Morristown/Morrisville Development Review Board
P.O. Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of January 12, 2017

Members Present: Karyn Allen, Susanna Guthmann, John Gloss, Gary Nolan (Chair), Paul Trudell & Chris Wiltshire
Members Absent: Brian Irwin & Theresa Breault (alternate)
Staff: Todd Thomas, Zoning Administrator
Signed-in Guests: Sandy Camley, Suzanne Plante, James Westerman, Kevin Kelley, Bob Heanue, Terry Hirchak, Del Heath, Fred Rossman, Sharon Rowell, Max Paine, George Bambara, Leslie Black, Graham Govoni, Joe Greene, Chris Austin, Maureen Davin, Lee LaBier, Judy & Heidi Nepveu, Matt & Kelly Ebert, Melissa Wing. Mark Sutton of Copley Hospital participated in the local proceeding by providing written remarks regarding the CHSLV medical building project. Andrew Strniste attended the hearing to speak to the Board about becoming an alternate thereof. The Board determined that Mr. Strniste was well qualified to serve in that role.

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:32 PM. Member Allen moved to approve the September 22nd meeting minutes. The motion was affirmed by a vote of 4-0-2 with Members Guthmann and Trudell abstaining. Member Guthmann moved to approve the December 8th meeting minutes. The motion was affirmed by a vote of 5-0-1 with Member Allen abstaining.

Hearing: 380 & 380 Fitzgerald Rd, (Mason) §750 final 2-lot subdivision approval
Suzanne Mason Plante appeared before the Board requesting §750 Final Plat Approval to create a lot line between the two existing houses at 380 & 382 Fitzgerald Road on parcel 13-147 in the §260 Rural Residential Agricultural Zone. Mr. Thomas added that a state wastewater permit for the subdivision would be needed, but otherwise it was a complaint subdivision application that simply placed a lot line between existing houses. He recommended the Board approve the application. Member Nolan confirmed that the proposed lot met the 2.0 acre minimum lot size after subtracting out the area of new right-of-way. Zoning Administrator Thomas said that it did. Member Trudell moved to approve the proposed Fitzgerald Road subdivision with the Board's standard conditions. The motion was affirmed by vote of 6 to 0.

Hearing: 609 Washington Hwy, (CHSLV) §500 SPA, healthcare facility use & new building
Kevin Kelley, Engineer Chris Austin and Architect Joe Greene appeared before the Board on behalf of Copley Health Services Group requesting §500 Site Plan Approval to add the Health Care Facility use to parcel 24-19-7 at 609 Washington Highway for the construction of a 19,800 ft2 medical building in the §235 Special Use / Hospital Zone. Architect Joe Greene explained the project was located on an undeveloped 4 acre site and it included 131 parking spaces even though only 108 parking spaces were required by the Bylaw. He said that the proposed utilities, including the propane tanks, would be located underground and the exterior lighting would be housed in cutoff fixtures with LED bulbs. He further explained that many of the proposed parking lot islands were designed to collect and attenuate stormwater and that, thanks to good soils, all stormwater could be attenuated on-site. Mr. Thomas added that he received an email

from Mark Sutton of Copley Hospital asking that the proposed crosswalk across Washington Highway be more perpendicular across the road. The Board and Architect Greene discussed this request. It was decided that most people leaving the site will be walking toward the hospital and would likely cut the corner in getting there, which is approximately the route shown on the site plan. Mr. Greene said that the proposed medical building was designed for 49 employees, but that many of these employees would be relocated from other CHSLV properties already in town. The Board spoke about the proposed cupolas and American flag by the entrance. It was decided that they should both be lit, but be on the same night timer as the rest of the site's lighting. Member Trudell moved continue this discussion in Deliberative Session. That motion was affirmed by a vote of 6-0. At the conclusion of the Deliberative Session discussion, the Board moved to approve the project as proposed, provided that both entrances to the fire-lane be signed to deter cut-through traffic and that 2 additional handicapped parking space be added to the site plan. A vote of 6-0 affirmed the motion.

Hearing: 65 Portland St, (Treatment Assoc.) §500 SPA for permit relief and 1-year review

