

MORRISTOWN PLANNING COMMISSION MINUTES -- MARCH 6, 1990

BOARD MEMBERS PRESENT: Paul Nesky; Mac Miller; Don Avery; Debra Mason and Jane Greene (Norman Nepveu arrived at 8:01 P.M.)

BOARD MEMBER ABSENT: Adrian West

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: List attached to original minutes.

The meeting was called to order at 7:38 P.M. by Chairman Paul Nesky, who reviewed the minutes of the 02/20/90 meeting for amendments/corrections. Mac moved to approve the minutes. Roy Marble advised he had a question re: CHENEY HEARING/3rd Paragraph, which Roy advised should read "45 foot rise from road access to house site", not 45 degrees. Don made the motion to amend the minutes. Mac seconded. All in favor. Don then stated that re: TATRO HEARING/the brook name should be Rodman Brook, and that he wanted the minutes to read that any and all drainage/runoff will be prevented from running into this brook, also, that the brook bank will not be disturbed. Jane moved to approve the amended minutes. Mac seconded. All in favor.

Jane then moved to approve the minutes of the 02/06/90 meeting. Mac seconded. Paul advised that a copy of the letter sent to Walton/Marble should be sent to all attendees for the Walton Hearing, along with a copy of the letter received from the State Water Resources Dept. Unanimously approved.

7:48 P.M. -- WARNED HEARING/ROY MARBLE representing the Ted Barnett two-lot sub-division located Cottage Street Extension. Roy presented plans for a Site-Plan Review. There was a preliminary hearing held and at the time, he advised he was asking for approval of three (3) lots; these plans have been revised, as have the covenants for same to two lots. Lot #1 consists of 7.9 acres; Lot #2 consists of 7.3 acres, and the third lot, which is retained land consists of 38.45 acres.

Roy presented maps of the proposed plans, advising the two-lots would share a common driveway; that he has received his up-dated engineering plans.

Don made a motion to recess this Hearing and conduct a Site-Walk of the property on:

MARCH 17TH, @ 10:30 A.M..

Mac seconded. Unanimously approved.

Don then made the motion to then recess the hearing from the Site-Walk for a regular scheduled hearing of:

MARCH 20TH, 1990 @ 8:15 P.M..

Debra seconded. Unanimously approved.

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8:11 P.M. -- RECESSED HEARING/DEAN & SHARON CHENEY, assisted by ROY MARBLE. A Site-Walk was conducted by the Board Members and adjacent property owners after the 02/20/90 meeting, in which they viewed the runoff/drainage, drive access location which veers north/northwest and listened to the concerns of the neighbors.

Roy read a letter which was prepared for tonight's meeting, which is attached to and made a part of these original minutes. Roy advised the same covenants pertain to the Cheney's deed as to the other developed lots and they do not prohibit the sub-division of the lot. Dry-wells will be installed for the runoff from the height of the land.

JOE WOLCHIK, speaking on behalf of the adjacent lot owners, advising the Town Zoning regulations requirements include the presentation of Landscaping Plans; these have not been presented to date. Joe proceeded to give the history of this entire area, which was originally a farm; that Walter Sargent acquired the property and Howard Manosh purchased the property from Mr. Sargent.

Joe then referred to the PC/BOA Minutes of 06/05/85, in that Gary Nolan, on behalf of Howard Manosh, presented proposed plans for the development of ten (10) lots for sale. They would only sell the building lots, not build the houses; that Manosh presented the plans on behalf of Walter Sargent; that on 04/15/86, the land was conveyed to Manosh and this property became an eight (8) lot sub-division; this property has never gone through the ACT 250 process. Joe advised Manosh did not do anything illegal; that the process was done under Sargent's name due to Manosh developing property in the Morristown Corners area and therefore could not obtain the necessary permits for a period of ten (10) years under his own name.

Gary Nolan, who was present at this Hearing, advised that everything that Joe stated was true; that after all the permits were obtained, Manosh did purchase the property. Gary advised that on 06/26/85, the soil surveys were conducted by the State; this property does not comply with Criteria 9-B in that it is prime AG soil.

Joe advised this development should have gone through ACT 250, that it never did and must do so, therefore, the PC can not issue a Permit now for the development of the Cheney property. Also, the PC has never determined if this sub-division is a Major or a Minor Sub-division and Joe requested this be voted on to determine which.

Joe stated Cheney did not need an access from Sunset Acres as he could access his property from the Silver Ridge Road; that the whole project is in violation of ACT 250.

Paul inquired if all the undeveloped lots were at risk; Joe stated he doesn't believe so.

