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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of January 24, 2008

Members Present: Gary Nolan, Jean Wickart, Paul Trudell, David Silverman, Karyn Allen

Members Absent: Theresa Breault, Carl Fortune

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 Karyn, minutes of the January 10, 2008 meeting were approved.

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

Gary outlined the application, to be reviewed under sections 264, 340, 740, 780, and 800-860 of the zoning and subdivision bylaws. Gary administered the sworn oath to applicants Brian and Susan Benoit and adjoining property owners Helen Gaffney, Leonard Wing, Eugene & Elizabeth Kohan, and Barbara Damon.

Brian Benoit explained his plans to realign the boundaries between two adjoining parcels (# 16-111-7-4 and 16-111-7-6) he owns 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.

The ZA explained that the subdivision bylaws require that minimum lot size must be met without including any ROW on the lot. Brian said he is seeking approval for waivers of 9% and 7.5% of the minimum lot size for lots A and B, respectively, as permitted by section 264.1 of the bylaws

There are Class 2 wetlands around the perimeter of the proposed lots. The proposed site plan provides a fifty (50) foot buffer zone around the wetlands boundary. The proposed three single-family homes on the lots would be located outside of the wetlands and the buffer zone.

On-site wastewater disposal system leachfields for all three lots would be located on Lot C by easement. Each lot would have its own drilled well. The applicant is applying to amend the original state subdivision permit (EC-5-1406, issued in 1986) to update the state wastewater and water supply approvals.

Elizabeth Kohan expressed dismay that the two lots would be expanded to three, saying that her views would be obstructed. She presented a copy of deed restrictions that she said prevented the further subdivision of the existing lots. Gary explained that the DRB has no legal jurisdiction over deed restrictions and covenants and noted that the deed presented did not, in any case, appear to preclude subdivision of the property. The ZA explained how covenants and deed restrictions are intended to be enforced in civil court by the affected property owners.

Gary read a letter from Dr and Mrs Robert Hersh (adjoiners) into the record. The Hersh letter sought information and clarification of the developers' intentions for the lots, as well as how any violations of approvals would be acted on.

David asked the applicant why the proposed boundary lines were drawn as they were when there appeared to be more than sufficient acreage to create the third lot without requiring lot size waivers. He said he was not in favor of granting waivers when there were other options available that produced the same result.

Brian said the lots were laid out as presented to avoid the wetlands and buffer zones, provide suitable house sites on each lot, and allow for the on-site wastewater disposal leachfield area. He said he could re-draw the lines if necessary, but did not see how the requested waivers would cause any adverse environmental or aesthetic impacts.

David moved to approve grant preliminary plat approval of the project as presented, with the requested lot size waivers. Karyn seconded the motion. The motion failed, with two votes in favor, three opposed.

Paul moved to grant preliminary plat approval of the project without the requested lot size waivers, with the condition that the lot sizes be adjusted so as not to require waivers when presented for final plat approval. Jean seconded the motion and it passed unanimously.

WARNED HEARING: MORRISVILLE WATER & LIGHT DEPT, CONDITIONAL USE & SITE PLAN APPROVAL AND LOCAL ACT 250 IMPACTS REVIEW, SEWER PLANT EXPANSION, 279 SEWER PLANT ROAD

Gary outlined the application, to be reviewed under sections 253, 500, 632-637, and 660 of the zoning and subdivision bylaws. Gary administered the sworn oath to Craig Myotte and Jim Fontaine of the Morrisville Water & Light Department and project engineer Joseph Duncan of Forcier Aldrich & Associates.

Joe Duncan explained the details of the application. The Village of Morrisville owns a 2.6-acre parcel (#07-314) located between Bridge Street and the Lamoille River in the Village of Morrisville. The parcel contains a wastewater treatment facility operated by the Morrisville Water & Light Department, which serves users within the Village of Morrisville and the Town of Morristown. The plant's current processing capacity, using an extended aeration treatment system, is 425,000 gallons per day (gpd)

Water & Light seeks to expand the plant's capacity to 550,000 gpd and switch to a sequential batch reactor (SBR) treatment system. The expansion involves the construction of six new structures adjacent to existing plant buildings, with associated utility line improvements. The facility will be secured by a six-foot high security fence around the perimeter of the plant. Each new building will have motion-activated exterior lighting at each entrance.

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Due to road realignments associated with the planned Morrisville Alternate Truck Route (aka bypass), the existing single access point to the plant via Sewer Plant Road off Bridge Street will be abandoned. South River Street off Bridge Street will be improved and extended to the treatment plant as its sole access point.

The project requires an amended wastewater discharge permit, construction general storm water permit, and amendment to its state land use (Act 250) permit, which the Applicant has applied for.

Paul asked about flood plain issues. Joe said some portions of both the existing and proposed facilities lie within the 100-year flood plain but the structures are above the flood plain elevation.

David asked if there would be any increase in either odors or noise from the expanded Plant. Joe said that the current operation will very occasionally produce odors that are noticeable on nearby properties and that the new system would have very similar levels of odor. He said there would be no significant noise as all mechanical operations occur within enclosed structures.

David reviewed the municipal impacts criteria under Act 250 and concluded that the project would not create an unreasonable burden on the town's educational or other local government services and was in conformance with the Town Plan.

David moved to approve the application as presented. Paul seconded the motion and it passed unanimously.

The meeting adjourned at 9:00 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 2/28/08