

MORRISTOWN BOARD OF ADJUSTMENT

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(802) 888-6373



Minutes of December 28, 1995

Members Present: Gary Nolan, Theresa Breault, Ida Mae Anderson, Ralph Wiltshire, and Paul Trudell.

Members Absent: Jean Wickart, and Francis Willey.

Guest: see list attached

The meeting was called to order at 7:30 p.m. by Gary Nolan, Chairman.

The minutes of November 11, 1995 were approved as written.

WARNED HEARING, KURT AND MARY-JO SALVAS, APPEAL

Gary opened the hearing and gave an overview of the appeal. Gary read the following letters dated:

Dec. 4, 1995	to Salvas' from Zoning Administrator
Dec. 14, 1995	to adjoining/adjacent property owners from Zoning Administrator
Nov. 27, 1995	to Salvas' from Stitzel & Page, P.C.
Nov. 22, 1995	to Zoning Administrator from Salvas'
Sept. 18, 1995	to Salvas' from Zoning Administrator

Theresa Breault administered the sworn oath to all guests except George Robson.

Mr. Salvas presented a letter to the Board from Mr. Draper.

Ms. Salvas stated that the fence is up and the bank is vegetated. They have not used the property any different than it has been since 1950, as a trucking business in one form or another.

Mr. Kenneth Lampe stated his concerns; the resale value of his property and diesel fumes that eminent through the neighborhood for hours when the Salvas' trucks and equipment are left idling to warm up in cold weather.

Paul raised questions about the Salvas' being notified by the U.S. Postal Service that they had a certified letter.

Mr. and Ms. Salvas said that they had gotten the notice but

did not have an opportunity to pick up the letter and that their lawyer said that the Board should have had the police delivery the letter, if it was important.

Mr. David Lowe, stated he was at the hearing to find out what has taken place and that he is interested in the zoning. He stated that he has lived in his current location since 1976 and that the Draper's ran a milk trucking business dailey. There have been many changes but he finds that the Salvass' are quieter during the hours when he is home and feels that the Salvass' are trying and should be allowed to have one or two trucks at home.

Gary read the conditions of approval of the written agreement between the Board and the Salvass' dated May 12, 1995.

Mr. Lampe asked if more trucks and/or equipment will be at the Salvass' in the future.

Mr. Salvass, no.

Gary read the Zoning Bylaws sections on Home Occupation and Home Industry and said it would be doubtful that the Salvass' business meets the requirements of either sections. There are no permits on file for a trucking business, but part of the trucking business may be consider grandfather as there was a milk trucking business when the Draper's owned the property.

Ralph moved to recess the hearing to a deliberative session to follow the rest of tonight's business at 9:00 pm.

Paul seconded the motion and it was approved unanimously.

Other Business:

George Robson discussed the draft resolution to create a Development Review Board, to replace the ZBOA, and the Planning Commissions hearings portion of their duties. The change will take place on February 8, 1996, if approved.

The Board instructed Ken to write a letter to support the bypass and ask that construction begin this spring, Gary will sign letter.

Theresa and Ida Mae will draft the ZBOA annual report for the town report before 1/4/96 and Ken will type it and submit it to Carole Kissanger.

The Board went into deliberative session at 9:00 pm

The Board came out of deliberative session at 10:40 pm.

The Board reached the following decision on the Salvass Hearing:

1. The Applicants agreed with the Zoning Board of Adjustment that the Postal Service notified Kurt and Mary-Jo Salvass of a certified letter from the Town of Morristown. The appeal request by Kurt and Mary-Jo Salvass is hereby denied.

2. The Zoning Board of Adjustment will ask Stitzel & Page the Board's attorney to contact the Salvas' to see if they will agree to a meeting to work out an agreement to avoid court as the applicants had request in their letter of November 22, 1995. The meeting will be at a mutual agreed upon time in January with the Salvas' and/or their representatives, Steve Stitzel, Gary Nolan and Kenneth Sweetser.

3. If an agreement between the parties can not be reached at the above referenced meeting, the Zoning Board of Adjustment will go to court without the Board conducting any further meetings or hearings on the matters with the Salvas'.

The hearing was adjourned at 10:53 pm.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.