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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of March 25, 2004

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

Members Absent: Paul Trudell

Recorder: Mark Leonard, Zoning Administrator

Guests: Gerald Upton, Larry Bertrand, Judith St Aubin, Joseph & Marcella Lanphear

Chairman Gary Nolan called the meeting to order at 7:30PM. Theresa moved to approve the minutes of February 26, 2004. Carl seconded the motion and it passed unanimously.

WARNED HEARING: CONDITIONAL USE/SITE PLAN REVIEW, GERALD UPTON, AUTO REPAIR SHOP, 128 PLEASANT ST

Gary gave an overview of the application, which will be reviewed under sections 208G, 450-453, 502, 483 and 630 of the zoning bylaws. Theresa administered the sworn oath to Gerald Upton. David disclosed a potential conflict of interest due to a business relationship with the property owner but expressed his confidence that he could objectively review the application. There were no objections to his participation in the hearing.

Gerald Upton presented his plan to establish an auto repair business in the former Water & Light Department maintenance building at the bottom of Pleasant Street. He would be the sole employee, with operating hours of 8am to 5pm Monday through Saturday. He anticipates no more than two or three cars on site at any given time, with perhaps six vehicles being serviced on a given day. There is parking for 6-7 vehicles on the lot. He proposes no exterior building modifications and no new exterior lighting.

Carl moved to approve the application with the condition that the applicant comply with all requirements of Section 483 (Motor Vehicle Sales & Service or Auto Repair Facility) of the zoning bylaws. Jean seconded the motion and it passed unanimously.

WARNED HEARING: CONDITIONAL USE/SITE PLAN REVIEW, LARRY BERTRAND, OFFICES/STUDIOS AND RESIDENTIAL USE, 84 LOWER MAIN ST

Gary gave an overview of the application, which will be reviewed under sections 208-209, 420, 450-453, 502, and 630-636 of the zoning bylaws. David recused himself from the hearing due to a possible conflict of interest with his employer and several adjoining property owners. Theresa administered the sworn oath to Larry Bertrand and Judith St Aubin.

Larry Bertrand began by asking to amend the application from a request for a new structure with offices or studio space on the ground floor and residential dwellings above to four residential units and a commercial studio loft. He discussed several issues raised in a March 17, 2004 letter from the zoning administrator:

Larry felt that since the parcel has no frontage on any road but is accessed via a right of way from Main Street that the Central Business District setback requirements for properties fronting on Portland and Main Streets would apply. These setbacks are zero feet on the side and rear and within one foot of existing facade line on the front of the lot. He noted that the existing barn is located along the rear property line (as viewed from the driveway) with little or no setback from the presumed property line. Larry said he could merge this lot with the one in front of it, which he also owns and which does front on Main Street, so that the setback requirement would be those for properties on Main Street.

Regarding parking, Larry presented a revised site plan showing ten parking spaces, with none located along the driveway right of way. Theresa questioned whether the right of way had been properly conveyed by the previous owner of this parcel.

Jean asked if the parcel was going to be surveyed as the adjoining property owner (Judith St Aubin) had raised questions about the location of the property lines. Larry agreed that that would be a good idea. Carol suggested that the board conduct a site visit before making any decisions on the application.

Judith St Aubin spoke to several issues listed in a memo to the board regarding the right-of-way, determining the actual property lines, setbacks, and concerns about parking and traffic from the proposed number of residential units on a very small lot. The existing building had, to her knowledge, never been used for anything other than storage and is too small to accommodate four apartments. She felt that at most the site could support two units.

Gary addressed the issue of residential density. He noted the ZA's comments in his letter that since there is no residential density criteria for the Central Business District it would be appropriate to use the highest density (4,000 square feet per unit) allowed in other districts. He noted that Larry's parcel is just over 6,000 square feet, which would only allow one unit using this density factor. Gary pointed out that the board had been obliged to deny numerous requests to allow more units in existing lots in the village than this density would permit.

Larry asked about other uses that might be allowed on the lot. Gary said that any permitted uses or conditional uses listed for the district could be approved, provided that they met the identified parking and conditional use standards. Larry agreed to withdraw his application without any action by the board and may come back with a different proposal at a later date.

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OTHER BUSINESS:

Joseph and Marcella Lanphear presented a plan to subdivide their 5.1-acre parcel on Fitzgerald Road for a pre-application review. They propose to subdivide the parcel into two lots of 2.83 and 2.28 acres, respectively. Theresa moved that the proposal conforms to the Town Plan for development in this area. Carol seconded the motion and it passed unanimously.

On a motion by Carl, seconded by Carol, the meeting was adjourned at 8:45PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 4/8/04