FILE COPY

MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6377

Minutes of March 12, 2009

Members Present: Gary Nolan, Ron Stancliff, Jean Wickart, Paul Trudell, Theresa Breault, Karyn Allen, Chris Wiltshire (alternate)

Members Absent: none (one vacancy)

Recorder: Mark Leonard, Zoning Administrator (ZA)

Prior to the start of the public hearing, the Board members met with prospective member Brian Irwin for the vacant seat left by the resignation of David Silverman. On a motion by Theresa, seconded by Ron, the Board unanimously recommended the appointment of current alternate member Chris Wiltshire to the DRB and the appointment of Brian Irwin as an alternate member.

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Paul, minutes of the February 26, 2009 meetings were approved as presented.

The ZA reviewed proposed changes to the April meeting dates due to vacations and other scheduling issues. Only one DRB meeting will be held in April, on the 30th.

WARNED HEARING: ROLAND & GABRIELLE JOST, CONDITIONAL USE APPROVAL, RETAIL SALES (INDOOR/OUTDOOR ICE CREAM STAND), 124 PORTLAND STREET

Gary introduced the application, to be reviewed under sections 208 and 632-636 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicants Roland & Gabrielle Jost. No other interested parties were present.

Roland Jost described his plans to set up a 'creemee' stand at his building on Portland Street. There would be a walk-up service window on the side of the building (facing the adjacent 'Malarkey's' pub & restaurant) and several picnic tables on the open space (owned by Roland) between the two buildings. He would also have a small indoor shop. He intends to operate the stand during the warmer months (spring-fall), but might remain open year-round if there was sufficient business. He anticipates operating between noon and 8 PM, possibly later if there is sufficient business from moviegoers leaving the Bijou across the street.

Theresa asked how many employees Roland expects to have. He replied he would likely have enough part-time help to accommodate the planned hours. He added that besides ice cream, he envisioned serving coffee & drinks as well as some pre-packaged snack items, but no food would be prepared or processed on the premises.

Paul expressed concern regarding a tree that MACC had recently planted in the location of the outdoor picnic area, wanting to be sure it was not damaged or trampled by patrons. He also sought assurance that there would be adequate trash receptacles on site and that these would be emptied on a regular basis.

Ron asked about signs; Roland said he would likely have a small sign beside the service window and perhaps a 'sandwich board' sign on the sidewalk.

Theresa asked about exterior lighting. Roland said he might string some Christmas-tree type lights across the open yard for illumination.

Paul moved to approve the application with the conditions that the existing tree be adequately fenced or otherwise protected from damage and that trash receptacles be emptied at least weekly. Karyn seconded the motion and it passed unanimously.

WARNED HEARING: MORRISTOWN CENTENNIAL LIBRARY, SITE PLAN APPROVAL, 5,000-SQUARE FOOT LIBRARY ADDITION, 7 RICHMOND STREET

Gary introduced the application, to be reviewed under sections 227 & 500 of the zoning & subdivision bylaws. Paul recused himself from this application as he is the project designer. Theresa administered the sworn oath to Library Trustees Sue Sargent and Ruth Brown, representing the applicant, Paul Trudell (project designer), and adjacent property owner Phil Cardinal. No other interested parties were present.

Sue Sargent described the scope of the project, which would provide approximately 5,000 square feet of much-needed expansion for the library. She noted that the library's main entrance would shift form the existing entrance facing Main Street to a new, handicapped-accessible entrance along Richmond Street. The current entrance would be closed, remaining as an emergency fire exit only.

Jean asked about any exterior changes or renovations to the existing structure. Sue said there would be some exterior repairs, but no aesthetic changes. Likewise, there would also be some repairs or replacement of interior systems within the existing space.

Chris asked Sue to explain the plan for the new space. Sue said that separate and distinct areas would be established for children and young adults in the basement, with the main floor dedicated for adult users. There would also be a community meeting room, funded by a grant from the Copley Fund, which will accommodate up to 45 people. The meeting room would be accessible even when the library was closed.

Ron inquired about an elevator. Sue said there would be an elevator, making the entire facility handicapped-accessible. Ron asked when they expected to start the project; Sue said as soon as funding is in hand.

