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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of March 23, 2006

Members Present: Gary Nolan, Carl Fortune, Paul Trudell, Jean Wickart, Theresa Breault, Steve Berson (alternate), Bill Henchey (alternate)

Members Absent: David Silverman

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Gary Nolan called the meeting to order at 7:30PM. On a motion by Theresa, seconded by Jean, minutes of the March 9, 2006 meeting were approved.

WARNED HEARING: CHARLES GREGORY, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, PARK STREET/DARLING ROAD

Gary introduced the application, to be reviewed under sections 264, 300, 740, 780, and 810 of the zoning and subdivision bylaws. The ZA conducted a pre-application review of the proposal on March 3, 2006. Theresa administered the sworn oath to Gunner McCain, representing the applicant.

Gunner explained that the subject property, approximately 86 acres located along Park Street (VT Route 15A) and Darling Road, had been the subject of a previous application for a six lot subdivision consisting of five single family home lots and the undeveloped remainder of the parcel. The previously proposed home lots lay within the Morrisville Water & Light (MW&L) Department's wellhead protection area (WPA). Following the DRB's approval of this application, MW&L appealed to the Environmental Court, which reversed the board's decision and remanded the case back to the board.

The applicant and MW&L have since been negotiating the sale of the portion of the parcel that lies within the WPA to MW&L in order to protect it from any potentially detrimental development while allowing the property owner to benefit from his ownership of the land. The application at hand proposes to subdivide the parcel into two lots. Lot 1, approximately 55 acres, encompasses the area within the WPA. Lot 2, approximately 31 acres, is the balance of the original parcel. Neither lot is proposed to have any development and no plans for water or wastewater systems were presented. The applicant may apply separately at a later date for subdivision or development on Lot 2.

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Gary said he wanted to see MW&L's concurrence with the proposed common boundary line between the two lots to ensure that it does exclude any part of the WPA from Lot 2. Final plat approval will require such concurrence.

Paul made a motion to grant preliminary plat approval of the application as presented with standard subdivision conditions. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: RICHARD PALMER, PRELIMINARY PLAT APPROVAL, 5-LOT SUBDIVISION, LAWRENCE ROAD

Gary introduced the application, to be reviewed under sections 264, 740, 780, and 810-860 of the zoning and subdivision bylaws. The ZA conducted a pre-application review of the proposal on February 16, 2006. Theresa administered the sworn oath to Taggart Haslem (representing the applicant), John Pitrowski (applicant's project engineer), and the following property owners and residents of the immediate area: Doehne & Monique Duckworth, John Haskins, Robert & Janet Whitley, Michael & Jane Gandy, Tod Ziegler, Ron & Linda Brailey, Carroll Lawrence, Donna Rothhammer,

Taggart Haslam presented the proposal on behalf of the applicant. Richard Palmer proposes to subdivide his 20-acre parcel in the Rural Residential with Agriculture district into five single family home lots. The parcel is presently open land. Lots would range in size from 2.1 to 5.8 acres. Lots 1, 2, and 3 are accessed from Lawrence Road (town highway 71) by a shared private driveway within a fifty (50) foot wide access and utility easement. Lots 4 and 5 would have individual driveways off Lawrence Road.

Each lot would have its own drilled well and on-site wastewater disposal system. All disposal systems would use conventional in-ground disposal areas for their primary and replacement sites, with the exception of lot 4 which would utilize an at-grade disposal design for its replacement field.

Mr Haslam noted Class II wetlands on all lots except lot 3. The wetlands and a fifty (50) foot buffer zone are delineated on the site plan and all proposed development is outside of these areas. He submitted a letter from the Vermont Agency of Natural Resources (ANR) District Wetlands Ecologist stating that the proposed subdivision would not adversely impact the wetlands. He said there would be deed restrictions to inform future owners and physical barriers to delineate and protect the wetlands and buffer zones from infringement by adjacent homes.

John Haskins asked about access to lots 4 and 5, indicating that the roadway along these lots was a private drive, not a town road. John Pitrowski replied that property boundaries for these lots include one-half of the road right-of-way, citing the deed reference. He would confirm that these properties had legal access to the road and also where the town highway ended and the road became a private driveway. He said that the lot 4 and 5 owners would share the expense for maintenance of any private road across their property with other users.

Monique Duckworth asked who had prepared the site plan and whether the project was subject to state land use (Act 250) permit requirements. John Pitrowski said a private contractor working for the applicant had prepared the plans, which were subsequently verified by ANR and the Army Corps of Engineers with regard to the wetlands. Ms Duckworth observed that the site plan legend on sheet SP-1 partially obscured lot 5. Mr Pitrowski said there was no development

in the area in question. He also said the project does not require an Act 250 permit but would need a state wastewater system & potable water supply permit, which was pending. Gary Nolan noted that the project might require a general construction permit for erosion control.

Ms Duckworth inquired about landscaping and any planned green space. Mr Pitrowski said there was no landscaping planned, leaving that to eventual lot owners. He noted that the wetlands and their buffer zones provided significant green space.

John Haskins expressed concern about the long-term (20-30 years) cumulative impact of the water and wastewater usage from five additional households in what he described as very porous soils. He said the sandy soil could allow contaminants to migrate to surrounding properties and wetlands. John Pitrowski reiterated that the plan meets all state water supply and wastewater disposal standards.

