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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of February 13, 2003

Members Present: Gary Nolan, Carol Jennings, Theresa Breault, Carl Fortune, David Silverman, Paul Trudell, Jean Wickart

Recorder: Mark Leonard, Zoning Administrator

Guests: Joe Blaisdell, Betty Blaisdell, Mark Godfrey, Pierre Couture, Pat Couture, Jason Couture, Peter Murphy, B.J. Murphy, Sam Ruggiano, Leon Whitcomb, Rhoda Bedell, Ernie Menard, Diane Nicholls, Georgiana Carr, Sue Grimes, Carol Collins, William Alexander, DanaWilder, David Bothfeld, Jim Pease, Paul McGinley (Town Administrator), William & Cynthia Gabaree

Chairman Gary Nolan called the meeting to order at 7:30 PM.

Theresa moved to approve the minutes of January 9, 2003. Jean seconded the motion and it passed unanimously.

WARNED HEARING: LAMOILLE COUNTY MENTAL HEALTH SERVICES, COPLEY HOUSE CONDITIONAL USE PERMIT ANNUAL REVIEW

Gary opened the hearing and gave an overview of the permit. Lamoille County Mental Health Services, together with Lamoille Housing Partnership and Copley Health Systems, was granted a Conditional Use permit in July 1999 to renovate the Copley House at 379 Washington Highway into a 20-bed residential mental care facility. The DRB's Notice of Decision, dated August 9, 1999, required reviews of the permit at one, three, and five year intervals from the date of opening. Theresa administered the sworn oath to Carol Collins and William Alexander.

Theresa asked if all conditions listed in the board's decision have been met. William Alexander stated that they had. Theresa noted that the Findings of Fact (item 6) stated that porches would be screened and that they do not appear to have been. Mr Alexander replied that this had been a minor modification to the plan since it was submitted.

Gary inquired as to the number of staff on duty at night. Mr Alexander said there were always at least two staff on duty through the night. Gary requested that a set of "as-built" drawings for the facility be submitted for the permit record file.

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The ZA reported that he was unaware of any complaints regarding the facility. He suggested that the board consider waiving the three and five year permit reviews.

David made a motion to approve the one year permit review and waive the three and five year reviews. Paul seconded the motion and it passed unanimously.

WARNED HEARING: MAYO/NICHOLLS LOT LINE ADJUSTMENT, 255 WASHINGTON HIGHWAY

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 254, 770, and 795 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Diane Nicholls.

Diane Nicholls explained that they wished to sell 322 square feet of their property along Washington Highway to the adjoining property owners Dwayne and Andrea Mayo. This is due to the fact that they have discovered that the Mayos' driveway is partially located on the Nicholls' lot.

The Nicholls' lot is .33 acres; the Mayo property is .8 acres. Minimum lot size in the Medium Density residential district where these lots are located is 8,000 square feet (approximately .2 acres). Transferring 322 square feet from the Nicholls lot to the Mayo lot will not reduce either lot below the minimum allowable size.

Gary noted that the site plan submitted did not show the location of existing structures and driveways and their associated setbacks. Mrs Nicholls responded that no new structures or driveways would be established as a result of this lot line adjustment. Gary replied that the new lot line boundary may result in the Nicholls driveway no longer meeting the 10 foot setback requirement. The ZA advised that under Section 405.4 the DRB may reduce or waive the setback requirements for driveways.

David made a motion to approve the lot line adjustment on the condition that a site plan showing all existing structures and driveways on both lots is submitted to the ZA and to waive the driveway setback requirement should the site plan show that the adjusted lot line is within the setback. Carol seconded the motion and it passed unanimously.

WARNED HEARING: GEORGIANA CARR, CONDITIONAL USE/SITE PLAN REVIEW, 3900SF RETAIL FACILITY, 887 BROOKLYN ST:

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 213, 214, 436, 450, 500, and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Georgiana Carr, Mark Godfrey, Adrian West, Betty Blaisdell, and Joe Blaisdell.

Georgiana Carr proposes to demolish the existing 32'x 30'structure on the property and replace it with a 38'x 112' metal-siding structure for retail sale of pools and spas. The existing gravel parking area along the south side of the property would be expanded to provide a total of 18 parking spaces.

Paul asked if any of the existing trees would be removed and if so, why. Mark Godfrey, the prospective buyer of the property, replied that several mature trees along the road frontage

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would be removed to improve visibility of the property.

Adjoining property owner Adrian West noted that some service vehicles have used his driveway to access the existing structure and was concerned that this practice would continue with the expanded structure. Mr Godfrey responded that all deliveries would be from the gravel parking lot on the opposite side from Mr West's property. Mr West requested that no waivers or reductions of setback requirements be granted with this application. Mr Godfrey noted that the existing structure is within the setback along Mr West's property by 4 feet and that the new structure would not be any closer than the existing structure.

Adjoining property owners Joe and Betty Blaisdell expressed concern that individuals parking in the gravel parking area might drive over their property line and use their driveway to exit the Carr property, rather than using the single entry/exit point on the site plan. Mrs Blaisdell said she was not concerned that the parking area as proposed does not meet the 25 foot setback so long as some provision for a barrier (landscaping, posts, etc.) along the common property line is made. Joe Blaisdell asked about the septic system, noting that the site plan did not show the location of any leach field.

Mark Godfrey stated that he did not need 18 parking spaces and only allowed for them on the site plan in order to meet the requirements in Section 452. He indicated that he could reduce the number of spaces and size of the area in order to meet the setback requirement if the board reduced the parking space requirements of section 452.

