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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD**

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Minutes of December 11, 2003

Members Present: Gary Nolan, David Silverman, Paul Trudell, Carl Fortune, Carol Jennings, Jean Wickart, Theresa Breault (arrived at 8:00)

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator

Guests: Steve Berson, Gregg Meyer, Roy Marble, Nancy Pritchard, Susan Low, William & Geri Cardinal, Linda Wood, Toni Trombley, Barbara Stevens, Carol Chanania

Chairman Gary Nolan called the meeting to order at 7:30 PM. Paul moved to approve the minutes of October 23, 2003. Carl seconded the motion and it passed unanimously.

WARNED HEARING: BARBARA JEAN TOMLINSON, LOT LINE ADJUSTMENT, 81 BRIDGE ST

Gary gave an overview of the application. The application will be reviewed under Sections 209 and 795 of the Zoning Bylaws. Gary administered the sworn oath to Roy Marble, representing the applicant. This is a continuation of a previous hearing that had been recessed.

Barbara Jean Tomlinson owns four adjoining parcels along Bridge Street containing her residence, Tomlinson's store, and another single family residence. She proposes to redraw the lot lines of the four parcels to more clearly delineate each use. The two single family residences would each be on their own lot. The portions of three existing parcels which contain the retail store would be merged into a single lot, and the undeveloped portion of one parcel would be separated into its own lot. All adjusted lots would meet minimum lot size and setback requirements for the Central Business District.

David moved to approve the application with standard conditions. Carol seconded the motion and it passed unanimously.

**WARNED HEARING: ALASKA SEABOARD PARTNERS LP/MATTHEW BROMSON,
LOT LINE ADJUSTMENT, 2451 WALTON RD**

Gary gave an overview of the application. The application will be reviewed under Sections 264 and 795 of the Zoning Bylaws. Gary administered the sworn oath to Gregg Meyer, representing Alaska Seaboard Partners.

Alaska Seaboard Partners owns a 0.1-acre parcel on Walton Road. The parcel is a pre-existing non-conforming lot. Matthew Bromson owns an 8.5-acre parcel surrounding the Alaska Seaboard property on three sides. Alaska Seaboard proposes to purchase an area approximately 50' x 80' from Matthew Bromson. The proposed addition to the Alaska Seaboard properties lies along the north end of the existing parcel, fronting on Walton Road, and includes the septic leachfield for the Alaska Seaboard property (currently on the Bromson property). Following the lot line adjustment, the Alaska Seaboard property would still be a non-conforming lot as it would still not meet the minimum two acre lot size. The Bromson property would continue to meet applicable lot size and setback requirements.

David moved to approve the application with standard conditions. Jean seconded the motion and it passed unanimously.

**WARNED HEARING: DAVID YACAVONE, APPEAL OF ZONING
ADMINISTRATOR DECISION, MANSFIELD AVE**

Gary gave an overview of the application. The application will be reviewed under Sections 237, 239, 450, and 640 of the Zoning Bylaws. Gary administered the sworn oath to David Yacavone, William & Geri Cardinal, Nancy Pritchard, Toni Trombley, Carol Chaninia, and Barbara Stevens.

David Yacavone is appealing the Zoning Administrator's decision to grant zoning permits to Redbird Construction for a two-family duplex structure on each of four lots on Mansfield Avenue. The permits were approved on the basis that two-family residential units in one structure on a lot are a permitted use in the Special Use District where this property is located. The lots exceed the minimum lot size (8,000 square feet) for two families and the structures fall inside all applicable setbacks. Site plans submitted with the zoning permit applications show that each dwelling unit will have two parking spaces, complying with the requirements of the zoning bylaws.

David Yacavone expressed the view that adding eight more dwelling units on a short, dead-end road that currently only serves four homes would unacceptably increase traffic and would change the character of the area. A letter from another adjacent property owner was read into the record stating her opinion that the lots were too small to accommodate two units each, regardless of the minimum area requirement laid out in the bylaws. Similar views were expressed by neighbors Carol Chaninia and Barbara Stevens.

The Zoning Administrator explained that the only criteria he may consider in approving or denying an application are that the proposed use is a permitted use in the affected district, meets applicable lot size, area, and setbacks, and complies with any special requirements, such as parking. In reviewing these permit applications, he found that they complied with all such

requirements and the permits were approved.

David moved to go into deliberative session on this appeal following the completion of all other business on the agenda. Jean seconded the motion and it passed unanimously.

WARNED HEARING: NORTH COUNTRY ANIMAL LEAGUE, APPEAL OF ZONING ADMINISTRATOR DECISION, 3524 LAPORTE RD

Gary gave an overview of the application. The application will be reviewed under Sections 477 and 640 of the Zoning Bylaws. Gary administered the sworn oath to Linda Wood, representing North Country Animal League.

North Country Animal League (NCAL) is appealing the Zoning Administrator's decision denying their request for a temporary sign permit for their animal shelter at 3524 Laporte Road. NCAL had previously been granted a temporary sign permit for a fundraising sign to be displayed in front of their facility. That sign was erected in August 2002 and remains in place. The permit for the sign, for which an extension had been approved, expired on October 31, 2003, prompting NCAL to make a new application to keep the sign in place through the end of their fundraising campaign or March 31, 2004, whichever came first. The Zoning Administrator denied the new application on the basis that the bylaws define temporary signs as "signs not maintained in place continuously throughout the year" and that temporary signs are intended for specific events, not open-ended activities.

Linda Wood, NCAL's executive director, said that the organization very much needed to keep the sign up to help achieve their fundraising goals. She felt that NCAL was being singled out for enforcement of the rules on temporary signs when other area non-profits were given more leeway, and that the board shouldn't act only because a neighbor was complaining to the Zoning Administrator.

The Zoning Administrator pointed out that he does try to accommodate non-profits by giving them additional time to keep their signs up. This was the case with NCAL when he granted an extension for their sign well beyond a year in duration.

David noted that there did seem to be varying degrees of enforcement regarding temporary signs around town. He observed that NCAL's sign exceeds the allowable size for a permanent sign and that they do have a permanent sign in place. Noting the lack of any neighbors at the hearing, he asked if adjoining property owners had been notified of the hearing. The ZA advised that it is the appellant's responsibility to make that notification and that he had provided the appellants' attorney with a list of all interested parties. Linda Wood said she thought that notice had been made by NCAL's attorney.

Paul said that the bylaws were not specific as to the period of time a given temporary sign could be up, other than the statement that signs not maintained in place throughout the year could be considered temporary. He wondered whether this meant a sign could be up for nearly a year, taken down, and then put up again for some period less than a year. He asked how much of NCAL's fundraising remained and Linda Wood replied they still needed about 25% of their goal.

David made a motion to grant the appeal with the conditions that the sign be removed no later than March 31, 2004, that no other application for a temporary sign be submitted within six months from that date, and that NCAL provide documentation that proper notice of the appeal

hearing had been given to all interested parties. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS:

The Zoning Administrator presented a proposal from the Advent Christian Church for a pre-application review of a proposal to subdivide a 0.6-acre parcel on the corner of Maple and Main Streets into two lots of 0.4 and 0.2 acres, respectively. Paul moved, and Carol seconded, that the proposal conforms to the requirements of the town plan. The motion was approved unanimously.

The board met in deliberative session on the appeal by David Yacavone of the zoning administrator's decision granting zoning permit to Redbird Construction for four duplexes on Mansfield Avenue. Paul moved to uphold the Zoning Administrator's decision to approve the permits. Carl seconded the motion and it was approved unanimously.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,
Mark Leonard, Recorder