

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

January 12, 2012 Meeting Minutes

Members Present: Theresa Breault, Brian Irwin, Ron Stancliff, Paul Trudell & Jean Wickart

Members Absent: Karyn Allen, Gary Nolan & Chris Wiltshire

Recorder: Todd Thomas, Zoning Administrator (ZA)

Acting Chair Trudell called the meeting to order at 6:30 PM. The Board tabled approval of the August 25, 2011 meeting minutes. Member Breault moved to approve the October 13, 2011 meeting minutes. The motion was affirmed by a vote of 4-0-1, with Member Trudell abstaining.

WARNED HEARING: VT Acer LLC, 37 Industrial Park Dr, §500 SPDA & §630 CU

Acting Chair Trudell recused himself from the hearing because his architecture firm drew the submitted site plan. ZA Thomas said that the application required §500 Site Plan Development Approval & §630 Conditional Use for property owner Vermont Acer LLC, who was seeking approval to construct a 30,800sf addition to its existing warehouse building at 37 Industrial Park Drive on parcels 22-014 & 22-015 in the §230 Industrial zone under uses: Commercial Use, Direct Sale of Goods Produced On-Site, Manufacturing, Warehouse and Storage Facility & Wholesale Distribution. Ira Marvin and John Kingston were present representing Vermont Acer LLC and explained the proposed Butternut Mountain Farms expansion. Member Breault asked if the expansion would allow the hiring of new employees. Mr. Marvin replied that approximately 5 new employees may be hired, but that the proposed site plan, with its 84 parking spaces could more than accommodate any extra parking needs created by the expansion. ZA Thomas noted that the site plan calls for LED lighting and said that he confirmed with Mr. Marvin prior to the hearing that the proposed lighting would be down shielded. ZA Thomas asked the Board Members if they were contemplating any conditions of approval. ZA Thomas said that conditions should be added regarding landscaping and screening the dumpster locations. Member Irwin moved to accept the application as stated with the discussed conditions. A vote of 4-0 affirmed the motion.

WARNED HEARING: Walton Rd Parcel 07-082, §320 Flood Hazard Area & §630 CU

Acting Chair Trudell opened the hearing under §320 Flood Hazard Area for property owner Edwin Roworth (executor Virginia A. Dallin) who was seeking a §321.1 Floodway certification, a §326 Flood Hazard Area Variance and a §630 Conditional Use allowance for a Dwelling Unit, Single-Family use in the RRA zone on parcel 07-082 at 0 Walton Rd. ZA Thomas said that Thomas Wawrzeniak of Vermont Land Design was present to represent the applicant. Acting Chair Trudell explained that Mr. Wawrzeniak sometimes does consulting work for his architecture firm, but said that he was not involved in this project and believed that he could act impartially upon the application at hand. ZA Thomas said that he referred this application to the Board because the prospective buyers could not locate a house site on the eight acre property that was outside his mapping software's flood zone layer. Mr. Wawrzeniak explained that he recently completed topographical survey work on the property and that the house site, as proposed on the site plan, was outside of the flood zone. Mr. Wawrzeniak confirmed that no site work for the proposed home would take place in the Flood Zone A. Mr. Wawrzeniak also

confirmed that he intended to seek a FEMA flood zone map update for the property in question in the coming months. ZA Thomas said that if the FEMA map update was not done, the prospective homeowners would have to pay mandatory flood insurance in perpetuity when the proposed house site was apparently outside the flood zone. ZA Thomas added that the certification and the variance that the Board was being asked to grant would likely be unnecessary if the FEMA map update had already taken place. Member Breault moved to grant the requested floodway certification, the requested variance and the requested conditional use. A vote of 5-0 affirmed the motion.

WARNED HEARING: McCormick, 0 Chaffee Rd, Appeal of Zoning Administrator Action

Acting Chair Trudell opening the hearing and said that under §640 Appeals, property owners Joseph and Christopher McCormick were appealing the Zoning Administrator's decision to deny the issuance of a zoning permit on parcel 11-081 at 0 Chaffee Road in the RRA zone. ZA Thomas said that the requested zoning permit, for an otherwise conforming Dwelling Unit, Single-Family use, was denied due to the parcel's lack of adequate access under §422 (25 foot wide private right-of-way provided versus 50 foot wide right-of-way required). Attorney Becky Olsen, representing the applicant, addressed the 25 foot wide right-of-way across the Lee parcel and said that it had become apparent that her clients also lacked the right-of-way across the Chaffee Farm parcel necessary to access the end of Chaffee Farm Road. Attorney Angela Ross and Steven Mason, representing Chaffee Farm, agreed and said that the McCormick parcel was landlocked. Abutting property owners Alfred & Margot Leikert expressed flooding concerns with new development. Member Stancliff said that he believes that the land under the existing 25 foot wide right-of-way was conveyed to the McCormick's, as opposed to the McCormick's simply gaining right-of-way rights. After a lengthy discussion, Member Irwin moved that the 25 foot wide right-of-way across the Lee parcel to the McCormick parcel, granted in December 1973, at a time when no zoning was in effect, was grandfathered and usable for access. A vote of 5-0 affirmed the motion. Member Irwin moved to uphold the Zoning Administrator's denial of a zoning permit on parcel 11-081 at 0 Chaffee Road because there was no deeded right of way from the Town road to the Lee parcel. A vote of 5-0 affirmed the motion.

DISCUSSION: North End Circulation Study Master Plan

ZA Thomas reviewed the one page executive summary of the North End Master Plan that he prepared upon request of the Planning Commission. ZA Thomas discussed the report's findings with the Development Review Board, as well as the projected impacts of Bypass construction on the district. ZA Thomas noted that Brooklyn Street was projected to see an 80% decrease in traffic and that Bridge Street (between Brooklyn Street and the Bypass) was projected to see a 252% increase in traffic, both as the result of Bypass construction. Members discussed traffic and access issues on the section of Rte 100 directly south of its intersection with Rte 15. ZA Thomas said that access management standards should be added to COM zoning to avoid recreating this high traffic area on the section of Rte 15 east of the intersection with Rte 100.

The meeting adjourned at approximately 8:00 P.M.
Respectfully submitted by Todd Thomas, ZA