

MORRISTOWN PLANNING COMMISSION/BOARD OF ADJUSTMENT -- DECEMBER 7, 1988

BOARD MEMBERS PRESENT: Jean Wickart; Paul Nesky; Theresa Breault; Julie Bourne; Rose Lambert; Michael Boudreau; Mac Miller; Roy Marble and Donald Anderson

BOARD MEMBERS ABSENT: N/A

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS PRESENT: [See attached list]

The meeting was called to order 7:04 P.M. by Chairman Paul Nesky; the Board reviewed the minutes of the 11/16/88 meeting for omissions/corrections. Don made the motion to accept the minutes as written. Theresa seconded. All in favor. So accepted.

7:06 P.M. -- WARNED HEARING/EDWARD WESOLOW was in attendance seeking the Board's approval for a Conditional Use for a Home Industry-Tree Farm, and construction of a 80' X 100' building to be used for storage of equipment and wood on his property located on the Randolph Road. Mr. Wesolow presented complete plans which he had prepared himself, advising that the structure would be brown and tan steel; that he does not plan to start construction until May of '89 and hopefully would have it completed by August of '89, if all goes well, if not he would request an extension of his permit and construct the building the following year. Mr. Wesolow advised that he has spoken to a couple of the adjoining landowners and they have no objection, advising they have drastically reduced the noise of the firewood operation by using electric chainsaws and have installed two (2) mufflers on the wood-splitter to cut down on the noise.

Roy made the motion to grant approval for the Home Industry/Tree Farm-Firewood Business. Jean seconded. Roy inquired if a lot of the equipment would be stored inside the structure and was advised 'yes', this was on the purposes for the proposed structure and they were gradually cleaning up the site and would seed the present area for lawn. All voted in favor to allow project and commended Mr. Wesolow for the excellent presentation of the proposed project.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.4, Page 5, - Conditional Use (a) Home Industry, and meeting all the criteria as out-lined, this application was granted a Permit.

7:17 P.M. -- WARNED HEARING/BURKETT FARRELL came before the Board seeking approval of a Home Industry/Conditional Use Change, from his previously granted permit allowing him to operate a auto repair business from his residence located on Wabun Avenue in Morrisville, VT. Mr Farrell requested the Board's permission to allow him to employ one (1) employee, which is not allowed in his current permit, advising that he plans to sell the business, which he has not as yet actively pursued as he needs someone to help take inventory; that he would like to have a prospective buyer who would be learning the business as the employee. Mr. Farrell advised his present permit is for Home Occupation and would like to change the Permit to a Home Industry.

Theresa advised that some of the Board members and Gloria did Site-Visits during the day and regarding this site, noted there was a definite parking problem; also, there are three (3) signs on Mr. Farrell's property depicting his business and that this business does not fit into the character of the neighborhood. Roy advised that the lot was so small it did not accommodate adequate parking.

Paul asked if a one-year Conditional Use Permit would be acceptable; Mr. Farrell advised it would be. Theresa said she felt the Board should consider the ramifications of a time limit, in that Mr. Farrell hires one employee and at the termination of the Permit, he would have to fire the employee; stating she could not go along with this. Michael asked if he planned on selling the property or only the business. Mr. Farrell advised only the business; that he is not presently negotiating a sale.

Roy's made the motion to grant a Conditional Use Permit, which died for lack of a second.

Mac then made the motion to grant approval of a Home Industry-Conditional Use with a time limit of one (1) year from date of issue and a limit of one (1) employee. Roy seconded. Julie stated that one-year should be the maximum time allowed and could not be extended after that time period.

Signs were addressed. Jean stated the post/sign out front looks extremely commercial; that in addition, there are two (2) signs on the garage. Julie made the motion to amend Mac's motion to also limit the Permit to allow only one (1) sign. Mac seconded. All in favor of the amendment.

Paul then called the question for the entire motion for action for Home Industry--Conditional Use with restrictions of a one (1) year period of time; limited to one (1) employee, and limited to one (1) sign. There were seven (7) votes in favor. One (1) opposed. So passed.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE II, Section 205.2 Page 5, - Conditional Use (MDR)--(7) Home Industry, this application was granted approval with the three (3) above out-lined restrictions.

7:45 P.M. -- WARNED HEARING/H.A. MANOSH, INC., represented by Allen Newton for Howard Manosh who was unable to attend, due to a family emergency, presented an application to allow a mobil home on Mr. Manosh's property located at the end of Duncan Road, off of RT 100/Brooklyn Street on property zoned as Commercial. This would be for a temporary period of up to five (5) years, with on-site sewage. The original plans were for one of Howard's sons, to live in the mobil home.

Gloria inquired what the total footage was on a public highway (Duncan Road) as the criteria requires 90' on a public highway in the Town.

