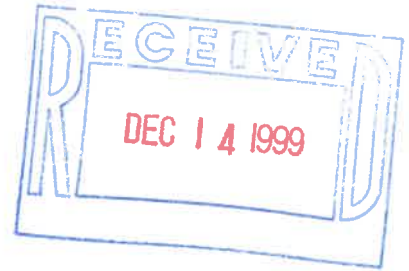


**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
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Minutes of December 09, 1999

Members Present: David Silverman, Gary Nolan, Carol Jennings, Theresa Breault and Paul Trudell.

Members Absent: Tom Paine and Mary Brainard.

Guest: Jeff Lively, Ernie Ruskey, Jennifer Flies, Richard Workman, Douglas Molde, Doris Fisk, Lisa Bergman, Thomas Bergman, Johann Jaremczuk, Hal Stevens, Gil Marshall, William Danforth, Madonna Small, Lester Small, Patrick Miller, and Gene Condon.

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Theresa made a motion to approve the minutes of November 11, 1999, as written.
Paul seconded the motion and it passed unanimously.

**WARNED HEARING, BRENT TOMLINSON, COMPLIANCE WITH PERMIT,
BRIDGE STREET.**

Gary opened hearing reviewed the approved plans and permit conditions.

Theresa administered the sworn oath to Douglas Molde who represented the Applicant at the hearing.

Mr. Molde thought that a new application had been filed for the fence. Ken can not locate it and Mr. Tomlinson's letter was given to Gary Nolan. To the best of Gary and Ken knowledge no application was ever filed. Mr. Molde was given a copy of the permit condition in the written decisions on this application. The original site plan was reviewed by the DRB and Mr. Molde. Questions were raised on other issues other than the fence.

Mr. Molde requested a recess to allow time to review the plans, written decision, and to file a new application.

David made a motion to recess the hearing to January 13, 2000.

Mr. Molde informed the Board that he was unable to make that meeting due to a prior appointment, however he could meet on January 27th meeting.

David amended the motion to recess the hearing to January 27, 2000, at 7:30 PM in the Town Clerk's Office Building.

Carol seconded the motion and it passed unanimously.

**WARNED HEARING, LESTER AND MADONNA SMALL, 2 LOT SUBDIVISION,
RANDOLPH ROAD.**

Gary opened the warned hearing and gave an overview of the application. The application is to be reviewed under Sections 700-890.1 of the Morrisville/Morristown Zoning Subdivision Bylaws.

Theresa administered the sworn oath to Thomas Bergman, Lisa Bergman, and Doris Fisk.

Ms. Bergman gave an overview of the subdivision. The Small's wish to split off a 5.1 acre parcel from the 62.8 parcel located on southern side of the Randolph Road. The Bergman's have obtained a zoning permit for a single family dwelling.

Ms. Fisk asked if it was going to be a mobile home.

Gary explained that mobile home have to be treated the same as any other home in the State of Vermont and that you can not discriminate against mobile homes.

Ms. Bergman said her dwelling is a double wide mobile home.

David made a motion to approve the subdivision with our standard conditions.

Paul seconded the motion and approved it unanimously.

**WARNED 18 MONTH REVIEW, PAUL PLANTE, D/B/A PLANTE'S AUTO SALES
AND SERVICE, BROOKLYN STREET.**

Ken explained that he had received a call late this afternoon saying Paul could not attended this meeting due to a family emergency. Ken suggested they send a representative to the meetings as this hearing was strictly a compliance issue hearing.

Gary asked if anyone was here to represent Mr. Plante.

Mr. Gil Marshall represented Mr. Plante.

Theresa administered the sworn oath to Gil Marshall.

Gary explained that Mr. Plante consistently violates the conditions of approval and this is his third location in the past few years and he has been a problem from the beginning. He has more than the 45 vehicle limit, has spread out were people from Brooklyn Heights Condo's are complaining, pieces and parts are outside along with other violations and the town will not put up with it any longer.

Mr. Marshall asked if there was any chance the number of cars and other issues could be increased.

The DRB said no, as he has not shown he can stay in compliance.

Mr. Marshall said that they are down to 49 cars without counting employee cars and that they can not keep below the 45 cars as some days people drop off 50 cars for snow tires.

Gary explained that Palmer's, Goss Tire and other garages in town do not have this problem.

Mr. Marshall asked if they could have additional time to get into compliance and to increase the numbers cars.

The DRB said no.

Ken explained that an enforcement order was issued in August to Mr. Plante, so if he

violates the conditions in that notice Mr. Plante will get no further notice of a violation within 12 months of this enforcement order, it will be sent to court where the fines are up to \$50.00 per, violation per day and each new day is a new violation and each vehicle or part is a separate violation.

