

Morristown/Morrisville Development Review Board
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Meeting Minutes of March 10, 2016

Members Present: Karyn Allen, John Gloss, Brian Irwin, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire (for the Kalte hearing only)

Members Absent: Susanna Guthmann & Theresa Breault (Alternate)

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests: Susan Low, Judy Nepveu, Richard "Buckwheat" Lowe, Jessica Aupperlee, Bob Heanue, Jonathan Mogor, Nina Church, Steve Foster, Kevin Petrocko, Judith St. Aubin, Armand Altman, Terry Hirschak, John Piotrowski, Graham Govoni, Yvette Mason, Joie Marshall, Max Paine, Dave McAllister and KC Colt.

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:30 PM. Member Irwin moved to approve the November 19th meeting minutes as presented. A vote of 4 to 0 to 1 affirmed the motion with member Allen abstaining. Member Trudell moved to approve the January 14th meeting minutes. A vote of 4-0-1 affirmed the motion with Member Irwin abstaining.

Hearing: Home Brewing Business at 136 Cheery Ave (Volk) §630 CU & §500 SPA

Applicant/landowner Nick Volk appeared before the Board seeking §630 Conditional Use & §500 Site Development Plan Approval for a §460 Home Business use for Kalte Brewing within an existing and a proposed small shed with access off Cherry Avenue located on parcel 23-129 at 234 Summer Street in the §250 Medium Density Residential Zone. Mr. Volk said that he had already obtained his federal and state permits for this small brewery which is currently producing 5 gallon batches. He said that he would like to open his brewery for sales on Saturdays from 9 AM to 2 PM at first and hopefully, if the business is successful, open up a few more days per week. Member Trudell asked if the brewery admits any odors. Mr. Volk said that it did not. Mr. Volk said that he will be the only employee of his home business and that deliveries would be directed to Cherry Avenue and not onto Summer Street. He said that he anticipates getting deliveries about once a week and he added that he does plan to put lighting on the brewery shed and the sales shed at some point in the future, but that any lighting would be compliant with town requirements. Board members discussed the proposed parking plan. Member Trudell said he would like to do a site walk of the property to better understand how the parking will work. Chair Nolan agreed. Zoning Administrator Thomas read the abutter comments. Abutter Sara Haskins said that she supports the brewery, but that speeding on this section of Cherry Ave is a problem and that on-street parking for the brewery would be a good way to slow down cut-through traffic. Abutter Joie Marshall said that she wants the brewery, its customers and deliveries to go to Cherry Ave and not to this property's other access point on dead-end Summer Street. Abutter Jessica Aupperlee said she was opposed to the brewery due to safety and neighborhood impact concerns, especially if it grows beyond its initial scope. Steve Foster asked if this home business proposal is allowed in this zone. Member Nolan said that it was allowed – conditionally. Mr. Thomas said that the 25% maximum size for home businesses would dictate how much it could grow and that the 25% cap was not in question with only the two small sheds proposed. In response to abutter comments, Mr. Volk said that no tastings will be allowed at the

brewery. He said the he will only sell bottles of the beer he produces there. Abutting property owner Nina Church said that she was in favor of this proposal. Member Trudell moved to recess the hearing for a site walk on March 24th at 6 PM which would be followed by Deliberative Session and a vote. A vote of 6 to 0 affirmed the motion.

Hearing: Treatment Associates at 65 Portland St (Mt Vernon Lodge) §630 CU & §500 SPA

