

Morristown/Morrisville Development Review Board
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Meeting Minutes of March 26, 2015

Members Present: Karyn Allen, John Gloss, Susanna Guthmann, Brian Irwin, Gary Nolan (Chair) & Paul Trudell

Members Absent: Chris Wiltshire & Theresa Breault (Alternate)

Staff: Todd Thomas, Zoning Administrator

Guests for the Demars Subdivision on Worcester View Lane hearing: Sonny Demars, Paul Griswold, Max Paine, Jon & Amanda Atwood

Guests for the Scott Johnson Home Business on East High Street hearing: Scott Johnson, Paul Griswold, Max Paine, Graham Mink & Gary Bourne (via email)

Guests for the Buckwheat Subdivision on LaPorte Road hearing: Richard “Buckwheat” Lowe, Paul Griswold, Max Paine, Sandi Schlosser & Johann Jaremczuk

Guests for the Buckwheat Site Plan on LaPorte Road hearing: Richard “Buckwheat” Lowe, Paul Griswold, Max Paine, Sandi Schlosser, Johann Jaremczuk & Andrew Gergely (via email)

Call to Order & Minutes: Chair Nolan called the meeting to order at approximately 6:30PM. Member Trudell moved to approve the September 11th meeting minutes. The motion was affirmed by a vote of 3-0-3. Member Gloss moved to approve the November 13th meeting minutes. The motion was affirmed by a vote of 4-0-2.

Hearing: Demars Subdivision on Worcester View Lane, §750 Final Plat Approval

Applicant & landowner Sonny Demars of Demars Properties LLC appeared before the Board seeking §750 Final Plat approval for two new subdivision lots on Worcester View Lane in the §260 Rural Residential Zone. Mr. Demars illustrated that two house lots were being created from existing parcel 16-048. Zoning Administrator Thomas said that proposed Lot B was adjacent to, but uphill from a 100 year flood zone. Mr. Demars said that new Lots A and B would share road maintenance costs with the existing subdivision lots on Worcester View Lane. Abutting property owner Amanda Atwood cited the subdivision covenants and questioned if the Demars parcel was actually subdividable. Mr. Thomas said that private covenants are immaterial to the Town’s local zoning process. Jon Atwood asked for screening to be provided on Lot B to give his backyard more privacy. Member Irwin moved to close the hearing and enter into Deliberative Session. The motion was affirmed by vote of 6 to 0. In Deliberative Session, Member Allen moved to approve the subdivision as proposed provided that the deeds to Lots A and B require that they share in the cost of plowing and other roadway maintenance with the rest of the Worcester View Lane subdivision and that the flood zone that crosses Lot C shall be delineated using permanent monumentation if anything other than an agricultural use is ever proposed thereon. The motion was affirmed by vote of 6 to 0.

Hearing: Johnson Garage on East High Street, §460 Home Business, §500 SPA & §630 CU

Applicant & landowner Scott Johnson appeared before the Board under §630 Conditional Use & §500 Site Development Plan Approval to present his proposed §460 Home Business request to operate a Motor Vehicle Sales and Repair Facility on parcel 23-056 at 233 East High Street in the §245 High Density Residential Zone. Mr. Johnson said that he would like to raze and rebuild his existing garage to a footprint of 28 x 32 and use it for car repairs and sales. Mr. Johnson added that his property is private and is screened by existing vegetation. Member Allen asked about proposed hours of operation. Mr. Johnson said that he plans operate on weekdays only

with hours of 8 AM to 5 PM. Mr. Johnson said that all work would be done to the cars inside the garage and that he would close the door if desired while working. Member Allen asked how many cars Mr. Johnson intends to service. Mr. Johnson said that six cars at one time would be his maximum, with two in the garage and four cars parked outside. Mr. Johnson said that his mechanic tools included air tools, a welder and a lift. He said that the new garage would be made out of wood and he would be the only employee thereat. Member Trudell asked about the garage construction. Mr. Johnson said that the garage would be insulated, heated and sheet rocked and therefore relatively quiet. Mr. Thomas read a letter into the record from abutting property owner Gary Bourne expressing concerns regarding potential negative impacts from the business and its appearance to the otherwise residential neighborhood. Abutting property owner Graham Mink said that he owns properties to the north of the proposed garage and hopes to have a lot of residential density thereat in the following years. Mr. Mink said he would like to ensure that any noise and nuisance lights from the business do not extend beyond its property lines. Mr. Mink asked the Board to ensure that this business, if approved, remained a small-scale operation. Mr. Johnson said that he is amenable to a condition of approval that said the garage could not be used for a business when he sells the property. Board members undertook a discussion regarding the size of the proposed garage in relation to the 25% Home Business maximum ratio to other structures on the property. Mr. Johnson said that he had an additional outbuilding that was not shown on the Listers' Card and that he was amenable to having the Listers access the property to obtain current measurements in order to satisfy the 25% Home Business size ratio. Member Trudell moved to conduct a site walk of the property at 5:45 PM on May 14. The motion was affirmed by a vote of 6 to 0. Member Irwin moved to close the hearing and continue this discussion in Deliberative Session after the aforementioned site walk. The motion was affirmed by vote of 6 to 0.

