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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of February 28, 2008

Members Present: Gary Nolan, Theresa Breault, Paul Trudell, David Silverman, Lauren Traister (alternate), Richard Duda (alternate)

Members Absent: Jean Wickart, Karyn Allen

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached sign-in sheet

Chairman Gary Nolan called the meeting to order at 7:30 PM. On a motion by David, seconded by Paul, minutes of the January 24, 2008 meeting were approved as presented.

WARNED HEARING: HA MANOSH CORP, CONDITIONAL USE & FINAL PLAT APPROVAL AND LOCAL ACT 250 REVIEW, 18-LOT, 45-UNIT PLANNED UNIT DEVELOPMENT (PUD), JERSEY HEIGHTS

Gary recused himself from hearing this application due to conflict of interest and David assumed the chair. David reviewed the status of the application, noting that the board had granted preliminary plat approval, subject to a number of conditions, on January 10, 2008. Theresa administered the sworn oath to Gary Nolan and Sam Ruggiano, representing the applicant, adjacent property owners Larry & Dot Bliss, and Conservation Commission members Amy Walker and Gert Lepine.

Sam Ruggiano reviewed the list of additional information required with preliminary plat approval. He identified proposed names for the two new roads, Wong Way (leading into the development from Jersey Way) and Manosh Meadow Road (entering the development from Cottage Street), which the developer eventually plans to petition the Town to take over.

Sam also reviewed a January 30, 2008 letter from his company to the Select Board addressing the Town Administrator's earlier comments regarding road & infrastructure issues, together with the Highway Superintendent's comments on the letter. With regard to the Highway Superintendent's request to include a storm water swirl separator, he stated that such systems are often used to improve storm water drainage in existing developments, but that current state rules call for use of detention ponds, as is proposed in this project.

Regarding the Highway Superintendent's request for curbing, he noted plans for curbing along the length of Wong Way into the cul-de-sac in the condominium section of the

development. On Manosh Meadow Road, he felt that curbing would prevent ground filtration of storm water runoff.

Paul asked Sam to review the storm water drainage plans and who would be responsible for maintenance of the proposed storm water ponds and drainage swales. Sam replied that while the roads were privately maintained that would be the developer's responsibility; once the Town took over the roads, they would be responsible. He added that the state storm water permits would require annual reports to the state and an engineer's certification at the five-year point of the project on the efficacy of the systems.

At Richard's request, Sam reviewed the landscaping plan. He said that the applicant and adjoining property owner Wong had agreed on a plan to screen the Wong property from the access road off Jersey Way.

Larry Bliss asked for more details of the proposed 'no disturbance' area at the back of Lots 3, 5, 7, 9, 11, 13, 15, & 16. Sam noted that deeds for these lots will identify the specific area not to be disturbed, described on sheet C-2 of the project plans as "no clearing of any healthy trees greater than 4 inches in diameter as measured 6 inches above ground is allowed".

Richard asked where the sewage pump station would be located. Sam said it would be at the intersection of Wong Way and Manosh Meadow Road. He added that all utility improvements would be turned over to the Water & Light Department.

Amy Walker expressed concern about the growth impact on the Town & Village from this many new residential units and said she would like to hear more input from the Highway Department on the road plans.

Paul moved to recess the hearing to a deliberative session following the conclusion of the other public hearings on the agenda. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: BRIAN & SUSAN BENOIT, FINAL PLAT APPROVAL, 3-LOT SUBDIVISION, STANCLIFF ROAD

Gary outlined the application, to be reviewed under sections 264, 340, 750, 760, 770, and 790 of the subdivision bylaws. Theresa administered the sworn oath to applicants Brian and Susan Benoit and Conservation Commission members Amy Walker and Gert Lepine. Gary noted that the board had granted preliminary plat approval of the project on Jan 24, 2008, with the condition that lot sizes be adjusted so as not to require waivers when presented for final plat approval.

