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MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of January 10, 2008

Members Present: Gary Nolan, Theresa Breault, Jean Wickart, Paul Trudell, David Silverman, Karyn Allen, Carl Fortune

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator (ZA)

Guests: Dean Parker, Larry & Dorothy Bliss, Connie Wong, Amy Walker

Chairman Gary Nolan called the meeting to order at 8:05 PM. A discussion with the Planning Commission on possible design review standards preceded the meeting. On a motion by Paul, seconded by Theresa, minutes of the November 8, 2007 meeting were approved.

WARNED HEARING: HA MANOSH CORP, PRELIMINARY PLAT APPROVAL (recessed hearing), 17-LOT, 44-UNIT PLANNED UNIT DEVELOPMENT (PUD), JERSEY HEIGHTS PHASE II

Gary recused himself from hearing this application as it involves his employer. David assumed the chair and reviewed the August 13, 2008 recess memo to the applicant. Theresa administered the sworn oath to Howard Mansoh and Gary Nolan, representing the applicant, Sam Ruggiano (project engineer), and adjoining property owners Dean Parker, Larry & Dorothy Bliss, and Connie Wong.

Sam Ruggiano reviewed the revised site plans prepared by his firm and noted that the application is being amended to add another single family home lot, for a total of 17 individual home lots and an eighteenth lot containing 14 duplex condominium structures. On sheet C-4 of the plans, he highlighted the detailed depiction of the proposed roadway into the development from Jersey Way on a 50-wide strip of land between the Wong and Parker properties. He clarified that the fifty-foot wide strip was a part of the applicant's property (parcel #07-331) and was not a right of way across either the Wong or Parker properties. The depiction identified the location of the proposed roadway, sidewalk, utilities, and distances from these features to the adjoining property lines and existing structures, as requested in the recess memo.

Sam also reviewed designated building envelopes for the 17 individual lots on sheet C-2. He noted a 'no disturbance' area along the ridgeline separating the proposed new lots and the existing Jersey Heights subdivision lots, as well as snow storage areas within the development.

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David Parker said he wants to be sure that the proposed access road does not drain onto his lot or driveway. Sam replied that the road plan had the roadway several inches higher than the Parker property and draining toward the Wong property. The road would be curbed along the Wong property, channeling any water away from both adjoining properties.

Connie Wong asked about the sidewalk location relative to her property and any street lighting along her property line. Sam noted that the first part of the sidewalk extension from Jersey Way into the development would abut directly on the Wong property, then would shift approximately seven feet off from the property line, away from the Wong property. He noted that the road and sidewalk would be along the portion of the Wong property closest to her driveway and garage, approximately 23 feet from the garage. There are no street lights proposed along the access road in this area (see sheet C-12).

Paul asked about wetlands within the development. Sam said there were no Class I or II wetlands, but there were Class III, which they have mostly avoided. Larry Bliss asked who determines the wetland boundaries. Sam said this is done by the VT Agency of Natural Resources (ANR) wetlands section. Amy Walker asked how the development road would cross the wetland area. Sam noted that approximately 6,500 square feet of the Class III wetland would be disturbed, requiring review and approval by the Army Corps of Engineers.

Amy also asked about provisions for handling stormwater runoff. Sam said the project's scope will require both Construction and Operational Stormwater permits from the ANR Water Quality Division. The plan includes three detention ponds designed to exceed the state's stormwater discharge standards. Amy asked if the ponds would have vegetation to present a 'greener' image; Sam said they would likely include natural vegetation in the plan.

Connie Wong asked if there would be standing water or odors emanating from the ponds. Sam responded that the areas of the proposed pond nearest her property were already wet and the ponds should not produce any more standing water or odor than currently exists. He said the pond was designed so that most of the collected runoff would slowly drain into the surrounding soils. A property owners association would be responsible for any required maintenance of the detention ponds. If at some time the property owners sought to have the Town maintain the drainage ponds, along with the roadways and sidewalks, they would need to grant the Town an easement to do so.

Larry Bliss asked about the 'no disturbance' zone; what does it mean and how is it going to be identified on the ground? Sam said the specific restrictions in the zone would be spelled out in deed covenants, along with a description of the physical boundaries on each affected lot.

Sam reviewed an updated traffic summary showing an estimated five round trips in and out of each unit per day, with peak hours in the morning (7-8) and afternoon (5-6).

Connie Wong requested that the DRB include as a condition of any approval that the developer install some sort of screening barrier (fence or vegetation) along her property line to reduce both noise and visual impacts from vehicles coming and going on the access road. Noting the relatively small distance between the proposed sidewalk and the Wong property line, Sam said any such barrier would have to be on her property. Connie said that was fine with her. Howard Manosh said he would be willing to plant pine trees to accomplish this. He offered to meet with Ms Wong to work out a mutually acceptable plan for locating the trees.

Amy Walker expressed concern that while a denser development such as this was

appropriate within the village boundaries, it did result in the loss of some amount of prime agricultural land. Sam noted that as part of the Act 250 permitting process, the developer would likely be required to mitigate that loss in some fashion acceptable to the Environmental Commission.

Dean Walker asked how long the construction timeline was from start to finish. Gary said that would likely vary depending on how fast lots and units were sold, but that it would likely take between 1-3 years. He said the primary infrastructure (roads, underground utilities, stormwater detention ponds, would need to go in first. Dean said he would prefer that the access road along his property be put in first and paved in order to minimize dust and other disturbances during the construction phase. Sam agreed, while asking if they could put down a base course for the road until the last structures were completed, then cover it with blacktop. David said they could make that a condition of approval.

The ZA reviewed the questions and issues posed by the Town Administrator in his July 25, 2007 memo to the board prior to the initial hearing on this application. Sam confirmed that the original Jersey Heights subdivision road (Jersey Way) had been accepted by the Town as a town road and was indeed being maintained by the Town now. He took exception to several requests regarding road specifications and stormwater treatment, but noted agreement on snow removal, curbing, and street lighting issues. The ZA recommended that the developer provide a written response to the TA memo addressing each of the items listed therein ahead of any final plat approval.

Theresa asked when would construction likely begin. Gary said if all local, state, and federal permits were obtained without delay, they would like to start work this summer (2008). Howard added that he was ready to move forward with final plat approval as soon as the board granted preliminary plat approval. The ZA advised the earliest opportunity for another hearing was February 14th.

Jean moved to recess the hearing to a deliberative session immediately following the public hearing. Karyn seconded the motion and it passed unanimously.

The board went into deliberative session to discuss the application. On a motion by Theresa, seconded by Karyn, the board voted unanimously to grant preliminary plat approval for the proposed PUD, subject to the following conditions: that restrictions on the 'no disturbance' zone and its physical boundaries be explicitly listed in the deeds of the affected lots, with copies filed with the Zoning Administrator; that easements for Town maintenance of stormwater detention ponds be granted; that the developer and adjoining property owner Wong will submit an agreement on placement of screening on the Wong property; and that the developer install a base course on all new road surfaces prior to blacktopping the road when the last structure in the development is completed.

The meeting adjourned at 9:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 1/24/08 DS/KA