Treatment Associates appeared before the Board seeking §500 Site Development Plan Approval after-the-fact to add the Health Care Facility use for an outpatient substance abuse treatment clinic to parcel 21-043 at 65 Portland Street in the §205 Central Business Zone in an existing building owned by Mt. Vernon Lodge. Member Wiltshire recuse himself from the hearing and left the meeting room because he is a member of the Lodge. Representing Treatment Associates, Dell Heath, the Morrisville office supervisor, spoke to the Board regarding the mission and daily operations of the clinic. He said that the clinic had operated in its present location in Morrisville for approximately 8 years, but that he was unaware a permit was never obtained for its operation. He said that the counseling services at the clinic are frequented by opiate addicts. He said that the clinic no longer dispensed or stored medication on-site. He said that 90% of clients are fully employed in less than 10% of the patients visiting the Morrisville office are there per court mandate. He said that clients on the premises are drug tested to ensure compliance with their program and that a program can last up to three years. Member Trudell asked about hours of operation. Dell said that the hours of operation were from 8 to 4 on Monday and Tuesday, from 8 to 5 on Wednesday, from 8 to 6:30 on Thursday and from 8 to 1 on Friday. It was noted that the clinic had a 75% success rate. Member Gloss asked how many clients there were. Dell said there were currently 95 clients with another 35 clients or so on a waitlist. Member Irwin asked how many clients were seen on a single day. Dell said 20 to 25 patients was typical daily. Member Gloss asked about parking. Dell said that the Second Chance parking lot was being used and that some of his patients also get dropped off by the bus. He said that his patients do use up a fair share of parking as at least 60 clients have to come week, with the other 35 clients on a variable schedule. He added that there is zero tolerance for violence at this location in that suboxone is the drug frequently prescribed here by Treatment Associates. Upon a question about funding, Dell said about \$20,000 is allocated from the State for the two Treatment Associates locations. In answering a question if these types of drugs used to be dispensed on-site, Dell said that this had happened in the past before he worked there but that on-site dispensing was no longer legal. Mr. Thomas read the project impact letters from abutters. Abutting business owner Emily Locke of Peck's Flower Shop said that this kind of treatment clinic was inappropriate on Portland Street as it encourages loitering for undesirables in the mornings before the clinic opens. She said that this kind of operation needed to be up by the hospital and not in the downtown. Mr. Thomas then read a project comment letter from the Police Department that said as follows: "In a group discussion we came up with the following points about Treatment Associates. (1) It is hard to draw conclusions that Treatment Associates has a direct effect on the town in either a positive or negative manor. (2) We do notice that people tend to congregate around the building smoking and such while they are opened. (3) Over the last couple of years we have had an influx of needles and opiate paraphernalia being left around town, in parking lots, next to buildings and along our streets. (4) There are a lot of cars parking left side to curb in that area which is now written in the town ordinances as a ticket. The two police officers in attendance added that opiate use in Morrisville has skyrocketed in the last few years and that they sometimes see suboxone

traded illegally as currency in the town. The officers said that they cannot draw any direct negative impacts from Treatment Associates being in Morrisville, but there are indirect impacts like the unemployed patients of Treatment Associates loitering around the downtown all day. The officers also said that a service like Treatment Associates will draw people from outside into the community. Abutting property owner John Mogor said that Treatment Associates brings undesirables to his Portland Street restaurant and that the clinic should be moved up to the hospital. Armand Altman said that his clinical experience has shown him that this clinic should be the relocated up by the hospital, but he stressed that there is a need for this type of program. The police officers in attendance added that most needles found in Morrisville are found on either side of the clinic, at Cumberland Farms or at the Oxbow (either end of Portland Street). **The officers said that needles were just removed from the Oxbow just hours before the hearing.** Terry Hirschak says that what Treatment Associates does is necessary and that they are a good tenant of the Mt. Vernon Lodge. Abutting property owner Judith St. Alban said that Treatment Associates puts a tremendous burden on Brigham Street, especially on the small municipal parking lot at the terminus thereof. She said that the Fire Chief has said that that the parking in this lot is often a fire hazard. She concluded her remarks by saying that she also is concerned about the Treatment Associates clients who wander around her property when outside smoking. Abutting property owner Attorney Graham Govoni said that parking on Brigham Street is a huge issue, especially on Treatment Associates doctor visit days - Tuesdays. Dell said that Tuesday is when the doctor was on-site to write scripts for medication. Mr. Govoni said that it would be better if the doctor visits on Fridays instead of Tuesdays, because the parking lot was less full on Fridays because the dentist office is closed. Mr. Govoni agreed that with the parking lot often has parked cars blocking egress points and that this is a safety concern. He added that this type of clinic should be located up by the hospital and not downtown. Buckwheat asked about patient location. Dell says that the patients are from all over the county, in a 20 mile radius. Graham asked the Board to condition any approval on improving the parking, the hours of operation, eliminating the loitering and smoking, and revisiting the application in one year to ensure that Treatment Associates has held up its end of the bargain to be a better neighbor. Dave McAllister from Mount Vernon Lodge said that the Board is outside of its jurisdiction regarding any smoking ban. He also made a claim that the zoning violation was sent to force a buildings sale, as he had recently been approached about selling the building. Mr. Thomas said that this claim was untrue because the zoning complaint for lack of a permit was sent because his office had receive multiple complaints about Treatment Associates in recent weeks. He added that one of the complaints received came from a Selectboard Member. Member Irwin moved to close the hearing and go into Deliberative Session. A vote of 6 to 0 affirmed the motion. After concluding their Deliberative Session discussion, Member Irwin moved to approve the Treatment Associates after-the-fact permit application with the following conditions, two hour workday parking signs shall be affixed to the west side of the building so that this section of the parking lot is not used for all-day parking by bank employees, the hours of operation for Treatment Associates shall be limited to 8 AM to 6:30 PM Monday through Friday, there shall be no loitering outside the property, to alleviate the parking crunch on Brigham Street the day in which the doctor dispenses prescriptions shall be changed from Tuesday to Friday (as that is the day when the parking lot is less full because the dentist offices is closed) and that this application shall be subject to a 1, 3 & 5 year full Board review until a more appropriate location can be found for Treatment Associates. The motion was affirmed by vote of 4 to 1 with Member Gloss opposed to voting to

