a result of the DRB's site visit and concerns about sight distances from the proposed driveway, she is willing to modify the plan to access both lots via the existing driveway on Moren Loop. Lot 1B will have an easement across the existing lot (1A).

The ZA advised the board that adjoining property owner Steve Berson was unable attend but had phoned in concerns about lot size. He felt that the proposed 2.0 acre lot would be inconsistent with most lots in that area.

Gary asked Evelyn if the proposed 2.0 acres for lot 1B was inclusive or exclusive of the town highway right of way. He noted that Section 770.1i requires that any subdivided lot meet the minimum lot size without including the area of the development road and its right of way. Evelyn replied that she was unsure if the lot as proposed included the town highway right of way but if it did, she could redraw the proposed boundary between lots 1A and 1B to add any necessary acreage to meet the minimum lot size requirement.

David moved to approve the application with the conditions that the final surveyed plat to be recorded shows Lot 1B with at least two acres, exclusive of the town highway right of way, and that Lot 1B will be accessed via the existing driveway on Lot 1A via a deeded easement.

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Carol seconded the motion and it passed unanimously.

WARNED HEARING: NOTICE OF VIOLATION APPEAL, SUSAN ENGLERT, 80 GEORGE ST

The ZA advised the board that the appellant had requested a recess of the appeal hearing while she and the adjoining property owners worked toward resolving the matter of setback encroachments that had generated the Notice of Violation. David moved to recess the appeal hearing. Carl seconded the motion and it passed unanimously.

OTHER BUSINESS

The ZA presented a survey plat of a two-lot subdivision on Randolph Road created by Philip Chiaravella in 1989, recorded in the town land records in Feb 1990, and a 1989 state subdivision permit for the same property. The two lots are depicted on the town tax maps and are currently owned by two separate owners. In researching the permit history for one lot currently for sale, the buyer's attorney discovered that no local subdivision had been issued for the property.

The ZA noted that interim local subdivision bylaws were adopted on September 29, 1989, right about the time this subdivision was being created. He suggested that the board consider whether the lots comply with existing lot size requirements and are otherwise consistent with the town plan as an alternative to requiring the current owners to apply for a subdivision permit retroactively for lots that have been in existence for over fourteen years.

David expressed concern about setting a precedent for overlooking situations that fell within the 15 year 'statute of limitations' for zoning actions, even if it just missed that period, as in this case. He felt that the board could find that the lots as they currently exist meet the minimum lot size and conform to the town plan without addressing whether they were in violation of the subdivision bylaws due to lacking a local subdivision permit.

Carl moved that the subdivided lots meet current minimum lot size requirements and conform to the town plan. Theresa seconded the motion and it passed unanimously.

The final subdivision plat for the advent Christian Church property on Maple Street was reviewed and approved for recording.

On a motion by Carl, seconded by David, the meeting was adjourned at 8:50PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 5/13/04 (TB/PT)