

MORRISTOWN PLANNING COMMISSION/BOARD OF ADJUSTMENT -- NOVEMBER 2, 1988

BOARD MEMBERS PRESENT: Theresa Breault; Paul Nesky; Don Anderson; Jean Wickart; Roy Marble; Michael Boudreau; Mac Miller & Julie Bourne.

BOARD MEMBERS ABSENT: Rose Lambert and Jane Greene

ZONING ADMINISTRATOR: GLORIA WING

GUESTS PRESENT: [See attached list].

The meeting was called to order at 7:04 P.M. by Chairman Paul Nesky, who reviewed the minutes of the 10/19/88 meeting for omissions/corrections. Theresa advised that **FACTS OF FINDINGS** were omitted regarding the Charles Burnham amendment for Site-Development Plan Approval. Gloria also advised that Burnham DID want the Town to take over the road serving this development.

Theresa moved that the minutes be accepted with the above two (2) corrections. Don seconded. All in favor.

7:07 P.M. -- WARNED HEARING/ANDREW PLANTE was in attendance seeking a Variance to rebuild his garage, without the required 10' set-back, advising his old garage can not be rebuilt and his plans are for a 20.5' X 36' structure to be replaced by a one-story, two-car garage measuring 26' X 36' to be built on the extended present cement slab. Betty Courchaine was in attendance, advising Andy had come over to speak with her about his proposed plans and she had no objections. Andy presented plans for the Board's review.

Roy made the motion to grant the Variance for not having the required 10' side set-back. Theresa seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville Zoning By-Laws, ARTICLE VIII, Section 801, Page 30--Variance, and being there was no objections by adjoining property owner(s), approval was granted by the BOA.

7:12 P.M. -- WARNED HEARING/BILL DRAKE OF JEHOVAH WITNESSES/KINGDOM HALL was in attendance seeking approval of a three-lot sub-division (Lot #15) Ryder Brook, without Public Road Frontage. Mr. Drake advised they would be hiring an engineer for this proposed project, which would consist of each lot being in excess of 2 acres. Roy advised he was abstaining from this hearing as he has been working with the applicants on this project. Mr. Drake advised access to the property is only a right of way by the Vartanian Clinic; that each lot would access onto the right of way and each lot is restricted to residential by covenants in the deeds. Gloria advised she had received a call from David Drew stating his concern with this proposed project.

Mr. Drake presented his proposed plans for the Board's review.

Mac made the motion to grant the Variance for development of this three-lot sub-division without Public Road Frontage. Theresa seconded. Bill Moulton inquired what the intentions were regarding this driveway;

is it going to be a private drive or will they seek to have the Town take over the road. Mr. Drake advised they have no plans at this point to request the Town to take over this road.

Roy abstained from voting. All others voted in favor of Variance approval to allow this three lot sub-division without Public Road Frontage.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE III, Section 301.2, Page 6, the applicant was granted approval of a Variance for development of a three lot sub-division without Public Road Frontage.

7:20 P.M. -- WARNED HEARING/UNION BANK, REPRESENTED BY ARLEN SMITH seeking the Board's approval of a Variance for installation by the Morrisville Water & Light Dept. of an above-ground transformer without the required 20' set-back, to be located on Main Street adjacent to the Town Clerk's Office. This ground level power source would provide power for three (3) buildings: Union Bank; Town Clerk's and Records buildings, being screened behind a hedge in front of the building for easy access for service.

Roy made the motion to grant approval for the Variance; Theresa seconded.

Gloria said she discussed with Oscar Churchill the possibility of having screening similar to the Town Clerk's Office, only not as high. Arlen agreed screening would be compatible.

Norman Nepveu asked what would happen if a car should strike this transformer. Bill Pickens advised the effect would be the same as if striking a power pole; that it would be safe for pedestrians, etc., also.

All voted in favor of granting this Variance.

FACTS OF FINDING: Based on and examined under the Village of Morrisville Zoning By-Laws, ARTICLE VIII, Section 801, Page 30--Variance, and being there was no objections by adjoining property owner(s), approval was granted by the BOA.

7:27 P.M. -- RECESSED HEARING/MORRISVILLE HARDWARE: HENRY TOTTENHAM was in attendance, after having the Hearing recessed to allow the Board to do a Site-Walk of the property. Paul asked about the proposed Lease with the Town. Gloria advised it was being drawn up by the Town Attorney presently.

Mr. Tottenham advised there have been some amendments to the original application at the suggestion of Bill Moulton, being that one (1) wall will extend three (3) feet further and the door will be at an angle. That Bill suggested this so trucks can back in an angle for deliveries.

Norman Nepveu stated he felt the amended plans were much better than the

original plans presented.

