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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of February 14, 2002

Members Present: Jean Wickart, David Silverman, Theresa Breault, Mary Brainard, Paul Trudell

Members Absent: Gary Nolan, Carol Jennings

Recorder: Mark Leonard, Zoning Administrator

Guests: John Rubino, Whitney Walker, Sonny Demars, Thomas Martin, Jeff Emerson, Lynette Shepard, Ken Sweetser, Eugene & Bernice Witmer

The meeting was called to order at 7:30 PM. by David Silverman, Acting Chair.

Theresa made a motion to approve the minutes of December 13, 2001, as written. Paul seconded the motion and it passed unanimously.

WARNED HEARING, CONDITIONAL USE, DEMARS PROPERTIES, THREE APARTMENTS AND SEASONAL STORAGE, LAPORTE RD

Theresa administered the sworn oath to Sonny Demars. David opened the hearing by reviewing the application. Demars Properties has purchased the former Sinow property on the corner of Laporte Road and Morristown Corners Road. The Sinows had maintained three rental apartments and had rented space in their barn for seasonal storage for a number of years. There were no records of permits for either of these uses. Demars Properties wishes to obtain a conditional use permit to continue these existing uses. Sonny said he intended to spruce up the property, but was not planning to expand any of the existing structures.

Theresa asked what size was the barn; Sonny replied that he thought it was about 4,000 square feet. Paul asked whether there would be a sign advertising the seasonal storage. Sonny said there is a permit for the small existing sign and that he would either replace that sign or file for a permit for any sign larger than the one there now.

Jean made a motion to approve the application as presented with standard conditions. Theresa seconded the motion. The motion was approved unanimously.

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WARNED HEARING, CONDITIONAL USE AND SITE PLAN REVIEW, GENESIS ELDERCARE, EIGHT FOOT PRIVACY/SECURITY FENCE, 72 HARREL ST

David opened the hearing by reviewing the application. Theresa administered the sworn oath to Lynette Shepard, Administrator of Genesis Eldercare Center.

Lynette Shepard explained that the application is for a fence that has already been installed. Due to miscommunication between Genesis and their fence contractor, the permit had not been applied for prior to the fence's installation. She explained the fence was to provide privacy and security for residents of the dementia ward at the center. Its height and design were required to meet various state licensing mandates.

Mary made a motion to approve the application as presented; Theresa seconded the motion. The motion, with standard conditions, was approved unanimously.

WARNED HEARING, CONDITIONAL USE AND SITE PLAN REVIEW, LOIS ATWOOD & DAVID SPEAR, DEVELOPMENT IN A FLOODWAY FRINGE AREA, OFF RT 100 IN THE VICINITY OF RYDER BROOK RD

David opened the hearing by reviewing the application. Mark advised that the applicant had not yet provided all necessary information to consider the application and recommended that the hearing be recessed to the next scheduled meeting on Feb 28, 2002.

David made a motion and Theresa seconded to recess the hearing to Feb 28, 2002. The motion was approved unanimously.

OTHER BUSINESS:

1. Eugene Witmer came before the board to ask for its opinion on his plans to expand the operating hours and services offered at the Mountain View Snack Bar on VT Rt 15E. Based on his stated plans, the board felt that an application for expansion of non-conforming use under section 435 could be favorably considered.
2. John Rubino came before the board regarding the proposed River Arts project using the Water & Light Dept buildings at the end of Lower Main St. Based on the planned uses of the facility, it does not fall under any of the permitted or conditional uses currently allowed in the Central Business District. Additionally, the site does not have space for the required number of parking spaces using the criteria in section 450. John stated that many of their planned activities would take place outside of normal business hours, when on-street parking and space in the Union Bank lot would be available. The board indicated it supported the project and would be willing to consider waiving some of the parking requirements. Several members stated that while one could stretch the definition of some existing conditional uses, an amendment to that district's list of conditional uses, adding 'community facilities' as defined in the bylaws, would better allow them to favorably consider the application.
3. John Rubino also addressed the board regarding the business he operates on his property on Randolph Rd. In 1999, he was granted a conditional use permit for two

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apartments, based on documentation that they were pre-existing non-conforming uses, and for a home business. He wants to have the board reconsider the home business use as a pre-existing, non-conforming commercial use so that should he no longer own the property, it could be continued as a commercial use. He indicated he now had documentation of the pre-existing non-conforming commercial use that was not available at the 1999 application hearing. The board suggested he submit any new documentation supporting his claim to the Zoning Administrator for review by the DRB who would then advise John how best to proceed.