The original proposal called for realigning the boundaries between two adjoining parcels (# 16-111-7-4 and 16-111-7-6) to create a third lot. The two existing parcels total 7.44 acres. The proposed three lots would be 2.56 acres (Lot A), 2.11 acres (Lot B), and 2.77 acres (Lot C). There is 0.77 acres of right-of-way (ROW) on Lot A and 0.25 of ROW on Lot B. At the preliminary plat hearing, the applicant requested lot size waivers for Lots A and B as they did not meet the minimum requirement when the ROWs were factored out. Brian presented a revised site plan showing the following lot sizes: Lot A, 2.77 acres (2.0 acres exclusive of ROW); Lot B, 2.25 acres (2.0 acres exclusive of ROW); Lot C, 2.42 acres.

Amy Walker observed that no Conditional Use Determination (CUD) for wetlands impacts had been issued by the Agency of Natural Resources (ANR) to date. Gary noted that the

total area of disturbed Class 2 wetlands is 4, 830 square feet (approximately 0.1 acre), being in the area where the proposed driveway to the three lots crosses the wetlands. He said the board would include as a condition of approval for the project that no sale or development of the lots could take place prior to receipt of an approved CUD from ANR.

Gert Lepine said she would like the board to conduct a site visit of the property once the ground is no longer snow covered to better assess any potential wetlands impacts. Gary replied that the board typically defers to the professional judgment of the ANR wetlands section, noting that the ANR wetlands specialist conducted a site visit in June 2007.

David moved to grant final plat approval of the project subject to receipt of a wetlands CUD by ANR, along with standard subdivision conditions. Paul seconded the motion and it passed unanimously.

WARNED HEARING: JOSEPH GARBELY, PRELIMINARY PLAT APPROVAL 3-LOT SUBDIVISION, 932 MUD CITY LOOP

Gary outlined the application, to be reviewed under sections 264, 730, 740, 780, and 810 of the zoning and subdivision bylaws. Gary administered the sworn oath to applicant Joseph Garbely, adjoining property owners Karen & Bill Cleary and Tom McHugh, Conservation Commission members Amy Walker and Gert Lepine, and Lee LaBier.

Joe Garbely explained that he was applying on behalf of the property owner, Megan Crosby. She wishes to subdivide a 10-acre parcel (parcel #06-067) on Mud City Loop into three lots. Lot 1, with an existing mobile home and on-site water & wastewater systems, is proposed to be 2.1 acres; lot 2 would be 3.4 acres; lot 3 would be 4.9 acres. Lots 2 and 3 would each have their own drilled well. Separate septic leach fields (mound systems) for lots 2 and 3 would be located on lot 3; a state water & wastewater permit for the proposed lots is pending. Lot 1 has an existing driveway off Mud City Loop; lots 2 and 3 would share a separate driveway off Mud City Loop.

Noting the proposed location of the septic leach fields on Lot 3 and their proximity to her springs, Karen Cleary asked for clarification of the required isolation distances from her springs to the leach fields. She felt her springs, and their associated well head protection areas, should be depicted on the site plan as they may well extend onto the proposed lot 3.

Amy Walker referred to state statutes (24 VSA 4302 and 4410) to question whether this subdivision was appropriate under the Town Plan goals. She said the Conservation Commission was looking at ways to conserve the property. She, along with Gert Lepine, Lee LaBier, and Karen Cleary, advocated for more conservation and preservation in the Mud City Loop area, noting that residents there had requested that the Planning Commission create a new zoning district that would restrict subdivisions and uses in the area.

The ZA reminded everyone that the application before the board must be reviewed using the current Town Plan and zoning & subdivision bylaws; the nearly-completed Town Plan revision and any subsequent bylaw changes that it may engender do not apply.

David felt a site walk of the property, to be conducted after the snow melts, would be beneficial. He moved to recess the hearing until after a site walk, tentatively scheduled for May 3, 2008, was conducted. Theresa seconded the motion and it passed unanimously.

