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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of February 22, 2007

Members Present: Gary Nolan, David Silverman, Karyn Allen, Theresa Breault, Jean Wickart, Carl Fortune

Members Absent: Paul Trudell

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: see attached list

Chairman Gary Nolan called the meeting to order at 7:30PM. On a motion by Theresa, seconded by Jean, minutes of the February 8, 2007 meeting were approved.

WARNED HEARING: ROBERT CLARK, PRELIMINARY PLAT APPROVAL, 3-LOT SUBDIVISION, WINTER STREET

Gary reviewed the application, to be considered under sections 249, 740, 770, 780, and 800-840 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Richard Paige and Carolyn Clark-Brown (representing the applicant) and adjacent property owners Matthew and Berta Pykosz and Adrian West.

The applicant proposes to create two 0.2-acre lots from a 1.8-acre parcel located on the corner of Congress and Winter Streets in the High Density Residential zoning district. The existing parcel contains a 2-unit residential structure and a retail shop. The two proposed lots, with frontage on Winter Street, would be served by municipal water and sewer services. The applicant's representative indicated that each lot would be developed with a single-family home.

Berta Pykosz asked if existing parking spaces on Winter Street used by the flower shop staff and customers would be displaced by the new lots. Richard Paige said the parking area might be partially reduced.

Adrian West noted that the area behind the proposed lots slopes sharply down to a marshy area on his property that flows into Potash Brook. He voiced concern that any fill brought in to create viable building sites on the lots might adversely impact this area, as well as possibly diverting additional storm water runoff into this ravine. He said that this hillside had been used by neighborhood children for decades and lamented the loss of access to this site that could result from its development.

Gary noted the lack of topographic information on the site plan and said the board needed this information in order to properly evaluate the proposal. He said he would like to do a site walk of the property once the snow melts.

David moved, and Jean seconded, to recess the hearing until April 26, at which time the applicant would present a revised site plan showing contour lines, parking areas, and storm water drainage provisions. The motion passed unanimously. A site walk of the property will be held the same evening. The applicant was requested to flag the corners of the proposed lots for the site walk.

WARNED HEARING: JOANNE GODFREY, PRELIMINARY PLAT APPROVAL, 2-LOT SUBDIVISION, STAGECOACH ROAD

Gary reviewed the application, to be considered under sections 264, 421, 740, 770, 780, and 810-840 of the zoning and subdivision bylaws. Theresa administered the sworn oath to Dick and Joanne Godfrey and adjacent property owners Dennis and Jane Muraro.

Joanne Godfrey owns a 5.67-acre parcel (#07-035) on Stagecoach Road, south of Morristown Corners. She proposes to subdivide the parcel into two lots while retaining a pre-existing 0.23-acre lot, which currently has a mobile home on it, within the current parcel as a separate lot. Lot 1 (2.73 acres) and Lot 2 (2.71 acres) would be served by the Morristown Corners Water Co-op. Each lot would have its own on-site wastewater disposal system. Both lots would be accessed by an existing driveway off Stagecoach Road, with a right-of-way across Lot 1 to Lot 2. The same driveway also serves the adjoining Baringer property by right-of-way.

The ZA advised the board that the 0.23-acre lot fell under the provisions of section 421 of the bylaws and state statute 24 VSA 4412.2 regarding the merger of pre-existing small lots. Specifically, such lots are deemed merged if they come under common ownership with a contiguous lot. While there are two separate deeds for the property involved in this application, under these provisions the two properties were merged when they came under common ownership. He added that the property is listed, and taxed, as a single parcel on the grand list.

The ZA explained that such lots may be 'un-merged' and convey separately if they met four criteria dealing primarily with provisions for water and wastewater systems on the lots. In this case, the property can meet three of the four criteria but fails to create appropriate easements on both the pre-existing small lot and the contiguous lot it has been merged with for replacement of a failed water or waste water system. This is needed to ensure that if the existing wastewater system on the small lot fails, there is a legal right to put a replacement system on the adjoining lot should there be no suitable area within the small lot.

The ZA stated that he had informed the applicant that without such an easement, the small lot would remain merged with the larger lot within the area of the proposed Lot 1 and could not be retained or conveyed separately. He also noted that the survey of the proposed subdivision indicated that the mobile home on the small lot lies partly outside of the original property line of that lot and that the lot size computation for Lot 1 did not subtract out the area for the existing and proposed rights-of way as required by the bylaws.

Dick Godfrey asked if board could allow them to retain the small lot with its original boundaries and proceed with the subdivision of the remainder of the property. He felt that

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having a wastewater easement for the small lot on Lot 1 would make it less desirable to prospective buyers. David advised that without the necessary easement required under the applicable bylaw, the board could not approve the application. He said that they could revise the plan to include such an easement and still be able to create the two lots as proposed.

David moved, and Karyn seconded, to recess the hearing until such time as the applicant submits a revised site plan with the necessary wastewater easement for the small lot and that calculates the size of the proposed Lot 1 with and without the areas of the rights-of way. The motion passed unanimously.