Don made the motion the Variance be granted, with the Condition of, and Subject to an agreeable Lease being signed with the Board of Selectmen, Town of Morristown.

Jean seconded. All in favor, with the Condition.

Paul expressed the Board's thanks to Bill Moulton for assisting with these amended plans.

FACTS OF FINDING: Based on and examined under the Village of Morrisville Zoning By-Laws, ARTICLE VIII, Section 801, Page 30--Variance, and being there was no objections by adjoining property owner(s), approval was granted by the BOA.

7:33 P.M. -- RECESSED HEARING/CHARLES HESS'S USED CAR LOT. The Board conducted a Site-Walk of this property regarding request to build a garage in his salvage/used car dealership located on RT 100/LaPorte Road. The Board had requested Hess to clarify boundary lines where he was doing business and also the exact location of proposed garage. Paul advised that Charlie had amended his original application to include two (2) 8' X 40 unregistered trailers to be used for storage in addition to his proposed construction of a 40' X 62' all steel garage. Jean asked how many cars he had, one-hundred? Charlie advised, more than that. Plans were presented which depicted present structures and proposed structures with boundary lines allowed for salvage use. Don explained the boundary markers as he was familiar with property and permits previously issued.

Charlie advised that a crusher comes in twice a year to remove vehicles; that the accumulation is enough to warrant coming three times a year.

Paul advised that the Board did a Site-Walk to determine what the previous permits had allowed and what the actual use of the land was. Charlie had a surveyor down on his property and had markers installed showing where the salvage yard is allowed, a limit which measures back 543'; that all items beyond that point must be removed and contained within the boundaries; that all vehicles and scrap metal beyond the limit Charlie has agreed would be removed. Jean asked when this would be done? Charlie advised they would try to get it done this fall; that the cars would definitely be removed, but he didn't know if the gas tanks would be out of there this fall; that a lot of the cars are already gone.

Jean asked Julie what her feelings were regarding the plans and agreement. Julie said she felt the agreement was fine; that her main concern was screening of the site from RT 100 and would like to see trees planted to screen the view from RT 100. Charlie agreed to plant trees to the Boards satisfaction for screening; that he probably wouldn't be able to get them planted until middle of June, 1989.

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Don made the motion that Charlie Hess be granted a permit to build his new garage; a permit for the two (2) storage trailers/sheds and an extension of his yard that has been surveyed and markers installed; that he has a suitable screening program to the Board of Adjustment and in place by June 1, 1989. Jean seconded.

Roy requested that a Board member authorize and date the plans submitted and approved by the Board regarding this application. Don stated he would sign. Also, indicate on plan map that David Ring was the surveyor, per Roy's suggestion and that it officially be on file; that it also be on record what size and type of trees for screening Charlie is to plant. Charlie asked if a 6' tree would be suitable. Roy suggested Don amending his motion to include that Charlie Hess have the trees planted by June 1, 1988; that a program be presented by Charlie Hess to the Board of Adjustment with plans in place by June 1, 1988.

Don amended his plans to include that Charlie Hess present a plan suitable to the Board of Adjustment NO LATER THAN APRIL 1, 1989; that the plans be in place no later than June 1, 1989. Jean seconded. All in favor with Julie Bourne abstaining.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, Section 203.4 AGR., RR & SPECIAL INDUSTRY, Page 5, Conditional Use (a) and Section 305, this application was granted approval WITH THE ABOVE SPECIFIED OUT-LINED CONDITIONS of the Permit.

7:47 P.M. -- RECESSED WARNED HEARING/FRED PAROT presented plans which included amendments to the original application, being:

a) Driveway location -- To be located to the right of the pole, after consulting with Bill Moulton and has taken out one turn-around; that there will be twelve (12) house lots, with sixteen (16) acres being retained.

b) Fire Pond -- as requested by Lee Sturtevant of the Fire Dept. to be located off the end of the cul-de-sac for fire protection; advising he (Parot) doesn't know what the depth is, but could be dug deeper if requested to do so by MFD; that this is located approximately 75' from the turn around and will install a dry-hydrant in order not to have to maintain a road to the pond.

c) Airport Apron -- It is already in the property deed which restricts development within 1500' of the airport's apron, and presented a geological map which depicted Parots' property.

Mr. Parot presented new professional blue-prints of his proposed development plans, which Theresa stated she wanted to compliment him on the plans.

Roy made the motion to grant approval of this Site-Development Plan Review; Julie seconded. All in favor.

Roy then made the motion to grant approval of a Variance for development

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of thirteen (13) lots without Public Road Frontage. Theresa seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE III, Section 301.2, Page 6, the applicant was granted approval of a Variance for development of a thirteen lot subdivision without Public Road Frontage; and ARTICLE IV, Section 401 - Site-Development Plan Approval, Page 13, was granted by the Board.