PLAT REVISION, BIRCH HILL DEVELOPMENT CORP, BIRCH HILL SUBDIVSION, RANDOLPH RD

George Gay, representing Birch Hill Development Corp, appeared with a request for the board to review and approve a revised subdivision plat under section 760.2. The revised plat makes minor changes to Lots 1B and 1C of the previously approved Birch Hill Subdivision. The changes relocated the designated building sites on those lots in response to violations of the subdivision's Act 250 permit. Board members expressed concerns over the history of violations and issues associated with this development. Theresa indicated that she would prefer to have Gary Nolan review the plat revisions at the next meeting. George responded that they had a prospective buyer who wished to close on the property within the next week or so and that the developer hoped the board could approve the plat revision at this meeting. He laid out steps the developer had taken to satisfy the state Environmental Board and would provide copies of all agreements and documentation between the state and the developer.

Paul made motion, seconded by Theresa, to accept the revised plat. The motion was approved unanimously and David signed the plat.

WARNED HEARING, CONDITIONAL USE, SITE PLAN REVIEW, AND WAIVER, JEFF EMERSON , LIGHT INDUSTRY, RETAIL, OFFICE, AND STORAGE, 120 PLEASANT ST

David offered to recuse himself as his employer, Union bank, was involved in financing the proposed project. The board members agreed this was not necessary. David then opened the hearing by reviewing the application. Theresa administered the sworn oath to Jeff Emerson and Ken Sweetser.

Ken presented an overview of the project. Jeff is proposing to renovate the old United Farmers Creamery building at the foot of Pleasant Street for retail, light industrial, office, and storage use. A detailed scale model of the facility was presented. Potential uses would include a 70-seat restaurant, a health club, hair salon, laundromat, offices, and light industrial, similar to that which currently operates in the building.

Jeff would construct a 35'x60', four-story addition (approx 1350 square feet) onto the existing building and tear down the old Morrisville Water & Light building on the west side of the property, which he has purchased, to create additional parking space. Additional parking spaces on the east side of the building would be created on land purchased from the Riverside

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Cemetery. The end result would be a 27,000 square foot facility with five floors and 38 on-site parking spaces. Additional parking to meet the required 80-120 spaces, based on the potential uses, is available at three municipal lots within 400 feet of the building.

Jeff stated that VT Labor and Industry officials had reviewed the plan and it meets all their criteria. The building would meet all ADA accessibility standards and would be equipped with a sprinkler system to meet fire safety codes. Morristown Fire Dept Chief Reeve submitted a letter to the DRB stating that due to the height of the building, there needed to be fire lanes on at least two sides of the building. The site plan shows access on all four sides, with one-way traffic flow around the building.

The waiver being requested is of the 10' setback from adjoining properties. The south side of the lot abuts the VFW property along a steep embankment. Jeff seeks a waiver to 5' from the VFW property in order to widen the access space around the building on the south side. He would carve out the additional space from the embankment and erect a new retaining wall. He will submit a separate lot line change application regarding the adjoining Wayne Demar property.

Discussion among the members indicated that they felt this project would encourage additional downtown development and would enhance the area.

David made a motion, seconded by Theresa, to recess to deliberative session to consider the application. The motion was approved unanimously. Following deliberations, Theresa made a motion to approve the application as submitted, including the waiver of the setback from 10' to 5' along the south side of the property, with conditions. Mary seconded the motion. The motion was approved unanimously. Approval of the application is subject to the following conditions:

1. Applicant will plant three deciduous trees along the Pleasant Street side of the property

2. The permit will be reviewed at public hearings after one, three, and five years from the signing of the notice of decision.

The board came out of deliberative session at 9:55 PM. Mary informed the board that she was resigning due to other commitments. She expressed the hope that younger members of the community will become more involved in the DRB and other community boards. The other members thanked Mary for her service on the board and wished her well in her future endeavors.

David moved, and Jean seconded, to adjourn; motion was approved unanimously. The meeting was adjourned at 10:00 PM.

Respectfully submitted,

Mark Leonard, Recorder

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