Roy, in rebuttal, stated Cheney were the first people to purchase a lot and presented a letter dated 11/09/90, which in part states, no ACT 250 Permit is needed for Lot #4 of the Walter Sargent project.

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Mike Leonard voiced his concern that the development of this property might contaminate his well, as there is only sand and no ledge in the area.

Paul advised that at the Site-Walk, Joe had requested Landscaping Plans. Todate, Cheney has not provided same and this will have to be addressed.

Debra inquired as to plans for Erosion Control. Roy advised there would be seeding, mulching, crushed stones, the driveway would be tipped toward the land excavation. They have two (2) pages that address erosion control of this project. There will be two (2) 600 gallon dry-wells, plus approximately 600 gallons of water storage in stones and culverts. Walter Urie did the engineering.

Norman asked what type of road bed did they plan and was advised it would be gravel, with a 3" tilt to the left side.

Paul suggested recessing this hearing. Gary Nolan advised the history of the property was submitted to ACT 250's Review; that originally this property was to have been two (2) lots.

Debra made the motion to close the hearing for a Deliberative Session with decision findings within 45 days. Don seconded. Unanimously approved.

9:20 P.M. -- RECESSED WARNED HEARING/F.W. WEBB, represented by Rob Clark; George R. Peal; Philip Willey and Ricahrd J. Bailey. A Site-Walk of this property was conducted on 02/24/90, at which time storm drain 'pond'; berm; sign location; landscaping, etc. was discussed.

Rob Clark advised there have been changes in the Site-Plan, as Phil Willey has designed a retention pond; there will be a heavy screening of white pines planted on the berm and natural screening. The storage area will be heavily screened with white pines.

Paul advised that all top-soil must remain on the lot; that it can not be removed and sold.

Don stated a double row of white pines should be planted, but not too close together; the whole back side should be planted as a buffer, instead of being planted on the berm.

Norm inquired of the insulation. He was advised the building is pre-engineered metal with 4 Mil vinyl liner.

Mac made the motion to approve the application with condition F.W. Webb plants a double-row of white pines, being 3' trees on 8' center on the immediate north side; to retain all top soil, with a minimum being 8" deep where ever plantings are made and on the berm. Don seconded.

Phil Willey advised the top soil was any where from 4" to 8" and they are willing to use all top soil from the building site.

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Rob Clark stated this applicant's approval was much more extensive than any other park owner in the past; that F.W. Webb complied with all requirements and conditions.

Paul, on behalf of Bill Moulton, asked if some permanent arrangement could be made for the Snow Machine trail through this area. Rob Clark advised he believed arrangement could be made, but would prefer that Bill go through the Park Association.

Paul stated he felt Webb's Landscaping plans were more than adequate. Paul then called the question.

Norm; Don; Mac; Debra and Jane were in favor. Paul opposed. Unanimously approved.

FACTS OF FINDING: Based on and examined under Title 24, VSA 4407 (5), the Board granted Site-Development Plan Approval to this applicant with the following conditions: F.W. Webb plants a double-row of white pines, being 3' trees on 8' center on the immediate north side; to retain all top soil, with a minimum being 8" deep where ever plantings are made and on the berm. Don Avery stated these trees didn't have to be in straight lines; they could use their judgment as to how they were arranged.

The Planning Commission Board then went into Deliberative Session regarding the Cheney application. The issue of the PROJECT REVIEW SHEET, presented at tonight's meeting, #EC-5-1309 (Sargent/ACT 250) dated November 9, 1989, states this project does not need ACT 250 Permit was discussed and the Board was in agreement with the Review Sheet.

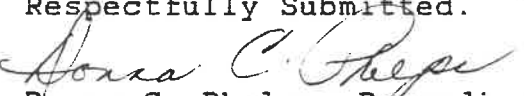
Gloria advised Cheneys have their State Sub-division Permit; the PC must determine if this is a Major or a Minor Sub-division. After some discussion, Mac made the motion this is a MINOR SUB-DIVISION; Jane seconded. Unanimously in favor.

It was then determined Cheneys had met all the criteria of a Minor Sub-division.

After much discussion, this application was tabled until the March 13th, 1990 meeting at the Public Safety Building, when a final decision would be made.

The meeting was adjourned at 12:15 A.M.

Respectfully Submitted.


Donna C. Phelps, Recording Secretary
Morristown Planning Commission

/dp

AGENDA: 03/20/90: Carroll Peters/2 Lot sub-div., preliminary hearing, located on Upper Elmore Mt. Road.