

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of January 14, 1999

Members Present: Gary Nolan, Rich Furlong, Gary Nolan, David Silverman, Theresa Breault, Carol Jennings and Paul Trudell.

Members Absent: Tom Paine.

Guest: Steve Leach, Brian Greenia, Lee Sturtivant, Tina Teale, Larry Sweetser, Patrick McCulloch, Paul Newton, William Danforth, Robert Houle, Juliet O'Neil, Henry Tottenham, John Rubino, Whitney Walker, Douglas Jewett, Helen Lewis, Linda Wood, Duncan Nash, William Jaremczuk, Cindy Knouf, Lisa Darden, Ernie Ruskey

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

David a made a motion to approve the minutes of December 10 , 1998, with the addition of Gary Nolan to Members present, and 1,500 vehicles.

Theresa seconded the motion and it passed unanimously.

Rich made a motion to approve the minutes of December 17, 1998, with the addition of Gary Nolan's name to members present

Paul seconded the motion and it was approved unanimously.

**WARNED HEARING, TOWN OF MORRISTOWN, RECONFIGURATION OF
MUNICIPAL PARKING LOT ON PORTLAND AND PLEASANT STREETS SITE PLAN
REVIEW.**

Gary gave an overview of the application, it will be reviewed under the following sections of the Morrisville/Morrisville Zoning and Subdivision Bylaws: 205, 207.k , 450-452 and 500-503.4

Theresa administered the sworn oath to Brian Greenia, Steve Leach, Lee Strutivant, and Henry Tottenham, Gehrig Sprague

Brian Grenia gave an overview of the proposed parking lot changes. In discussion with the U.S. Postal Service the Board of Selectmen agreed to make some changes in the Municipal

Parking Lot. There was a parking study done in 1997, that made suggestions on how to reconfigure the parking lot to gain at least 20 spaces. The Portland Street entrance will be narrowed and marked one way which will be in only. The parking will go from 45 degree angle parking to 90 degree parking. The entrance will be narrowed and will have plantings in the islands. The parking will be resigned for 10 minute parking in front of the Post Office, 2 hour parking on Demars Block side and along the Puffer Methodist Church side with the remainder being all day parking. The postal workers will park in the VFW parking lot. Trucks delivering mail will come in off Upper Main Street where there is an existing access that will be marked private drive, delivery trucks only. The mail trucks will then back up to the loading dock and when existing they will exit through the municipal lot. The Post Office is designing the new Post Office to be able to handle tractor trailer truck even though for the foreseeable future they will use straight job trucks. When they start using tractor trailers two parking space will be lost. The town will be putting in granite curbing around narrowed entrance and along and new sidewalk from the Post Office to Pleasant Street. The egress near Hutchins Street will be moved south to allow for an easier swing onto Pleasant and Hutchins Street and it will line up with VFW Street. The Storm Drains will be upgrades and the parking lot will be repaved and restriped. The town will work to do a better job of signing and enforcing the parking lot.

Rich asked if the trucks have room to pull out?

Mr. Greenia responded that Bill Moulton is familiar with the turning radius and it will work.

Henery Tottenham asked if trucks can enter into the parking lot off Portland Street if the entrance is narrowed?

Mr. Greenia said they would still have room to enter off Portland Street.

David Nepveu who was not sworn in asked about delivery trucks and the problem exiting next to Hutchins Street?

Brian Greenia said that delivery truck would still be able to deliver to the stores and that because of concerns with the exit by Hutchins Street is being moved to the south.

David asked if the striping does not work out could it be changed?

Mr. Greenia said yes.

Paul asked if the islands especially the large one could be curbed with trees?

Brian said that for delivery truck the islands are painted and the curves would make it too tight for trucks. However, the town is will to work with Paul to plant trees along Hutchins Street

Theresa asked when the parking lot changes would be done?

Brian Greenia responded in the spring, but it is contingent on the Post Office moving to the Ben Franklin's location.

David made a motion to approve with our standard conditions and with a site plan that meets our requirements and show truck turning radiuses.

Theresa seconded the motion.

Paul asked that the trees along Hutchins Street be planted as part of the conditions.

David amended his motion to say that the town will investigate planting trees along Hutchins Street.

Theresa amended her second and the motion passed unanimously.

