

Morristown/Morrisville Development Review Board
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Meeting Minutes of January 10, 2018

Members Present: Members Karyn Allen, John Gloss, Susanna Guthmann, Gary Nolan (Chair), Paul Trudell, and Chris Wiltshire

Members Absent: Brian Irwin, Theresa Breault (alternate), and Andrew Strniste (alternate)

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests: William Burritt, Nicole Maddox, Jennifer Stearns, Tell Gregory, David Hartwell, Abigail Lucia, Marc Cote, Diane Cote, Aislynn Bunch, Taraleigh and Dan Weathers

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:32 PM. Member Trudell moved to approve the November 8th meeting minutes. The motion was approved by a vote of 4-0-1, with Member Gloss abstaining because he had to recuse himself from the last hearing because he lived on the subject property.

Hearing: Upper Main Street, §630 CU & §500 Site Plan for Multi-Family use (Hartwell)

Applicants/landowners David Hartwell & Abigail Lucia appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval to add a 3rd apartment at 259 Upper Main Street, parcel 21-001, via the Dwelling Unit Multi-Family Use in the §225 Mixed Office Residential Zone. Mr. Hartwell said that the 3rd apartment, which would be approximately 700ft² in size, would be created by reducing the amount of office space being leased, as well as converting some unused space into living space. Member Trudell wanted the 8 total parking spots needed for the property shown on a site plan of the property. Mr. Thomas said that any multi-family conversion requires the recording of a survey and that survey, when completed in the spring, can easily be modified to become the needed site plan to show the parking. Chair Nolan said that he would like the width of the driveway to this property reduced as a condition of approval. Member Trudell said that he wanted two street trees added to this project as a condition of approval. Member Wiltshire moved to approve the project as proposed, requiring the aforementioned survey, driveway width reduction, and two street trees as conditions of approval. The motion was affirmed by a vote of 6-0.

Hearing: 456 Jersey Heights, §460 Home Business for donut sales (Stearns)

Applicant/landowner Jennifer Stearns, along with her tenant, Nicole Maddox, appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval for a §460 Home Business use for a cake and donut shop at 456 Jersey Heights, parcel 23-040, in the §255 Low Density Residential Zone. It was noted that the home business hearings were warned under §460 and not §415, but that the intent of the warning was clear. Chair Nolan started the hearing by reading an abutter letter into the record from neighboring property owner Bob Heanue, who was opposed to the home business request. Jennifer Stearns countered the letter by saying that she does in fact live on the property and that she does have a role in the business, including cake delivery, tasting, and menu creation. Nicole Maddox added that her main business is North Country Cakes for weddings (which are delivered off site) and that the request to have retail donut take-out sales on Saturday morning is a small part of her business. She said that if she does well with the donut pop-up shop that she hopes to grow her bakery into a retail store in

downtown Morrisville. Ms. Maddox presented her VT Dept. of Health certificate to the Board and said that she is currently meeting all State requirements, including cooking, oil storage, etc. She added that she will not be using any of the barn as part of the home business, just the kitchen and front porch. The Board confirmed that the kitchen and porch were within the 25% home business threshold. Ms. Maddox said that the only part of her business that needed a home business permit were her selling donuts from 9-12 on Saturdays. In order to retain the residential character of the neighborhood, it was agreed that there would be no tables in the donut shop, coffee will not be sold, and that the roadside sandwich-board sign could only remain out during the three hours that the donut shop is open for take-out business. Member Trudell moved to approve the project as proposed with the following conditions of approval:

1. the donut shop hours of operation are limited to Saturdays from 9am-12pm;
2. the donut shop sandwich board sign shall only be out by the road when the shop is open;
3. no coffee shall be served with the donuts as this is a take-out operation; and
4. no customer seating shall be allowed in the donut shop;

The motion was affirmed by a vote of 5-1.