Phil Cardinal expressed concern about the parking arrangements. He said having cars park 'nose in' on both sides of Richmond Street poses a hazard to persons residing in or visiting the five or so homes along Richmond Street past the library. He said it is already a problem and expects it will get worse as the library expands and usage increases.

Gary noted that the site plan showed parking along both sides of Richmond Street. He noted that the Town owns the adjoining parcels (former Cole & Alexander properties) on the other side of Richmond Street from the library. He encouraged the applicants to consider making the spaces on both sides deeper, perhaps up to 24 feet from the current 18 feet, so as to minimize traffic flow problems along Richmond Street.

Jean asked how many parking spaces were shown on the plan. Paul Trudell said there would be 23 paved spaces, noting that there is 28 feet between the ends of the spaces on either side of Richmond Street. Sue Sargent added that this is an increase over the number of existing spaces and that they would be clearly marked and painted.

Karyn said a hedge or fence at the end of the parking area would help delineate the spaces and perhaps enhance traffic flow.

Theresa asked if the Town would consider creating a municipal parking lot on the vacant Cole lot. Sue Sargent said the library would approach the Select Board about doing this. She added that such a parking lot would also serve staff at the nearby Graded School.

The ZA recommended that the library trustees revise their site plan to include a paved, curbed parking lot on the Cole property, with a single access point onto Richmond Street and to formally approach the Select Board for their approval to use this property for this purpose.

Karyn moved to recess this hearing to a deliberative session following the remainder of the public hearings. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: FRANCIS HUARD, SR, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, 226 NEEDLE EYE ROAD

Gary introduced the application, to be reviewed under sections 264, 421, 730, 740, 780, & 810 of the zoning & subdivision bylaws. Theresa administered the sworn oath to applicants Francis & Irene Huard and their attorney James Mahoney. No other interested parties were present. Adjoining property owner Brenda Bowen submitted written comments regarding the application.

Jim Mahoney explained that the subject property, a 3.26-acre parcel off Needle Eye Road, had been two separate parcels, referred to as the Alexander (1.67 acres) and Sylvester (1.59 acres) lots, until 1950, when both were acquired by Morrisville Water & Light Department. After several transfers of the combined parcel, the applicants acquired it in 1994. Deeds reflecting the transfers since 1950 refer to both the Alexander and Sylvester lots.

Under the zoning bylaws, the currently combined lot does not meet the minimum lot size for two separate lots. The applicant wishes to re-establish, or 'un-merge' the two original lots in their previous configurations under the provisions of section 421 (existing small lots) of the bylaws. A 1994 survey by Willard Gove showing the boundaries of the two previous lots was presented for preliminary plat review and approval. An updated survey will be made for final plat approval delineating the former lots' pre-existing non-conforming configuration.

The applicant has not provided proposed water & wastewater system designs for the undeveloped former Alexander lot (Lot 1 on the Gove survey). Lot 2, the former Sylvester lot, contains the Huard residence with its own functioning water & wastewater systems. Pending the DRB's approval and subsequent recording of the final plat, the applicant will seek a state water & wastewater (WW) permit for the undeveloped lot.

The letter for adjoining property owner Brenda Bowen identifies an issue of access to her property across the existing Huard lot. There is no mention of a right-of-way across the Huard lot in their deed or those preceding it, but the Bowen property has been accessed via a private driveway (formerly a town highway until abandoned in 1844) across the Huard property. Mrs Bowen seeks assurances that if or when the former Alexander lot is sold and developed that the cost of maintaining access to that lot and hers is equitably shared. Jim Mahoney said his client had not problem with making provisions for the pro-rate sharing of expenses for this private driveway upon the development of the Alexander lot.

The ZA noted the lack of a right-of-way (RoW) across the Huard property along the boundary between the two previous lots and recommended establishing such a RoW on the final plat and deeds re-establishing the two former lots. Jim Mahoney agreed on behalf of his client.

Paul moved to grant preliminary plat approval of the application. Jean seconded the motion. The motion passed with six votes in favor, one opposed.

The Board closed the public hearing and met in deliberative session on the Library addition site plan application. On a motion by Jean, seconded by Theresa, the Board unanimously voted to recess the hearing until April 30th to review a revised site plan addressing parking arrangements for the proposed addition.

The meeting adjourned at 8:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 4/30/09