Gary noted existing problems in the vicinity of this property due to stormwater runoff. He said the plan as presented did not address how stormwater runoff from the expanded structure would be handled. He expressed reservations that the expansion of a non-conforming structure (due to the lot not meeting the minimum one acre lot size) was permissible under Section 432 of the zoning bylaws (ZA note: Section 421 addresses this issue). He said a more detailed site plan, showing the septic system, setbacks, and stormwater drainage plans, was required.

Carol requested that a site walk of the property be scheduled.

David moved, and Paul seconded, to go into deliberative session on this application following completion of all other business on tonight's agenda. The motion passed unanimously.

WARNED HEARING: MURPHY REALTY, CONDITIONAL USE/SITE PLAN REVIEW, 11,550SF RETAIL FACILITY & 14,025SF ADDITION TO EXISTING RETAIL FACILITY, AMES PLAZA

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 213, 450, 500, and 630 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Peter Murphy, B.J. Murphy, Sam Ruggiano, Pete Couture, Paul McGinley, Jim Pease, and Chris Ransom.

Sam Ruggiano of Cross Consulting Engineers described the proposal. Murphy Realty, owner of Ames Plaza, seeks to build a 11,550 SF retail facility on the north side of the property, between McDonald's and McMahon's. This facility would be leased to Kinney Drugs as a stand-alone store. The second phase of the project is a 14, 025SF addition to the rear of the existing 75,000 SF retail building currently occupied by Kinney's, Dollar Store, the Music Shop, and the vacant space of the former Ames. Murphy Realty proposes to extend the sewer line that serves

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the existing structure up to the proposed Kinney store, as well as connecting McDonald's and the BankNorth facility to the sewer line. Additional parking would be created along the northwest edge of the property just below McMahon's.

The ZA called the board's attention to a letter from the Morristown Town Administrator addressing several areas of concern. These included providing the town easements on the Murphy property to access the proposed sewer line extension and to be able to extend the sewer line north of the Murphy property on VT Route 15, ensuring access for emergency vehicles to the rear of the proposed expanded main building, and provisions for dealing with stormwater runoff from the property.

Mr Ruggiano informed the board that the original site plan had been amended to provide the requested sewer easements and a revised emergency vehicle route to the rear of the main building on the Brooklyn Street side. His clients agreed with the town's request to designate the area behind the bank, presently used for its septic leachfield, as a stormwater easement area (approximately 12,000SF) to be developed as part of a larger plan addressing stormwater runoff along Brooklyn Street. They suggested realigning the emergency vehicle access route away from this easement to preserve its use for this purpose. An alternate route between the bank building and the west side of the expanded main retail building was identified.

A second stormwater easement requested in the Town Administrator's letter, in the area where additional parking for the new Kinney store is planned, presented more of a challenge. While the property owners were amenable to reducing the parking area in order to provide for a stormwater easement, they stated that their prospective tenant (Kinney) required a certain number of spaces, which included this area. They noted that stormwater runoff from the net increase in impervious surface due to both proposed structures could be accommodated with the planned stormwater easement on the southwest corner (behind the bank) and by using infiltration systems at both structures.

Pete Couture, a downstream property owner, expressed concern over the additional stormwater runoff this proposal would generate. Jim Pease of the Agency of Natural Resources Water Quality Division advised the board that a plan has been developed for the overall Brooklyn Street stormwater runoff problem. This plan includes the proposed 12,000SF easement behind the bank. The plan was submitted as part of an Agency of Transportation enhancement grant request for funding. That grant request is currently on hold due to state budget constraints. He stated that the second stormwater easement on the northwest corner, while not directly dealing with runoff from the proposed development, would clearly improve the overall runoff problem along Brooklyn Street and draining into the Wilkins Ravine. He advised that his office would be reviewing the proposed development when it was submitted for ACT 250 review.

Jean inquired as to how large tractor/trailer trucks and recreational vehicles that currently use the plaza parking areas would be affected by the proposed traffic flow and parking area changes. The owners replied that these users do so mostly on the basis that adequate space is available, not because they have a right to do so. Once the changes are made, space for these larger vehicles will not be available. They suggested posting signs prohibiting parking by such vehicles when not engaged in some legitimate business on the property.

Paul asked how many total parking spaces where needed by the prospective retailers as opposed to the figure derived using the town zoning bylaws (Section 452). The owners

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responded that they could accommodate the bylaw requirement with the planned spaces on the site plan and by using additional spaces in the adjacent Price Chopper lot (also owned by Murphy Realty) for employee parking. They repeated their statement that large retailers have their own formulas for determining the number of spaces they would like to have and that more is better. Paul also expressed concern about pollutants leaching into the soil beneath the parking area.

Chris Ransom asked what was the net increase in paved area and what the total resulting paved area would be. Mr Ruggiano replied that the two new structures and associated parking would add about one third of an acre (approx 14,000SF) of additional paved area to the existing ten acres of impervious surface. Mr Ransom echoed previous concerns about pollutants and stormwater runoff, stating that there should be some pre-treatment of both items before it is allowed to drain into the soil. He added that he would like to see some landscaping over the stormwater drainage easement area. He was also concerned about traffic flow into and out of the new parking area on the northwest corner. Mr Ruggiano indicated that they could adjust the parking area entrance to minimize potential traffic problems at the plaza exit on Brooklyn Street.

Paul moved and Carol seconded to go into deliberative session on this application following completion of all other business on tonight's agenda. The motion passed unanimously.

OTHER BUSINESS:

The board reviewed and the Chair signed the final plat of the Grace Nichols lot line adjustment at 722 Darling Road.

Given the length of the meeting to this point, it was decided to defer the two deliberative sessions from this evening, as well as the two from the previous meeting, until February 27, when there were no new hearings scheduled. A site walk of the Carr property was scheduled for February 22.

On a motion by David, seconded by Paul, the meeting was adjourned at 10:00PM.

Respectfully submitted,

Mark Leonard, Recorder