



DEVELOPMENT REVIEW BOARD MEETING MINUTES OF FEBRUARY 22, 2023

Members: Donnie Blake (Alternate), Susanna Burnham, Melissa LeBlanc, Gary Nolan (Chair), Christy Snipp, Paul Trudell, Mary Ann Wilson, & Chris Wiltshire

Absent:

ADMINISTRATION and STAFF: Zoning Administrator Todd Thomas

PARTICIPANTS/GUESTS: Approximately 20 members of the public attended the meeting. The meeting sign-in sheet included the following names: Conservation Commission Co-Chair Ron Standcliff, Tom Cloutier, Lenny Wing, Mary Lou Nichols, McKee Macdonald, Garret Hirschak, Sarah Thomas, Sheila Darrah, Thea Alvin, Lisa LaFoe, Attorney Jim Mahoney, and Engineer Peter Smiar.

CALL MEETING TO ORDER

Chair Nolan called the meeting to order at approximately 6:00 PM.

APPROVE PRIOR MEETING MINUTES

Member Wilson moved to approve the 14 December 2022 meeting minutes. A vote of 6-0-1 affirmed the motion with Member Snipp abstaining.

HEARINGS FOR DEVELOPMENT APPLICATIONS

- 1. (Recessed Hearing) Applicant / landowner SSM Properties is seeking §630 Conditional Use and §500 Site Plan Approval in the Medium Density Residential Zone to add the Dwelling Unit Two-Family use to Parcels 23202 & 23202-1 at 166 Maple Street for the future construction of a duplex on each lot.**
McKee Macdonald appeared before the Board on behalf of landowner SSM Properties LLC for the recessed hearing for §630 Conditional Use and §500 Site Plan Approval in the Medium Density Residential Zone to add the Dwelling Unit Two-Family use to Parcels 23202 & 23202-1 at 166 Maple Street for the construction of a duplex on each lot. Board Alternate Donnie Blake, who was in attendance for the prior discussion of the proposed duplexes on Maple Street, took Christy Snipp's new full-time Board Member seat for this hearing (because she was unable to attend the prior hearing on this application). The proposed project included two 60x30 duplexes being constructed in place of where 166 Maple Street was razed this summer. The proposed duplexes will have addresses of 154 & 162 Maple Street, and 8 total parking spots would be created to serve them, with each apartment being allocated 1 garage parking space. Members LeBlanc stated that she believed the proposed project, specifically the front facing garages, would negatively impact the historical character of the area per §632.2 of the Bylaws. Mr. Macdonald said that the garages were proposed in the front of the duplexes because moving them to the rear of the buildings would destroy the backyard green space (that his long-term tenants prioritize) for the required parking. Mr. Macdonald added that he plans to have a pitched-roof and wood-like siding facing Maple Street to ensure that his new buildings fit in

with the character of the area. Member Blake asked if the front door entrances to the apartments would face Maple Street. Mr. McDonald said he was unsure at this juncture because an architect had yet to draw the duplexes, and what he submitted already met the requirements of the Zoning Bylaws without providing these additional details. Near the end of the hearing, abutting property owners Sheila Darrah and Mr. Macdonald discussed, but could not come to a resolution on, how to best fence or landscape their common boundary (from the northwest corner of the northerly duplex back to the ravine on the west). Member LeBlanc moved to approve the application as proposed. A vote of 5-2 affirmed the motion, with Members LeBlanc & Trudell opposed.

2. Applicant / property owner CM Real Estate LLC seeks §630 Conditional Use & §500 Site Plan Approval to amend Condition #8 of Permit 2020-053 that required a ground floor commercial use at 661 LaPorte Rd (Parcel 07007-2) in the Commercial Zone.

Applicant and property owner CM Real Estate LLC failed to appear before the Board for their request for §630 Conditional Use & §500 Site Plan Approval to revise Condition #8 of Permit 2020-053 that required a ground floor commercial use at 661 LaPorte Road, which is located on Parcel 07007-2 in the Commercial Zone. Member Trudell recused himself from this application because he was the architect of record for this newly constructed apartment building. Alternate Board Member Blake filled his seat for the hearing. Member Snipp also recused herself from the application as she did not sit for the previous two DRB hearings for this project. Mr. Thomas noted the applicant sent him an email earlier that morning requesting the hearing be continued until March. Board Members, by consensus, were disinclined to recess the hearing, because they viewed the application as a duplicate request from the 14 December 2022 DRB meeting. It was agreed that if the applicant had an issue with the ground floor commercial requirement (Condition #8) of DRB permit 2020-053, it should have been appealed at that time. Mr. Thomas said that this permit condition was not appealed, and it now runs with the land. Member LeBlanc moved to grant the applicant's request to modify Condition #8 of Permit 2020-053 (which required ground floor commercial use) as requested. The motion failed to carry by a vote of 1-5, with Member Wiltshire in opposition. The Board also instructed Mr. Thomas that if the applicant asked the Board to reconsider this decision or appeal it, it will be deemed a "successive appeal" under 24 VSA Section 4470 and it will be rejected without a hearing.