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Mr. Newton advised it was only 50'; therefore, a Variance would also be requested.

Roy made the motion to grant a Conditional Use for a period not to exceed five (5) years and also a Variance for not having the required 90' of frontage on a public highway; with the Condition that a Permit is obtained for the on-site sewage system from the Health Officer. Don seconded the motion. There were three (3) 'no' votes; five (5) 'yes' votes. So passed.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.2, (COM), Page 4, two (2) Variances were granted by the Board. 1) A Variance to allow a temporary dwelling (mobil home) in a Commercial Zoned Area for a period not to exceed five (5) years from date of issued permit; 2) A Variance of the minimum frontage of 90' on a public highway; with the Condition that a Permit is obtained for the on-site sewage system from the Health Officer, this application was granted approval by the Board.

8:03 P.M. -- WARNED HEARING/NICK DeNOIA of DeNoia's Dry Cleaning Business was in attendance seeking a Variance to construct a second floor deck six (6) feet from the adjoining property line and to remove the front section of his building to be used for parking facilities; and changing the entry to the building from the south side to the north side. Paul advised that the original application was for removal of the front of the building and construction of a deck.

Phil Surgen, an adjacent property owner was present and inquired how Mr. DeNoia's plans were going to effect the village parking and will it effect the liability if someone should run into the piers supporting the deck. Mr. Surgen was advised the deck was not going to extend beyond the boiler that is presently there; that this would not increase the liability.

Mr. DeNoia advised that he had a surveyor scheduled to survey the property lines; that he didn't come today, so he expects him Thursday, 12/08/88.

Roy made the motion to grant the approval of the application as presented and a Variance of the 6' from the required 10' side set-back. Mr. DeNoia advised he did not plan to start construction immediately. Roy suggested the Board delay acting on the variance until a surveyor's report was received. Theresa inquired when he did plan to commence construction and Mr. DeNoia said not until May, 1989. Roy's original motion died for the lack of a second.

Don made the motion to approve the application for removal of the front of the building and the change of the entry way from the south side to the north side. Jean seconded. All in favor.

Don then made the motion to recess the remainder of the application to January 4th, 1989 Planning Commission meeting at 7 P.M.; Julie seconded.

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All in favor. Deck Variance was therefore recessed.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE II, COMMERCIAL, Table 205.4, (9), and granted a Permit to allow removal for the front of the building and the change of the entry from the south side to the north side; the remainder of the application, which requested a side set-back variance was recessed.

8:19 P.M. -- NORMAN PRIVE was in attendance at the Board's request to discuss a complaint received by Gloria regarding the operation of a business in a residentially zoned area on Sunset Drive and for the extension of a permit to allow construction of a storage building for buses.

Theresa inquired when Norman was going to start construction of this building and was advised the footings and walls have already been poured; that plans for completion are for 1989 or 1990 as he had a problem obtaining a water/sewer permit. Norman advised that prior to purchasing this property located on Cole Hill from Oneal Demar, Demar installed a sewage system, which was part of the agreement between he (Norman) and Demar, but Demar did so without the Town Engineer's visual inspection; that Demars had in fact already paid David Ring for this service, consequently, David Ring refused to sign a permit as he did not visually inspect the system during the installation of the system. That due to the costs and time consuming process involved to rectify the situation in an attempt to obtain a sewage permit, he has been unable to proceed with the construction of this building. When asked how many buses he had and about his parking his buses at his residence on Sunset Drive, Norman replied that he has five (5) school buses; two (2) vans and one (1) coach; that the value of the coach is more than most of the residences in this neighborhood; that he has had commercial vehicles in his yard long before zoning was enacted and would most likely continue to wash and park them there until he gets his storage building constructed. Norman stated all his buses were registered, in good repair and clean; that Godfrey had numerous cannibalized, unregistered vehicles in his yard and he hadn't seen any enforcement of zoning regarding him.

Jean made the motion to extend Norman Prive's original permit for construction of a storage building through 12/89. Theresa seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.1 (AGR/RR) (b), Page 3, the Board granted an extension of the original permit through 12/89.

8:29 P.M. -- SITE-PLAN REVIEW FOR NEW CURB-CUT/KAREN SEIDEL & DAVID BOTHFIELD were present advising that the work is already completed and she apologized for that, but that she ran into problems with an adjoining property owner and was loosing business as the result. Ms. Seidel advised that the State of VT had inspected this and given authorization for the curb-cut, which she had received in the mail today and presented

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same to the Board, stating that this is actually a better access and also safer.

Paul asked how long the temporary signs will be up. Ms. Seidel advised that she spoke to Gloria about them and Gloria came over and inspected them, giving her permission to keep them up until after the holidays.

Paul then asked her about the temporary cardboard signs that are always present, regarding 'specials'. Ms. Seidel advised she was in the process of having a 'moveable sign' constructed; that this will measure 2' X 4', with a white back-ground and changeable black letters; that Gloria has the application permit for this sign.