Treatment Associates appeared before the Board for its one-year permit review requesting the deletion of condition #9 of Site Plan Review Permit 2016-016 that required that day in which the doctor dispenses prescriptions be changed from Tuesday to Friday for its substance abuse clinic at the Mt. Vernon Lodge, parcel 21-043, at 65 Portland Street in the §205 Central Business Zone. Member Wiltshire recused himself from the discussion and sat in the audience because he was a member of the Lodge. Fred Rossman and Dell Heath, representing Treatment Associates at the hearing, said that their business was not creating a parking problem because they generally only see one patient at a time. Mr. Heath said that half of Treatment Associates' patients do not drive. Mr. Rossman said that the recently designated 2-hour parking spaces behind the building are adequate for Treatment Associates' parking needs. Chair Nolan asked how many patients typically frequent Treatment Associates on a given Tuesday. Mr. Rossman said he sees 30 to 40 patients on a given Tuesday, but most of these appointments are turned-over relatively quickly. He added that there are also group meetings at 1 & 3 PM on Tuesdays with up to 10 patients in each group meeting. Mr. Heath said that Union Bank employees consistently park all day in the Brigham Street municipal parking lot and create a much bigger parking problem than Treatment Associates' patients do. He added that he typically sees Union Bank employees parking for the full day in the designated 2-hour parking spots that are on land owned by the Lodge. He added that it would be helpful if the police would enforce this 2-hour parking. Mr. Rossman said that he was open to encouraging his patients to park across the street in the Copley municipal parking lot. Kelly Ebert, representing the dental clinic adjacent to Treatment Associates, said that the patients for Treatment Associates tend to loiter in the area and take up parking spots unnecessarily while doing so. Attorney Graham Govoni agreed with Ms. Ebert and said that Treatment Associates patients hangout at the back corner of the Lodge and overuse available parking while doing so. He said he is very concerned with adequate emergency vehicle access on Tuesdays as a result. He added that he no longer schedules real estate closings on Tuesdays because his law firm's clients would have nowhere to park. Attorney Leslie Black reminded the Board that Treatment Associates was required to move its doctor visits to Fridays instead of Tuesday to better share the Brigham Street parking resource because Friday was the day the dentist office is closed. Ms. Black also expressly concerned with the patients hanging out behind the Lodge and in the parking lot unnecessarily. Mr. Heath responded that Tuesday was not an

intensive client day at Treatment Associates due to the lack of multiple larger meetings. Member Gloss said that it is clear to him that Treatment Associates has outgrown their space at this location and they should move to bigger space. Judy Nepveu blamed the town's downtown revitalization efforts for the lack of parking. Terry Hirchak said that Union Bank employees are to blame for the lack of parking in the Brigham Street municipal parking lot and said that Treatment Associates should not be held singularly responsible for that. Judy Nepveu agreed and that said the Union Bank employees should not be parking all day in spaces assigned as two-hour parking. Mr. Thomas noted that, in addition to not changing the doctor day, Treatment Associates was also out of her compliance for not having a Knox Box installed on the property as of yet. Ms. Hirchak said that she would get a Knox box installed in the next week or so. Mr. Thomas thanked her for that. Member Gloss said that he is dismayed that Treatment Associates has not met multiple permit conditions after almost a year. Member Trudell moved to enter into Deliberative Session to discuss the one-year review and the requested permit relief in more detail. Attorney Govoni reminded the Board that Treatment Associates should have appealed this permit if they had a problem with condition number nine regarding the day in which the doctor visits to write scripts. That motion to enter into Deliberative Session was affirmed by a vote of 5-0. At the conclusion of the Deliberative Session discussion, Member Trudell moved to delete condition number 9 from the existing permit provided that Treatment Associates ask its patients to park in the Copley municipal parking lot when possible, that Treatment Associates staff never park in the Brigham Street municipal parking lot, that Treatment Associates staff aggressively monitor the loitering and parking situation in the Brigham Street municipal parking lot and that this permit shall be subject to a 3, 6 & 9 month review. A vote of 4 to 1 affirmed the motion.

Recessed Hearing: 334 Magoon Rd, (Wing) §740 preliminary 6-lot subdivision approval
Applicant/landowner Melissa Wing reappeared before the Board requesting §740 Review and Approval of a Preliminary Plat to create 4 new subdivision lots and a new private road right-of-way from a 25.3 acre tract of land located at 334 Magoon Road (undeveloped parcels 12-043 & 12-044) located in the §260 Rural Residential Agricultural Zone. Mr. Thomas said that this hearing was previously recessed in December to allow Board Members to conduct a site walk. Chair Nolan discussed walking the property and commented that proposed lots had nice views and would make for good house sites. The Board discussed the request from the Fire Chief for a fire pond and dry hydrant. The Board agreed to require a fire pond and dry hydrant and decided that it should be in place before the third subdivision lot is built upon. The Board also decided to require the applicant to build a swale at the intersection of Wing Road and Magoon Road to take water away from this area. Member Trudell moved to approve the preliminary subdivision as proposed provided that the aforementioned swale and fire pond be included therein as conditions of approval. The motion was affirmed by a vote of 5-0-1 with Member Allen abstaining because she was not present for the original discussion.

Recessed Hearing: 887 Brooklyn St, (Madadashcar) §630 CU & §500 SPA Carquest re-use
The Board continued the Deliberative Session discussion of Madadashcar LLC's request for §630 Conditional Use & §500 Site Plan Approval to add the §483 Motor Vehicle Sales & Repair Facility use for car repair in the former Carquest building owned by LH&A Realty on parcel 20-028 at 887 Brooklyn Street in the §210 Commercial Zone. Mr. Thomas said that he received a revised site plan for the project that complied with the Board's landscaping and sidewalk

requests from the December hearing. Member Wiltshire moved to approve the project as depicted on the revised site plan while additionally requiring a one-year review (if needed) and requiring that the plantings be in place by 1 June 2017 and the sidewalk be in place by 1 July 2017. The motion was affirmed by a vote of 5-0-1 with Member Allen abstaining because she was not present for the original discussion.

The meeting adjourned at 10:00 P.M. - Respectfully submitted by Zoning Administrator Thomas