3. Applicant/landowner 2322 Laporte Road LLC requests §500 Site Plan Approval under §485 Extraction of Soil, Sand or Gravel in the Industrial Zone to add the Commercial Use to Parcel 12113 for approximately 12-acres of above-grade rock & gravel extraction from the wooded southerly section of 2322 LaPorte Road.

Garret Hirschak, Attorney Jim Mahoney, and Engineer Peter Smiar appeared before the Board representing applicant/landowner 2322 Laporte Road LLC who was requesting §500 Site Plan Approval under §485 Extraction of Soil, Sand or Gravel in the Industrial Zone to add the Commercial Use to Parcel 12113 for approximately 12-acres of above-grade rock & gravel extraction from the wooded southerly section of 2322 LaPorte Road. Engineer Smiar explained that the applicant was hoping to remove a wooded 12-acre knoll and ledge outcropping to bring the entire developable area of the parcel to roughly the same grade. He explained that some of the materials from said knoll would be used to build the road system within the future industrial park that will be located on this property, but extraneous earth resources from the removal of this knoll, which could yield up to 330,000 cubic yards of gravel and stone, would be sold commercially on-site. Engineer Smiar said that the depth of extraction would range between 8 feet and 40 feet, and the site would be reclaimed as a grass meadow, or a development site, at the end of extraction (after the knoll was removed). Member Burnham asked about the time frame for the gravel extraction and the corresponding blasting. Engineer Smiar said that the blasting and extraction would not be continuous, and be on an as-needed basis, but could last up to 10 years, and be conducted in two distinct phases. Member Snipp expressed

concern about the adjacent residential properties regarding this long timeframe for extraction and blasting (intermittent or not). Attorney Mahoney said that this time-period could be constricted to some extent if desired. Engineer Smiar explained how the extraction area would be screened from Route 100 and surrounding properties during the two-phase process. He added that the hours of operation for extraction of any earth resources sales would be from 7AM to 5PM weekdays and from 7AM to 1PM on Saturdays. Abutting property owner, and Interested Party, Patrick Towne expressed a desire for the applicant to ensure that the extraction and corresponding site work did not negatively impact his well. The applicant was open to this request even though Mr. Thomas said that water resources were regulated by the State and not the Town. Thea Alvin and Ron Stancliff also offered comments regarding the proposal, but they were not deemed to be Interested Parties. Member LeBlanc said that she would like to walk the subject property. Member Burnham moved to recess the hearing to 6PM on March 22nd, which would follow a Board site walk of the property the hour prior. Mr. Thomas reminded the audience that the newly scheduled site walk was not an open meeting available to the public because it would take place on private property. The applicant was asked to stake or flag the approximate road location to the extraction site, and the rough limits of the extraction area, for the site walk. A vote of 7-0 affirmed the motion. Mr. Thomas said he would send out recess notices to the applicant and Interested Party Pat Towne before the next hearing.

INTERVIEW CANDIDATES FOR OPEN DRB ALTERNATE SEAT

After interviewing Mary Lou Nichols and Lenny Wing, the DRB recommended that Mr. Wing be appointed to the open DRB Alternate Seat. It was noted that Mr. Wing and Ms. Nichols were the only candidates that actually interviewed from the half dozen people that initially expressed interest in the open DRB Alternate Seat. The Board Members agreed that both people were strong candidates, but the Board preferred Mr. Wing's experience with the permit process via his past work-life at Casella. Mr. Thomas said that he would ask the Selectboard and Trustee to schedule agenda items so this appointment can be perfected.

ADJOURN

The meeting adjourned at 9:10 P.M. - Respectfully submitted by Zoning Administrator Thomas

Please note all minutes are in Draft form and are subject to approval at the next Development Review Board meeting.

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