Paul then inquired why the two (2) curb cuts onto Stafford Avenue were granted on 09/05/84. Gloria advised that the minutes did not address this. Ms. Seidel said she could not remember it even being mentioned; that they were in her plans she had drawn up and she hadn't questioned them.

Roy made the motion to grant approval of a permit to a new curb-cut. Mac seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.2 (COM) Page 3, the Board granted approval for the new curb cut.

8:39 P.M. -- SIGN CHANGE FOR CONDITIONAL USE/AUTO CARE represented by Ralph Wiltshire, seeking approval to allow two (2) signs on the facia; one (1) 8.3 sq. ft.--'FOOD MART'; and one (1) 6 sq. ft.--'DIESEL, also, he would like to install three (3) lights on the corner of the building on timers for security purposes, also to be installed on the facia. Theresa advised that this request for the lighting was granted in the original permit. Ralph advised he also would like approval for three (3) small signs for 'RYDER RENTAL'.

Don made the motion to grant approval of the signs and lights. Julie seconded. All in favor.

Don and Ralph advised there is still a problem with vehicles parking between the curbing and the highway; Ralph advised he would be installing vertical florescent "NO PARKING" signs in this area.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.2, (COM), Pages 3 & 4, Conditional Uses & Signage, this application was granted approval by the Board.

GENERAL DISCUSSION: The Board discussed the issue of Richard Earley being granted a permit in 1980 to allow a mobil home on his property for his ailing mother-in-law; Theresa read excerpts of these minutes of Earley being granted "permanent positioning" of a mobil home. Don advised he remembers this was in fact the case; that Earley may retain the mobil home on his property; that the mobil home has in fact, been there since 1973 and now Mrs. Thelma Prunier is deceased, he plans to rent out the dwelling.

Paul reviewed the RR Vallee application/permit minutes, which state the Permit was granted for the Aubuchon structure to allow "five (5) office rental spaces only and one (1) Aubuchon Store"; that perhaps RR Vallee should be reminded of this before he enters into contracts with lessee that is not allowed in the permit, due to traffic volume it would incur.

The Board then discussed the draft of the Zoning Amendments.

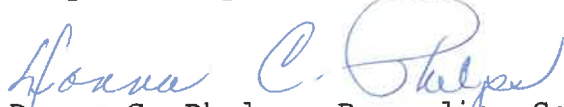
Gloria inquired if she should have the Justin Morgan Corporation located at the corner of Main and Congress Street to come before the board with an application for a lighted sign listing their prices of certain items. The Board advised that this type of proposed sign was not allowed and if they wished to pursue it, they would need to come before the Board.

Gloria presented the Board with a fiscal year budget for 89/90 she had prepared for review and discussion. The Board questioned if the amount would be sufficient to operate, due to the two boards splitting and operating separately. Gloria felt it was, with the Board having reservations about it.

Paul advised that the first meeting of 1989, being on JANUARY 4, 1989 @ 7:00 P.M. will be JOINT MEETING of Both Boards, with all members to be in attendance.

Roy made the motion to adjourn at 9:23 P.M. All in favor

Respectfully submitted,



Donna C. Phelps, Recording Secretary  
Morristown Plan. Com./BOA

/dp

**Town of Morristown**  
**Public Notice of Zoning Variance**  
**Before the Zoning Board of Adjustment**

Please take notice that the Zoning Board of Adjustment of the Town of Morristown, Vermont, will hold a public hearing pursuant to an application for variance for the following:

**Penny Thompson/Nancy Morrell, sign "Country Kids", exceeding ten (10) sq. ft., Rt. 100N, (former Country Jct.)**

**Nancy West/Brig Dezotell, sign "Kountry Kupboard", exceeding ten (10) sq. ft., Rt. 100N, (former Country Jct.)**

**Oneal Demars, sign exceeding ten (10) sq. ft., for state offices, Pratt Read Rd.**

**Said hearing will take place on Wednesday, December 21, 1988, at the Public Safety Building beginning at 7:00 p.m.**

# Guests/ Applicants

12/7/69

Print Name:      Clearly - mailing Address:

1. RAOH WILTSIDE      MORRISVILLE
2. ADAM J WESOLOW      MORRISVILLE
3. Edward Newlow      Morrisville
4. Gary Nantz      Morrisville
5. Burgett R. FARRELL      MORRISVILLE
6. Roberta Goddard      Morrisville RD 2 - Box 4453
7. Jane Keene      "
8. Norm Rippe      "
9. Nick DeMaio      PO Box 215 Morrisville
10. Kamm Seidel, OD      BED 42 Box 1629
11. DAVID BOTHELT      HYDE PARK, VT 03655
- 12.
- 13.
- 14.