Hearing: Buckwheat Subdivision on LaPorte Road §750 Final Plat Approval

Applicant & landowner Richard "Buckwheat" Lowe appeared before the Board requesting §750 Final Plat approval to create two new subdivision lots on the corner of LaPorte Road & Goeltz Road from parcel 12-145 in the §270 Airport Business Zone. Buckwheat noted that proposed Lot 1 would likely be merged with the distillery lot to the north and that a new lot will be created via §795 Lot Line Change at the time of the merger. He said that proposed Lot 2 would be the home to a new business that specializes in the construction of high performance cars and antique car restoration. Mr. Thomas noted that a wastewater permit was not yet in hand for a septic system on this lot. He recommended that any approval be conditioned upon the receipt of a septic permit prior to the development of this parcel. Member Trudell moved to approve the subdivision as proposed provided that a septic permit for lot shall be obtained prior to any development thereon. The motion was affirmed by a vote of 6 to 0.

Hearing: Buckwheat business development on LaPorte Road, §500 SPA & §630 CU

Applicant & landowner Richard "Buckwheat" Lowe appeared before the Board requesting a §630 Conditional Use & §500 Site Development Plan Approval permit to construct an 80'x120' building on parcel 12-145-5 on LaPorte Road in the §270 Airport Business Zone under uses Light Industry & Manufacturing. Buckwheat said that the proposed building on newly approved Lot 2 would be 120'x80' and have a height of approximately 31 feet. He said that the building, which would house the aforementioned high performance car construction and antique car

restoration business, would be for a maximum of 2 to 4 employees Mr. Thomas said that he did not know what zoning use to apply to such a business for parking ratio purposes. He said that as many as 34 parking spaces could be required if this was an office building, but only five parking spaces would be required if this building was considered to be an industrial use. Buckwheat demonstrated that nine parking spots were shown on the site plan and the Board agreed that this parking should be adequate until the point where the business expands or changes use from what was being proposed. Buckwheat said that the proposed building would be constructed from wood and have a metal standing seam roof with more than adequate landscaping and compliant lighting. He added that the hours of operation would be typical business hours on Monday through Friday with limited hours on Saturday. Abutting property owner Johann Jaremczuk said that he was concerned the proposed business would result in cars being sold on the side of Route 100. Buckwheat said that no more than two for-sale cars would be parked outside any one time. Johann also said he is concerned about fumes coming from the property as cars are being painted. Mr. Thomas read an email from abutting property owner Andrew Gergely into the record citing various concerns with the appearance and function of the proposed development. Member Trudell moved to close the hearing and move into Deliberative Session. The motion was affirmed by vote of 6 to 0. In Deliberative Session, Member Irwin moved to approve the application as proposed with the following conditions:

1. any change of operation from the proposed use of the facility for a high-performance car construction and antique car restoration business requires new Board approval;
2. any change of operation or use shall require the submittal of a new site plan that shall provide parking determined to be adequate solely by the Board;
3. the landowner shall be required to submit a site plan showing an expansion of the parking lot if the Zoning Administrator determines that existing parking is not adequate;
4. no more than two for-sale cars are allowed to park outside at any time;
5. no more than four cars are to be parked outside in the parking lot at night;
6. no outside parking shall take place on the grass or in any other place other than the designated parking spots on the site plan;
7. the hours of operation for the business will be from 8 AM to 6 PM during the workweek and from 8 to 3 on Saturday;
8. any outside dumpster shall be located behind the building and screened so it is not visible from either road;
9. no nuisance fumes from the business shall emanate across property lines;
10. the proposed building shall be made of wood with similar architectural to what is on the submitted elevation drawings and no metal buildings shall be allowed on this parcel; and
11. the landscaping shown on the site plan, added thereto as Buckwheat deems appropriate, shall be planted prior to the high-performance and antique car business opening its doors.

The motion was affirmed by a vote of 6 to 0.

The meeting adjourned at approximately 8:30 P.M.

Respectfully submitted by Todd Thomas, Zoning Administrator.