PRE-HEARING, WILLIAM O'NEIL TWO LOT SUBDIVISION COTE HILL ROAD.

Gary gave an overview of the application. The application will be reviewed under the Morrisville/Morristown Zoning and Subdivision Bylaws Sections: 720-720.4b and 770-7700.2.

Theresa administered the sworn oath to Juliet O'Neil and Paul Newton.

Ms. O'Neil gave an overview of the proposed project. They own 220 acres and wish to divide of a 80.1 acre parcel where Mr. Newton will build his single family dwelling with the second dwelling shown on the plans now will not materialize.

David made a motion to rule that this subdivision met the town plan.

Paul seconded the motion and it passed unanimously.

WARNED HEARING, MURPHY REALTY CO., 11,000 SQUARE FOOT RETAIL STORE, MORRISVILLE PLAZA, CONDITIONAL USE AND SITE PLAN REVIEW.

Gary gave an overview of the application. The application will be reviewed under sections 210, 213.a, 450-454, 500-503.4 and 630-637. The applicant has request that the hearing be recessed until February 11, 1999 as the final details have not been worked out.

David made a motion to recess the hearing to February 11, 1999 at 7:30 PM in the Town Clerk's Office Building.

Paul seconded the motion and it passed unanimously.

WARNED HEARING, TINA TEALE, D/B/A PEREGRINE PARCEL, ROUTE 15 WEST, CONDITIONAL USE AND SITE PLAN REVIEW.

Gary gave an overview of the application. The application will be reviewed under Sections 210, 213.a, 450-454, 500-503.4 and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath to Tina Teale and William Riley.

Mr. Riley gave an overview of the proposed project. Ms. Teale will be using half of the WLVB radio station building around 1,100 square feet. This is the former location of Lamoille South's alternative school. Ms. Teale is in the mail processing business.

Ms. Teale explained that she does mailings for her customers and she is a UPS agent. She see about ten to fifteen cars per day except during December when it jumps to fifty to sixty cars per day. The Post Office rural carrier picks up daily and UPS picks up daily as well. They pick up the mailing from their customer except for four to five who drop stuff off. They are open from 8:30 AM to 5:00 PM Monday through Friday. Occasionally they will work on a Saturday, but they are not open to the public. The parking lot can be made larger if needed.

David made a motion to approve with our standard conditions and a 1,3, and 5 year review.

Rich seconded the motion and it passed unanimously.

WARNED HEARING JOHN RUBINO, APPEAL OF THE ZONING ADMINISTRATORS DECISION ON NEED FOR ZONING PERMITS, RANDOLPH ROAD.

David and Ken recused themselves do to a conflict of interest and left the room.

They have no permits for the three apartments and other buildings. Mr Rubino said that he as the applicant had permit 98-133 and Thomas Michelson was the owner, and it was issued on October 13, 1998. The Zoning Administrator informed Mr. Rubino he needed proof under Bianchi that the building even though they never got permit that still no permit is needed. The Zoning Administrator spoke to the town attorney and VLCT and it is the Applicant who needs to make the case that no permits are needed.

Mr. Rubino presented a statement from John Duffy about the property.

Ken is to forward it to the town's attorney.

The DRB will wait to hear their attorney's opinion and will respond to Mr. Rubino's request.

WARNED HEARING, NORTH COUNTRY ANIMAL LEAGUE, ANIMAL SHELTER, LAPORTE ROAD, CONDITIONAL USE AND SITE PLAN REVIEW.

Gary gave an overview of the application. The application will be reviewed under Sections: 260, 263.e, 450-454, 500-503.4, and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws

Theresa administered the sworn oath to William Danforth, Douglas Jewett, Helen Lewis, Linda Wood, Duncan Nash, William Jaremczuk, Cindy Knoff, Lisa Darden and Ernie Ruskey.

Linda Wood gave an overview of the proposed project. They are back with a smaller project and they are using an existing chiropractor office and the project is more barn looking to fit in with the neighboring barns. They have made changes in the philosophy they will have fewer kennels and will put a larger effort into getting more animals adopted. They will keep the ten acre field where they were originally going to be located open and will use it for their septic system. They will be using an existing driveway, building, parking lot.