Hearing: 3062 Elmore Road, §460 Home Business for massage therapy (Cote)

Applicant/landowner Diane Cote, her husband Marc, and their daughter Aislynn Bunch appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval for a massage therapy §460 Home Business at 3062 Elmore Road, parcel 09-005-1, in the §260 Rural Residential Agricultural Zone. Member Trudell said that his architectural firm designed this house. Member Guthmann said that she is a client of Ms. Bunch. Nevertheless, both Members said that they felt they could judge this application impartially. Ms. Bunch said that she would be using the third bedroom in her new home for the massage therapy business, which is approximately 6% of the total home's size. Upon a question by Member Allen. Ms. Bunch said that her hours of operation would be Mondays from noon to 8pm, and Tuesday through Friday from 9am to 6pm. Ms. Bunch said that no new lighting would be added for the business. Member Trudell moved to approve the project as proposed with the stated hours of operation and a limitation on no more than 4 customer parking spaces. The motion was affirmed by a vote of 6-0.

Hearing: 1174 Park Street, §460 Home Business for yoga retreat (Weathers)

Applicants/landowners Daniel & Taraleigh Weathers appeared before the Board requesting §630 Conditional Use & §500 Site Plan Approval for a yoga retreat §460 Home Business for up to 16 people inside their existing home and in yurts on the grounds at 1174 Park Street, parcel 08-034-1, which is split by the §255 Low Density Residential and §260 Rural Residential Agricultural Zones. Ms. Weathers said that she has hosted yoga retreats for 5 years and that she and her husband recently purchased this Park Street property because its barn was the ideal place to host yoga retreats. She said that yoga retreats are typically Friday through Sunday, but sometimes begin on Thursday. Mr. Weathers said that there were 6 bedrooms in the existing house. Five of which would be used to house yoga guests. Member Wiltshire said that these bedrooms and dining space (even if all meals are catered) should be included within the 25% home business calculation. It was agreed that the Weathers Family would need to submit a revised floorplan to the Board proving that the proposed home business was only taking place in 25% of the property – bedrooms plus dining room, plus the partial barn space. Chair Nolan said that Board also needed additional information on waste water flows for the proposed home business. Mr.

Thomas said that because this property was in the Village's wellhead protection area, the maximum septic flow per lot was 900 gallons per day. Mr. Thomas read a letter into the record from Lynda Covatta who was opposed to the yoga home business. Ms. Weathers said that the impact of the yoga proposal was limited in nature due the fact that it was a warm weather only operation because the barn will not be winterized. If a good weather year, she thought she might be able to use the property for yoga retreats on 30 weekends. The Board unanimously agreed that a better site plan was required, a new floor plan would need to be submitted proving the business is less than 25% of the total size of all the structures on the property, and the Weathers Family would need to work with the State regarding needed wastewater flows for the proposed home business. Member Allen moved to recess the public hearing so the aforementioned information could be submitted to the Board until March 14th. The motion was affirmed by a vote of 6-0.

Hearing: Brooklyn St., §630 CU & §500 Site Plan, Bill's Truck Body Shop (LH&A Realty)

Applicant Bill Burrirt of Bill's Truck Body Shop LLC appeared before the Board requesting §500 Site Plan Approval to do car and truck repairs via the §483 Motor Vehicle Sales & Repair Facility use inside the Quonset hut owned by LH&A Realty on parcel 20-013 at 735 Brooklyn Street in the §210 Commercial Zone. Chair Nolan disclosed that Mr. Burrirt has done work for Manosh over the years, but said that he could fairly rule on this application. Mr. Burrirt said that he would be renting this Brooklyn Street space temporarily, mostly likely for a year, but no more than two years. He said he would be using the Quonset hut for metal fabrication, engine repair (no oil changes or painting), while also looking to sell off some of his equipment before retiring. Mr. Burrirt said that his hours of operation would be from 7am to 5pm Monday through Saturday. Mr. Thomas said that Mr. Burrirt was amenable to receiving the same permit that was currently in place for Benoit's Towing. Chair Nolan said that he wanted additional concrete blocks placed between the existing concrete blocks to better protect the leach-field (so cars cannot fit between the existing blocks). Member Allen moved to approve the project as proposed provided that the additional concrete blocks were put in place in the spring. The motion was affirmed by a vote of 6-0.

The meeting adjourned at 7:25 P.M. - Respectfully submitted by Zoning Administrator Thomas