RECESSED HEARING: GREEN MOUNTAIN PROSTHETICS & ORTHOTICS (GMPO) INC, CONDITIONAL USE & SITE PLAN APPROVAL, MEDICAL SERVICES OFFICE & 2-UNIT RESIDENTIAL BUILDING, MANSFIELD AVENUE

Gary reviewed the application, to be reviewed under sections 235-239, 500, and 630-638 of the zoning & subdivision bylaws. The hearing was recessed on September 28, 2006 pending additional information on stormwater drainage provisions and potential health risks from materials used in the proposed medical services office. Theresa administered the sworn oath to Jim Davis (GMPO president), stormwater plan engineer Andres Torizzo, and adjacent residents Barbara Stevens, Chris Whipple, Elizabeth Carter, Richard & Heather Sargent, and James & Molly Pease.

Jim Davis reviewed reports from the Air Pollution Control Division of the VT Agency of Natural Resources and Workers' Compensation and Safety Division of the VT Department of Labor. The former report addressed potential pollution risks outside the proposed facility while the latter examined potential chemical exposure within the workplace environment. The Air Pollution Control Division report stated that no air pollution control permit was required as emissions of regulated hazardous air contaminants to be used in the proposed facility would be "well below" state action levels. The Worker Safety Division report, which included laboratory test results of air samples taken at the applicant's current site, found no exposures above OSHA Permissible Exposure Limits. The report did not state a specific conclusion regarding workplace exposure risk but did recommend use of ventilation controls, specifically a canopy hood, to remove any chemical exposures during the prosthetic fabrication process. Jim reiterated the infrequent use of this process, which he said was 1-2 days a month.

Andres Torizzo detailed the stormwater drainage plan. He noted that the project site falls below the threshold for requiring a state stormwater discharge permit. He stated that most runoff would be absorbed on site through infiltration into a grass swale along Mansfield Avenue and on the area that would remain grass covered. He estimated a very slight (0.6 cubic feet per second) increase in runoff leaving the site post-development. He also described construction-phase erosion control measures to be taken.

With regard to the fabrication process, Karyn asked if there would be any change in equipment or chemicals used from those that were evaluated in the current site. Jim said there would be no changes. He said the proposed facility would have a slightly large vent, which would incorporate the recommended canopy hood. Karyn then asked how close are the nearest neighbors at his current Stowe location. Jim said he's on a four-acre lot with no nearby homes.

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Molly Pease said she had reviewed the chemical exposure test results and questioned where in the Air Pollution Control Division report the correct data was reviewed. She presented a letter, which was read into the record, from her children's health care provider detailing their medical conditions and stating that it would be 'extremely detrimental to their health to have a (plastics manufacturing) plant' in close vicinity to their home.

Karyn asked Jim Davis if any other staff members are involved in the fabrication process; he said no. She asked if he was aware of any chemical exposure-related health problems at other sites or businesses doing the same type of work as his. He answered no again.

Barbara Stevens repeated her statements from the initial hearing opposing a professional business on a residential street. Heather Sargent echoed this view, adding that she did not think the proposed use qualified as a professional health care office, an allowable conditional use in the Special Use District.

Jim Pease commented on the storm water drainage plan, agreeing that there would likely be only a small net increase in runoff going into the ravine across Washington Highway on the Sargent property. He added that there is currently not much runoff going into that ravine. Noting that the proposed grass swale lies within the Mansfield Avenue right of way, he questioned whether the swale would encumber the ROW or otherwise interfere with road maintenance. Jim Davis responded that he'd checked with Morrisville Water & Light (who have utility lines above the ROW) and they had no objections.

Dick Sargent expressed concern about the amount of on-site runoff and roadway runoff that would be directed into the ravine on his property. He suggested modifying the plan by tying the proposed on-site drain system into the storm drainpipe running out from Copley Hospital.

Andres Torizzo said another option to reduce roadway runoff from entering the grass swale would be to place the top of the swale slightly higher than the edge of the road. This would allow roadway runoff to travel down to the Mansfield Avenue/Washington Highway intersection and then down Washington Highway, rather than being channeled into the Sargent property ravine via the proposed grass swale and underground drain.

Dick Sargent asked if the Highway Department had adequately reviewed and signed off on the application, noting that several details of the site plan had changed since it was first presented in the fall. Specifically, he wanted to know if the Highway Department had any objections to the installation of a subsurface drainage system within the road ROW.

David said he still was unsure if the proposed use was a professional health care office, given its materials fabrication component. He also questioned whether a mixed use (commercial and residential) structure could apply the minimum lot size density toward both uses concurrently. He said he was unclear about the conclusions of the Workers' Safety Division report and would like to hear directly from its author (Scott Meyer).

David moved, and Carl seconded, to recess the hearing to a deliberative session, to be held on March 7th. The motion passed unanimously.

On a motion by Jean, seconded by Theresa, the meeting adjourned at 9:55 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 4/12/17 DS/TB