Ernie Ruskey continued with the overview. The project is 400 feet south of their original proposal and they would exchange permits. The project has a leaner feeling as the new building will be orientated east/west with the narrow end of the building will be facing the road as opposed to the original plans where a building was north South with the long side facing the road. This will lessen the impact on Route 100 (Laporte Road). They will have eleven parking spaces including

one handicap space. The design is to look like a barn and it will be painted red to match the Ryder Brook Stables. They will have sixteen kennels for dogs and 28 cat cages. The power poles will be relocated and they will go underground from the new pole location along the driveway. The septic system is smaller with less animals, they now need only 1,500 gallons per day. The planting plans has been slide over and they are proposing 22 native hardwood trees, 10 native softwood trees and about 40 shrubs. The dog turnout will have six foot walls on the north and west and open fence facing the rear and the building. The facility will have an STC rating of 45. They are willing to have most of the conditions from the original permit on this location with the exception of they would like to have trial period to be allowed to have window that can opened in the kennel. If problems arise they will fix them shut. There ours will be 10:00 AM to 5:00 PM five days a week, 10:00 AM to 7:00 PM one night a week and 11:00 AM to 2:00 PM on Sunday. They have no plans for the ten acres at this time possible a walking path. They hope to come back latter for a community room to be used for meeting and education. They may be called upon under Federal Emergency Management Agency's Project Impact to house pets during natural disasters, in crates outside the kennel area while the people are in emergency shelter, where they are not allow to bring their pets with them. In most areas there is a double wall design to keep the sounds inside. The dogs kennels are designed so that dogs can not see each other in the kennels and when the dogs are taken to a "get acquainted area" where dogs and prospective owners meet. The dogs will be hand walked in the dog turn out.

Mr. Danforth asked about the air exchanger would it produce smells.

Mr. Ruskey said the air exchanger is filtered so smells will not be a problem.

Mr. Juremczuk asked about the materials in the existing building would they meet the STC rating of 45?

Mr. Ruskey said probably, but the permit only calls for the kennels to be built to a 45 STC rating and they will be doing that.

Mr. Juremczuk asked about how the difference in elevation will effect the sounds as it will be higher than the approved location.

Mr. Ruskey said they will be upgrade but now will have double walls in the kennels and they are 400 feet farther away.

Mr. Juremczuk asked about the dog turnout on his side of the building and why was it not behind the building.

Mr. Ruskey responded that the orientation has not changed and it probably can be moved to the rear of the building.

Mr Jewett a neighbor stated he opposes the project.

Mr. Juremczuk asked about the ten acre open field what are the plans for that since they are still buying it.

Ms. Wood said it would be used for their septic system and they have no plans at this time, possibly a walking path for people and people with dog, but that is down the road as they have no real plans for construction other than the septic system.

Mr. Juremczuk asked about Mr. Ruskey's statement the permits would be exchanged.

Mr. Ruskey replied that maybe he did not use the right verbiage they only need one permit.

David asked if the North Country Animal League would agree to a condition if this permit

is approved that the permit approval for the original location would become null and void.

Mr. Ruskey said yes.

Mr. Juremczuk asked for a recess so his people could review the project and present reports back to him.

Gary asked that Mr. Ruskey have his sound expert review the new plans and asked Ken to send the plans to the Town's sound expert.

David made a motion to recess the hearing until February 4, 1999 at 7:30 PM in the Town Clerk's Office Building.

Theresa seconded the motion and it was approved unanimously.

Other Business:

Larry Sweetser: Informal discussion on what he can and can not do out of his house and garage. Ken recused himself as it is a conflict of interest and left the room. He is allowed to sell 11 cars per person residing at his house without getting a used car dealership and he can sell all the registered vehicles he wants. The DRB said it could not approve a commercial dealership at his location. They will allow him to put up to three unregistered vehicles out front with for sale signs and registered vehicles.

William Mace: Request to use a small portion of his building for a commercial use other than his own. The Board determined that his existing business is a grandfather business and they can not allow a new business to be added.

North Country Animal League: Steve Stitzel wishes to know if the DRB wants to defend it decision. The Board wish to put it on hold until they finish with their current request (a new location) if approved the appealed permit will become void. The DRB will defend the approved permit if the new application is turned down or if the new application is granted approval and it is appealed.

David made a motion to adjourn at 10:55 PM.

Paul seconded the motion and it passed unanimously.

Respectfully Submitted,

Kenneth J. Sweetser, scribe