grant a permit to Treatment Associates.

Hearing: CCS Conservation Subdivision on Trombley Hill Rd, §740 Prelim. Plat Approval
Applicant/landowner CCS Development LLC appeared before the Board seeking §510 Planned Unit Development and §740 Review and Approval of a Preliminary Plat in the §210 Commercial Zone for a two lot subdivision of parcel 08-090 that creates 8 new housing units on a new development road off of Trombley Hill Road. Member Trudell disclosed that he did architecture work this project, but felt that he could sit for tonight's hearing because it was only a preliminary review of the project. Jonathan Petrowski presented the project to the Board, which included 4.8 acres of development and 4.6 acres of protected open space. He said that the new condo units would be located on a new development road that is approximately 400 feet long, which would be served by gravity sewer and water. He said that the road would remain private in perpetuity. He said that he liked this development plan because it helped transition the rural residential area to the north to something a bit denser with this project as the area became more urban on Route 15 to the south. Chair Nolan said he wants a sidewalk to be constructed from where it presently ends up by Tractor Supply up to the development road. Mr. Nolan added that he would be unlikely to require a sidewalk on the development for only 8 units, but that a space should be left for a sidewalk somewhere within the development road right-of-way in the future if more than units were to be added thereon. Mr. Thomas read abutter comments into the record. Property owner Michael Carroll of 246 Trombley Hill Road said that he is concerned about increased speeding on Trombley Hill Road due to this project, as speeding is already a serious problem in this area. Abutting property owner Charles Lambert of 4 Frazier Road expressed numerous project concerns including, screening, views, and extending sewer and the sidewalk up to his property line. The Board directed Mr. Thomas to ask the Town Administrator to install a stop sign at the end Trombley Hill road as a result of this project and the resultant speeding concerns. The Board discussed the proposed sewer main and it was agreed that it should be continued west so it terminated in the town right-of-way instead of private property. Mr. Petrowski said that the sidewalk, due to the drainage ditch, we need to be on private property, but an easement would be given back to the town for maintenance thereof. Mr. Thomas said that would be acceptable and was typical. Member Irwin moved to approve the two lot eight unit planned unit development as presented, provided that the 8 inch sewer line was extended west to the Trombley road right-of-way, that a sidewalk be added to the plans from Tractor Supply northeast to the development road, that the open space parcel be increased to at least 4.8 acres and that street trees were added approximately every 35-40 feet on Trombley Hill road. A vote of 6 to 0 affirmed the motion.

The meeting adjourned at approximately 10:05 P.M.

Respectfully submitted by Todd Thomas, Zoning Administrator.