8:15 P.M. -- WARNED HEARING/PAUL & THERESA HALE, Richmond Street applying for Board's approval to allow the construction of a 24' X 24' garage, replacing the existing garage which measures 12' X 18'. Theresa Hale was present presenting application for Permit, advising the area of the property is 86' X 108' with an addition on the existing cement pad of 12' X 6', which would bring the structure within 4' of the adjoining property owner.

John Phelps, co-owner of an apartment complex located between Hale's and Park Street was in attendance voicing his concern that in bringing the grade level up, this will cause more water run-off onto his property and into the cellars of the apartments as they are very low-lying; that Mr. Ross raised his property level, formerly Ianni's, which causes all the water from Ross and Hale's to drain on to his property.

Jean made the motion to recess this hearing until November 16, 1988 at 7:30 P.M. in order the Board do a Site-Walk. Roy seconded. Theresa Hale advised that they have an excavator coming on Friday (11/04/88) and pouring the foundation.

Bill Moulton suggested installing a dry-well if all the neighbors could agree and work together to solve the problem.

After discussion, Jean withdrew her motion and made the motion that the Variance be granted with the Condition that Hale's install a dry-wall to solve the water run-off problem.

Theresa Hale asked if the cost went over \$300 or \$400.00 would John Phelps go halves with them. Phelps stated he couldn't say right now, as he is one half-owner in the apartment property, but would let her know.

Julie withdrew her second to Jean's original motion. Gloria and Roy suggested that all three (3) property owners, Hale's, Phelps and partner; and Ross share equally in the cost of installing the dry-well as the water run-off effects all three (3) properties.

Julie seconded Jean's motion subject to the installation of a dry-well.

Theresa Hale advised her land would not be raised, only the cement pad is being extended.

Paul called the question. There were five (5) votes "Yes"; two (2) "No".

So passed. Theresa Hale advised this would be installed on Friday, when the other work was done, unless it was outrageously expensive.

FACTS OF FINDING: Based on and examined under the Village of Morrisville Zoning By-Laws, ARTICLE VIII, Section 801, Page 30--Variance, approval was granted by the BOA, with the Condition that a dry-well be installed to alleviate the water run-off problem.

GENERAL DISCUSSION: Gloria said Nick DeNoia called her and advised that Phil Surgen has put up a fence on his property line, therefore, no one can get in or out; that she and Bill Moulton went down and looked at it and measured the distance and found it is too close to the sidewalk and the fence will have to be moved back 20'. Also, that DeNoia is coming in on 11/19/88 for a Site-Plan review as he is tearing down the burned section, which he will use for parking renovations only.

Also, Karen Siedel called her as she is upset over the boulders by her business with the yellow paint on them; that they are far enough back from the set-back, therefore is a neighbor dispute.

Bricket Farrell of Wabun Avenue, who was given a Permit for a Home Occupation; now needs a Home Industry Permit as he want to hire 2 or 3 more people. Mr. Farrell will be coming before the Board on 12/07/88.

Theresa inquired how David Pennella is coming with the Zoning Amendments. Paul advised there is still a lot of work to be done.


Roy advised to get an alternate for the next meeting as he will be out of town.

Paul advised that Debbie Mason, who works for the State, will be coming to the next meeting and would like one-half hour of the Board's time to complete a questionnaire.

Gloria advised the residents of Cadys Falls will be attending the next meeting to discuss general topics of concern.

Roy made the motion to adjourn at 8:36 P.M. All in favor.

Respectfully Submitted,


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

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NEXT SCHEDULED MEETING . . . NOV. 16, 1988 @ PUBLIC SAFETY BUILDING
at 7:00 P.M.

A COMPLETE AGENDA WILL BE AVAILABLE AT THE MEETING FROM GLORIA.

Print Name & Mailing Address

- 1 Fred Parot Box 133 Hyde Park VT
- 2 William A. Pickens Rd 2 Box 610 Morrisville VT 05661
- 3 Rebecca C. Skillin Rd 2, Box 1190 " " "
- 4 Alan Smith Union Bank Box 667 Morrisville VT.
- 5 Norm Miquel Morrisville
- 6 Art Hurley Morrisville,
- 7 James Stone Stone
- 8 Betty Laureline Morrisville
- 9 Andrew & Plante 3 Maple ^{PO Box 314} Morrisville
- 10 Sharon Lane Morrisville VT
- 11 HENRY TOTTENHAM. Morrisville Hardware.
- 12 Theresa Hale Morrisville, VT.
13. Paul Crossman Morrisville VT
- 14 John Pheasant
- 15 Lee Sturtevant MFD.