Janet Whitley asked if the developer would build the homes or individual lot owners. Taggart Haslem said he would likely build the homes to prospective owners' specifications.

Ron Brailey and Tod Ziegler both expressed their opinion that five home sites was too many on this parcel due to the fact that the area was so wet. They echoed previous concerns about the potential impacts on water quality of the wetlands and surrounding properties.

Bill Henchey asked about provisions for stormwater drainage. John Pitrowski said less than one acre of impervious surface would be created by this project. He said the soils were such that any runoff from the developed areas would drain directly into the soil around the homes.

Paul moved, and Theresa seconded, to grant preliminary plat approval for the proposed subdivision. The motion passed unanimously.

Taggart Haslem said they would be ready for final plat review at the April 27 hearing. Any open questions regarding the right-of-ways would be addressed at that time. Gary said the board would conduct a site walk of the property at 6:30 pm before that hearing.

WARNED HEARING: MONTY LAMARE & TRACY WREND, CONDITIONAL USE & SITE PLAN REVIEW, CHANGE OF NONCONFORMING USE, 556 JERSEY HEIGHTS

Gary introduced the application, to be reviewed under sections 215, 437, and 632-636 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Monty Lamare and Tracey Wrend.

The applicants own a 0.62-acre parcel at 556 Jersey Heights (VT Route 100), in the Business Office Park zoning district. The parcel contains a structure with commercial space on the ground floor, a one-bedroom apartment on the second floor, and a garage that is presently used for storage. They propose to convert the non-conforming building trades use on the ground floor, approximately 1200 square feet, to retail sales as an antiques shop. Under the recently revised zoning bylaws, a nonconforming use can be changed to a different nonconforming use that the DRB finds to be more compatible with the surrounding area than the existing use.

The site is accessed via a single driveway directly onto Jersey Heights (Vermont Route 100). There is approximately 7200 square feet of gravel-surface driveway and parking areas located behind the main building. The proposed antique shop would operate during normal daytime business hours. There would be a new sign, conforming to the sign bylaws, to replace the former Godfrey business sign.

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Bill noted there was a significant amount of debris and junk items from previous uses of the property located behind the garage that needs to be removed.

Jean moved, and Steve seconded, to approve the application as presented with the condition that all junk items be removed from the property by September 30, 2006. The motion passed unanimously.

RECESSED HEARING: BARRY COFFIN, CONDITIONAL USE & SITE PLAN REVIEW, HOME BUSINESS, 181 RANDOLPH ROAD

Gary introduced the application, to be reviewed under sections, 248, 460, and 632-635 of the zoning & subdivision bylaws. Theresa administered the sworn oath to Barry Coffin, Gehrig Sprague, Donna Smith, Wayland Wells, and Denise Trombley.

The hearing was recessed on March 9, 2006 pending additional information. A site walk of the property attended by four board members and the Zoning administrator was conducted on March 18th. During the site walk, board members observed parking areas, traffic on Randolph Road in front of the property, and sight distances in both directions from the driveway.

Barry Coffin addressed the concerns about sight distances, stating that the lower limbs on a tree within the field of view looking south from the driveway could be removed to eliminate this obstruction. He also addressed questions about the scope of his business, emphasizing that the bulk of his business is service and repair of electronic components, with a limited amount of retail sales of such items.

Gary read an email from the Morristown Police Chief stating his professional opinion that the proposed business would not have a negative impact on traffic in the area.

Paul recommended that the two parking spaces located along the northern edge of the property, closest to the roadway, be eliminated from the site plan. He asked if the proposed business sign would be illuminated. Barry said he planned to have a light above the sign.

Steve noted that the application showed 1,260 square feet of business use of the property. With a total area of all structures on the property of 4,175 square feet, this amount would exceed the 25% maximum allowable area.

Wayland Wells listed several businesses that had previously operated on this site, describing them as low traffic operations with very little public access. He said the proposed business would likely have more traffic and customers coming and going from the premises.

Denise Trombley asked for a review of the home business criteria in the zoning bylaws.

Bill expressed concern about commercial growth in residential areas, particularly retail businesses, and the potential for increased traffic along this portion of Randolph Road. Gary Sprague responded that he had had no traffic problems associated with his auto detailing home business or with the residential use of the property.

Paul moved to recess the hearing to a deliberative session after the public hearing was closed. Bill seconded the motion and it passed unanimously.

The board met in deliberative session following the conclusion of the Coffin hearing. Theresa moved to approve the Coffin conditional use home business application with the following conditions: tree on front lawn to be trimmed at base to provide at least three feet

clearance, no exterior lighting, parking spaces 5 & 6 removed from site plan, driveway entrance restricted to no more than 24 feet wide, and total area for home business to be reduced to maximum of 1,044 square feet. Jean seconded the motion. On a vote of three in favor, four opposed, the motion failed. Basis for denying the application is that the proposed business would exceed 25% of the combined area of all structures on the lot (section 462.2) and that the business would adversely affect the residential character of the area (section 632.2).

On a motion by Paul, seconded by Jean, the meeting adjourned at 9:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 4/13/06 TB/PT