WARNED HEARING: ROBERT HEANUE, PRELIMINARY PLAT APPROVAL 6-LOT SUBDIVISION, 406 JERSEY HEIGHTS

Gary outlined the application, to be reviewed under sections 259, 730, 740, 780, and 810-870 of the zoning and subdivision bylaws. Gary noted an oversight in the subdivision bylaws (section 730) that refers to DRB sketch plan review, where sketch plan review authority is granted to the ZA in section 720. For purposes of technical accuracy, the DRB will include sketch plan review of the proposal in this hearing. Theresa administered the sworn oath to applicant Robert Heanue and project engineer Bernie Chenette, adjoining property owners Michael & Terry Alexander and Barry & Tina Coffin, and Conservation Commission members Amy Walker and Gert Lepine.

Bernie Chenette presented the plan to subdivide an 8.3-acre parcel (#23-042) off Jersey Heights into six residential lots, along with an undeveloped lot (3.2 acres) bordering Lake Lamoille to be owned in common among the six residential lot owners. The parcel lies within the Low Density Residential zoning district in the Village of Morrisville.

There is an existing two-unit residential dwelling on the west side of the parcel, fronting on Jersey Heights (Route 100). Five new residential lots, ranging in size from 0.62 to 0.78 acres and accessed by a new common roadway ending in a cul-de-sac, would be created. The roadway would eventually be turned over to the Town. A storm water retention area is sited on the west side of the proposed access road, adjacent to the existing town road. The new lots, along with the existing residential dwelling, would be served by municipal water, sewer and electric.

Neighbor Mike Alexander said most of the area where development is proposed is hard ledge, requiring blasting to put in foundations, underground utilities, and roads. He was concerned that such blasting could damage the foundation of his abutting structure. He expressed concern that storm water drainage from the new home sites and road would flow onto his property, also threatening his 100-year old structure's integrity. He also voiced concern about traffic safety where the new access road is proposed, noting that it is in between two road curves on a sloping road segment where people routinely disregard the posted 25 MPH speed limit.

Bernie Chenette described typical pre-blasting evaluation of existing conditions around the site and means to mitigate any potential adverse impacts on surrounding structures. He stated that should any damages occur to adjoining property, the developer would be liable. He said their traffic analyst had conducted a site visit and reviewed the plan and said it met required sight distances in both directions, using the posted speed limit.

Neighbor Barry Coffin expressed satisfaction that the proposed home sites appeared to be screened from adjoining properties by existing trees and vegetation. He asked that wooded buffer zones be required to be observed to maintain that screening. He echoed previous concerns about traffic entering and exiting the development.

Amy Walker asked about the common lot behind lots 3, 4, and 5; how steep was the grade descending down to the lake? Bernie replied that it was greater than 20%.

Paul asked if any street lighting was proposed. Noting the relatively short (250') length of the road, Bernie said none was planned.

Richard asked who was responsible for developing the road and utility infrastructure, the applicant or a potential developer? Bernie said whoever eventually developed the parcel would

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be obliged to follow any plans approved in this permit application.

Gary read a letter from abutters Swanson & DeColaines into the record. The letter asked the Board to require a wooded buffer zone (of unstated depth) between their property and the proposed new homes. They also raised concerns about erosion control and slope protection along the steep bank leading down to the river and asked if it would be possible to allow them some sort of legal access to the river across the common lot.

David moved to approve the sketch plan as presented and to recess the hearing until after a site walk, tentatively scheduled for May 3, 2008, was conducted. Theresa seconded the motion and it passed unanimously.

Following this motion, the Board adjourned the public hearing and went into deliberative session to consider the Jersey Heights PUD application. On a motion by Theresa, seconded by David, the Board unanimously granted final plat approval for the project.

The meeting adjourned at 9:45 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: