

Morristown/Morrisville Development Review Board
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Meeting Minutes of 9 January 2019

Members Present: Karyn Allen, Susanna Guthmann Burnham, John Gloss, Gary Nolan (Chair), Laura Streets, Mary Ann Wilson (alternate), and Chris Wiltshire

Members Absent: Paul Trudell

Staff: Todd Thomas, Zoning Administrator

Signed-in Guests:

For the RL Vallee hearing: Elizabeth Cass, Jason McArthur, and Otto Hansen for RL Vallee

For the Lipsky subdivision hearing: Jed Lipsky,

For the Jersey Way II subdivision hearing: Frank Turner, Ray Belanger, Donald Blake Jr., Graham Mink, Tyler Morway, Kathy Schuler, Don Matura, Dale Touchette, Robert Noonan, Nancy and Scott Pritchard, Clark Callender, Lucy Callender, Dian Williams, Leah Hollenberger, and Engineer Tyler Mumley

For the Open Land Corp subdivision hearing: Attorney Jim Mahoney, Kara and Jesse Dunn

For the Bradley waiver hearing: Eric Sheppard, Marilyn and Jim Bradley

For the 201 Park LLC waiver hearing: Engineer Tyler Mumley

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:30 PM. Member Allen moved to approve the July 25th meeting minutes. A vote of 5-0-2 affirmed the motion with Members Streets and Wilson abstaining.

Hearing: 621 LaPorte Rd, \$500 Site Plan Approval modification (RL Vallee)

Otto Hansen of RL Vallee Inc. appeared before the Board requesting to amend condition #8 of \$500 Site Plan Approval Permit 2018-014 for lighting and signage allowances on the façade of the new gas station canopy on parcel 07-005 at 621 LaPorte Road in the §210 Commercial Zone. This property is a §435-§437 Non-Conforming Use or Structure. Chair Nolan opened the hearing by noting that the Board had just finished a site walk of the property, and they were joined on that walk by Mr. Hansen, Zoning Administrator Thomas, and nearby property owner Jason McArthur. Mr. Hansen said that he would like the Board to allow the band of red LED canopy lights to be turned back on. He said that this lighting is consist with other gas canopies in Morrisville, including the Shell station in downtown (he offered pictures of such on his phone). He added that this is a shielded LED light that does not put glare into the street or onto neighboring properties. He confirmed for the Board that the canopy lighting remains off when the store is closed, which is between 11PM and 5AM. Suzanna asked if this light band could be put on a dimmer, as discussed at the hearing approving the redevelopment of this property. Mr. Hansen said that no dimmer was installed. Adjacent property owner Ed Debor read a comment letter into the record and stated that the red light band is in fact a sign, which the Zoning Bylaw would not allow because it is internally illuminated and not downcast. Member Streets said that the red light band is corporate branding for all Irving gas stations. Mr. Hansen disagreed and said that this red light band was not a sign. Mr. McArthur said that he is ok with the red band being illuminated if the red light band on the north side of the canopy could be turned off to match the south side of the canopy. Mr. Thomas read the definition of a sign from the zoning bylaw. Abutter comment letters were then read into the record from Jason McArthur and Jonathan Sturgess. Member Allen opined that she thought the glare from the red band did not leave the subject property when the other canopy lights were turned off during the site walk. Member Wiltshire moved to continue the discussion in Deliberative Session. A vote of 6-1 affirmed the motion. At the conclusion of the Deliberative Session, the Board made the following findings:

1. By a vote of 4-3, the Board found that the red light band on the canopy meets the definition of a sign in the Zoning Bylaw.
2. By a vote of 4-3, the Board found that the red light band is not designed to minimize glare per Section 490.6 of the Zoning Bylaw.
3. By a vote of 4-3, the Board found that the red light band does direct light onto adjacent properties per Section 490.6 of the Zoning Bylaw.

Having made these findings, Member Gloss moved to approve the applicant's request to amend condition #8 of §500 Site Plan Approval Permit 2018-014 for lighting and signage allowances on the façade of the new gas station canopy on parcel 07-005 at 621 LaPorte Road. The motion failed to carry by a vote of 3-4.

Hearing: 5336 Randolph Rd, §750 Final Plat approval for a 2 lot subdivision (Lipsky)

Applicant/landowner Jed Lipsky appeared before the Board requesting §750 Final Plat Approval under §422c to create a 2.56 acre subdivision lot (parcel 16-101-7) by reconfiguring Parcel 16-101-6 and Parcel 16-139 at 5336 Randolph Road in the §260 Rural Residential Agricultural Zone. Mr. Lipsky added that he is dividing his land so each of his sons could receive a lot and that the unique lot layout was mean to preserve as much open space as possible. Mr. Thomas explained that this small of a subdivision would normally be approved administratively, except that Mr. Lipsky had only 25 feet of frontage for each lot, which required DRB approval under §422c of the Zoning Bylaws. Mr Thomas said that any approval should be conditioned on recording WW permits before any zoning permits are issued. Mr. Lipsky said that he was amendable to that permit condition, and a permit condition requiring underground power. Member Wiltshire moved to approve the subdivision with the aforementioned conditions of approval. The motion was affirmed by a vote of 7-0.

Hearing: Jersey Way II, §750 Final Plat approval 55 unit housing development (Manosh)

Applicant/landowner HA Manosh Inc. appeared before the Board requesting §750 Final Plat Approval to modify the existing subdivision permit for phase 2 of the Jersey Way housing development in the §255 Low Density Residential Zone. Said permit, 2007-096, developed Parcel 07-331 to create 17 new single-family homes, 14 new duplexes, and two new roads coming off Jersey Way. Chair Nolan recused himself from the hearing because he works for H.A. Manosh. Engineer Tyler Mumley explained that revised subdivision plan is largely the same as the approved 2007 subdivision, with the same number of roads and single family homes, but that the revised plan includes 4 new building lots for 5 new duplexes. It was discussed that the State's reclassification of the wetlands on the property from Class 3 to Class 2 required a redesign of the road system (no longer a looped road). The northerly road, Douglass Lane, provides access for 17 duplexes and the southerly road, Manosh Meadows Lane, provides access for 17 single family homes (with two additional duplexes accessed from Jersey Way). The Board discussed this 55 housing unit development, and the roadway system which would presumably be taken over by the Town. It was discussed that the Town would need to be granted access easements to the proposed stormwater infrastructure as a condition of approval. It was also discussed that both narrow driveways to the duplexes should remain private. Mr. Thomas said that the Fire Chief would prefer a through lane. Abutter Frank Tuner said he wanted heavy landscaping of Douglass Street where it cuts through his house lot. Abutter Wally Reeve said that existing houses should be protected from headlights on the new roads via the proposed

landscaping. Abutters Nancy Pritchard, Leah Hollenberger, and Robert Noonan also asked for landscaping consideration from headlights. Robert Noonan said there should be a stop sign at the end of Manosh Meadows Lane. Clark Callender said that was concerned about traffic. Donnie Blake Jr. asked if the 50 buffer zone to the west of the Douglass Lane cul-de-sac could become a no-cut zone after construction was complete. Leah Hollenberger asked about bike lanes and added that the proposed sidewalk on Manosh Meadows Lane did not go anywhere and that it really should be connected to the existing sidewalk infrastructure within Jersey Way. Bud Budlinger asked for 25 mph speed limits posted on both the new roads and all of Jersey Way and Foss Street. Mr. Thomas said he would discuss this speed limit issue with the Police Chief and Town Administrator. Member Allen moved to continue the discussion in Deliberative Session. A vote of 6-0 affirmed the motion:

At the conclusion of the Deliberative Session, Member Wiltshire moved to modify the existing subdivision permit for phase 2 of the Jersey Way housing development with the following conditions of approval:

1. The subdivision plan shall be amended to show access easements to the proposed stormwater infrastructure benefiting the Town prior to the subdivision mylar being recorded. The snow storage easements shall receive the same treatment. Said easements shall be recorded prior to the release of zoning permits for any of the new dwellings.
2. The subdivision plan shall be amended to relabel the 50 foot wide buffer zone to the west of the Douglass Lane cul-de-sac to a no cut zone, with the no cut provision taking effect at the end of roadway and grading work.
3. The subdivision plan shall be amended to add street trees (a mix of maple, honey locust, and hackberry) every 60 linear feet on Manosh Meadows Road. Street trees shall also be added at the same intervals, where practical, to the portion of Douglass Lane between Stations 2+ and 7+. Said street trees shall be planted prior to the release of zoning permits for any of the new dwellings.
4. The subdivision plan shall be amended to replicate the same street lighting pattern on the two development roads found elsewhere in the Jersey Way development. The lights shall be compliant with section 490 of the Zoning Bylaw. Said street lights on the development roads shall be in place prior to the release of zoning permits for any of the new dwellings. Any street lights that can be seen as obviously leaning in the existing subdivision shall also be straightened prior to the release of zoning permits for any of the new dwellings.
5. The subdivision plan shall be amended to improve the proposed sidewalks and their connectivity to the existing sidewalk system. Both development roads shall be shown on the revised subdivision plan with a sidewalk on one side of the road that begins at the intersection with Jersey Way and terminates in the beginning of the cul-de-sac. The revised subdivision plan shall also add a sidewalk on Jersey Way connecting Cottage Street to Manosh Meadows Lane. Additionally, the revised subdivision plan shall add a sidewalk on Jersey Way connecting Manosh Meadows Lane with the existing sidewalk infrastructure that currently terminates at Foss Street.
6. Per the comments of the Fire Chief, the subdivision plan shall be amended to connect the two adjacent private driveways, providing a through-way from Douglass Lane to Jersey Way. This lane shall remain a private road in perpetuity and it shall be named by the Selectboard prior to the duplexes being constructed thereon.

7. Prior to the release of zoning permits for any of the new dwellings, legal paperwork shall be recorded specifying how this to-be-named new private lane shall be maintained. The short private driveway coming off of the Douglass Lane shall be afforded the same maintenance guarantee.
8. The south and west boundaries of the Turner property shall be heavily landscaped to minimize the impact of Douglass Lane cutting through the side yard of this house. Said landscaping shall be planted to the satisfaction of the Zoning Administrator, in consultation with the Tuner Family, prior to the release of zoning permits for any of the new dwellings.
9. The developer shall be responsive to the headlight impacts from the new development onto existing homes and landscaping shall be planted accordingly. Such planting locations include, but are not limited to, protecting the Hollenberger, Noonan, Reeve, and Pritchard residences. Headlight impacts from the new development to existing homes shall be ameliorated through landscaping up until the permit is released for the 55th dwelling unit.
10. The development roads shall have a base coat of pavement in place prior to the release of zoning permits for any of the new dwellings.
11. The electric, water, and sewer infrastructure shall be located underground and designed and installed according the specification of Morrisville Water & Light. Ownership of said infrastructure, to the extent desired by the utility, shall be deeded to Morrisville Water & Light prior to the release of zoning permits for any of the new dwellings.
12. A stop sign shall be added to both development roads where they meet Jersey Way.
13. Construction traffic shall avoid using Foss Street. Any damage to Jersey Way from construction equipment shall be repaired by the developer prior to the permit being released for the 55th dwelling unit

The motion was affirmed by a vote of 6-1.

Hearing: Deerfield Rd, §750 Final Plat approval for 3 lot subdivision (Open Land Corp)

Attorney Jim Mahoney appeared before the Board representing Open Land Corp. regarding a request for §750 Final Plat Approval to create 2 new house lots (parcels 06-057-4 & 06-060-5) on an extension of Deerfield Hills Rd by re-subdividing parcels 06-060 & 06-060-3 in the §260 Rural Residential Agricultural Zone. Mr. Mahoney said that the application before the Board was a continuation of the existing subdivision development and that the new lots would be subject to the same covenants as the existing subdivision lots. Chair Nolan said that the road extension is typically required to be in place before zoning permits are issued on the new house lots. Mr. Thomas said that the road crew requested that all new cul-de-sacs have a 100 foot diameter. Mr. Mahoney said that he was amendable to these road requirements and a requirement for underground power as conditions of project approval. Abutting property owners Kara and Jesse Dunn asked that the plowing bill be equitable in regard to the longer road and for some landscaping consideration. Mr. Mahoney said that his client would work these issues out privately with the Dunn Family. Member Wiltshire moved to approve the subdivision as proposed provided that the covenants be extended, the power is put underground, the new cul-de-sac has a 100 foot diameter, and that the road is extended prior to zoning permits issuing for the new house lots. The motion was affirmed by a vote of 7-0.

Hearing: 222 Center Rd, §204.4 Waiver for Minimum Lot Size (Bradley)

Applicants/landowners Marilyn & Jim Bradley appeared before the Board requesting a §204.4 Minimum Lot Size Waiver of 9% to allow for the creation of a building lot at 222 Center Road via the future subdivision of a 2 acre parcel 08-118 located in the §230 Industrial Zone. Mr. Thomas explained that genesis for the waiver was that the tax map for this property, showing 2 acres, meant that it could be subdivided, but the actual survey work showed a shortfall of 4,017 ft² for the new lot. Mr. Thomas noted an abutter comment regarding spring rights from Peewee Laraway. Mr. Bradley said the spring was on the property that would be retained and therefore not be impacted. Abutter Eric Sheppard said he liked the recent development in the neighborhood and he hopes that something tasteful would end up on this new lot. Member Wiltshire moved to approve the requested §204.4 Minimum Lot Size Waiver of approximately 9%. The motion was affirmed by a vote of 7-0.

Hearing: 201 Park St, §204.4 Waiver for right-of-way width (Seltzer)

Engineer Tyler Mumley appeared before the Board on behalf of 201 Park LLC regarding a request for a §204.4 Waiver of 2.76 feet (or 13.8%) of required right-of-way width (under §422c) on Parcel 21-206 at 201 Park St. in the §225 Mixed Office Residential Zone. Mr. Thomas explained that this waiver request resulted from the property survey showing the proposed 20 foot right-of-way to a future house site not being wide enough by 2.76 feet for only the 36 foot length of the barn. Mr. Thomas noted a letter of support for the Waiver request from the adjacent property owner (Lamoille Housing Partnership & Housing Vermont). Member Wiltshire moved to approve the requested §204.4 Waiver of 9% for right-of-way width under §422c. The motion was affirmed by a vote of 7-0.

The meeting adjourned at 9:30 P.M. - Respectfully submitted by Zoning Administrator Thomas