The DRB explained no more violations will be tolerated.

WARNED HEARING, NORTH COUNTRY ANIMAL LEAGUE (NCAL), AMENDMENT TO WRITTEN DECISION FOR MOVING THE OUTDOOR DOG RUN TO INSIDE THE BUILDING, LAPORTE ROAD.

Gary gave an overview of the application. The application will be a review of the change only, not the entire facility.

Theresa administered the sworn oath to Jennifer Flies, Ernie Ruskey, Hal Stevens, Richard Workman, Johann Jarwmcznk, William Danforth, Gene Condon, Patrick Miller and Jeff Lively.

Gary read a letter from Hal Stevens in regards to this amendment application into the record.

David made a motion to go into deliberative session in regards to Mr. Stevens letter immediately.

Mr. Lively explained his reasons why this is not a successive application and that having this change made administratively was denied by the Zoning Administrator and DRB.

Mr. Stevens said when the DRB denied the applicants request to change the conditions that NCAL can not come back with a design change that may change the conditions. If the dogs are outside they should be in a sound proof dog run.

Ms. Condon said they presented this indoor dog run at the ACT 250 hearing which was different that what was presented to the town.

Paul seconded the motion and it passed unanimously.

David made a motion to come out of deliberative session.

Paul seconded the motion and it passed unanimously.

Gary announced that the objection was overruled and only issue on the table is the amendment application.

Mr. Ruskey gave an overview. The dog run will be moved inside and this will result in a 20' X 24' addition. It will be the same construction as the kennel. The run will have less impact on the site than the outside run had. It will be used to exercise the dogs. The mechanical equipment will be the same as in the rest of the building.

Ms. Flies said the run will only be used during the hours allowed for the outdoor run.

Mr. Ruskey asked that condition #5 be removed and allow windows in that portion on the north side of the building provided they are fixed windows.

David asked that what you want is to delete the berm and the outdoor dog run.

Mr. Ruskey answered yes. NCAL feels this is a better design and that there will be less concern for problems.

David asked about walking dogs outside.

Ms. Flies said it would be one to one work either walking the dogs or doing obedience

training with one person with one dog, as dogs need to be outside once in a while.

Paul asked Mr. Lively why they did not address this at the hearing on this application. Mr.

Lively said they are making this change due to the controversy over the outdoor run.

Ms. Condon asked if the berm was a motivator with changing the plans.

Mr. Lively said yes, it was one of the reasons. Optimally each dog would be walked each day. One dog per leash, per one volunteer or handler.

Mr. Workman asked about the mechanical HVAC specifications.

Mr. Lively apologized that he did not bring them with him, but he will supply us with a copy and that the system is designed with baffles and bends ect.... to take care of the noise concerns.

Mr. Stevens asked where the dogs would be walked.

Ms. Flies said on the 2.3 acre parcel.

Mr. Workman asked that the doors that are not used regularly be marked fire doors.

Mr. Lively objected to that idea, saying they would go along with an automatic closer, but they do not need to be fire doors.

Paul explained that marking them fire door means something different than sound proof doors and fire doors may bring along other things from Labor and Industry that could create other concerns.

Paul made a motion to go into deliberative session on this application following all other business before the Board

Theresa seconded the motion and it was approved unanimously.

PRE-HEARING. OLIVE RENHEN/BRICKFORD, 2 LOT SUBDIVISION, RANDOLPH ROAD.

Ken explained that Olive Renhen purchased property from the Chairavalle's prior to Bianchi decision. When she went to selling the property to the Brickford's it was discovered a local subdivision permit was needed. Ms. Rehen attorney Doug Molde requested the hearing. Subsequently, the sale went through and the Brickford's will obtain the local subdivision permit. Mr. Molde informed the Brickford's attorney of tonight's meeting and apparently the message did not get to the Brickford's.

David made a motion to recess the hearing to January 13th and have Ken send the Brickford's a letter.

Carol seconded the motion and it passed unanimously.

Other Business:

Ken presented the DRB with a new ruling by the Vermont Supreme Court in regards to daycare facilities which are also home occupations.

David made a motion to go into deliberative session on NCAL.

Paul seconded the motion and it passed unanimously

David made a motion to come out of deliberative session
Paul seconded the motion and it passed unanimously

Theresa made a motion to approve the NCAL application with conditions
Carol seconded the motion and it passed unanimously

Paul made a motion to adjourn the hearing at 9:45 PM
David seconded the motion and it passed unanimously

Respectfully submitted,
Kenneth J. Sweetser, Scribe.