

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT. 05661
Phone (802) 888-6373
Fax (802) 888-6378**

Minutes of October 26, 2000

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

Members Absent: Tom Paine - out to January 1, 2001

Guest: Daniel Donza and Roy Marble

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

Mary made a motion to approve the minutes of October 12, 2000, as written.
Theresa seconded the motion and it passed unanimously.

**WARNED APPEAL HEARING, DANIEL DONZA, APPEAL OF ZONING
ADMINISTRATORS ENFORCEMENT ORDER, 525 STERLING VALLEY ROAD.**

Gary opened warned appeal hearing and gave an overview of the enforcement order.
Theresa administered the sworn oath to Daniel Donza and Roy Marble.

Mr. Donza went over the enforcement order. The construction of a building without a permit, he believes that this is the 8' X 8' addition to Vermont Slate and Copper building. He explained he thought his property was zoned commercial and did not think what he has done was a problem.

Paul said we were there two years ago Mr. Donza and you were told that the zoning was Rural Residential with Agriculture when you asked for a 24' X 52' addition.

Mr. Donza said Vermont Slate and Copper is leaving the building they are in and moving to Hyde Park.

Connecting old septic to building where the septic system had not been used in more than one year. This is untrue the old building had septic that was used in the summer.

Addition he does not know what we are talking about.

Gary explained that the constructing a building without obtaining a permit is his new building and the addition is the 8' X 8' addition to Vermont Slate and Copper.

Mr. Donza said the old building fell down when they were digging for the additions foundation.

Mr. Donza said the office was always part of the application even though it is not on the application. Vermont Slate and Copper uses the office and that part of the business will be moving soon.

The building is about 8' bigger than the permit allowed because he and Mr. Bradley are dyslexic. The new bigger building is in the same location and hooked to the same septic and he does not want to get into this as the state is taking care the septic issue.

Gary instructed Mr. Donza to apply for a permit for new building with as built plans and the plans he filed are inadequate.

Mr. Donza disagreed.

Gary explained what we needed

Mr. Marble said he would work with Mr. Donza on new plans.

Mr. Donza said the 8' X 8' addition will be torn down after Vermont Slate and Copper leaves.

Mr. Donza said it is untrue the second apartment was not permitted as he had one apartment in the building and a second in the silo and that was moved in 1972. He did not know he had to get a permit when he moved the apartment. He does not want to get a new permit as he would have to change things for Labor and Industry.

The sign is a arrow that shows Dan's Auto Body is out back and he will take it down.

The mini storage unit have been there since 1969 and that this would not have be known to the town if it was not for the sign.

Gary when over all the permit issued by the town of Morristown over the year and on his different parcels. The last permit was for a 24' X 52' addition to a 16' X 24' existing building.

Mr. Donza asked if he could put in mini storage in the building when Vermont Slate and Copper leaves.

Gary read the allowable uses, and the only storage allowed in the district is old agricultural barns can be used for seasonal storage, of cars, boats, snow machines.

Mr. Donza said he feel that the mini storage and apartment have been their long enough and he does not want to go through Labor and Industry or lose them.

Theresa and Gary said that he would have to show proof that satisfies our attorney.

Gary, Mr. Marble and Mr. Donza discussed what adequate proof is.

Mr. Donza feels he has been wronged by the town and he should not have to show proof, but he will get what he needs.

Gary said Ken will issue a recess memo.

Mr. Donza said the main issues are apartment, mini storage, and new building.

Gary said it would all be in the recess memo.

Mr. Donza asked if he could live over the new building.

The Board explained what his options are in regards to the bylaws.

Mr. Donza said the Zoning Administrator said he could not lease or sell the building Vermont Slate and Copper is in for a auto body shop or auto repair shop

Gary read Section 430 of the Bylaws.

He could sell his business as the permits run with the land. You can not "added to by the commencement of a different non-conforming use" "reestablished, if the non conforming use has been discontinued for a period of one year or more, or has been changed to or replaced by a conforming use."

Gary said he needs to wait for Ken's recess memo and he can go from there.

Other Business:

Gary read the letter from the Select Board on a contract for Ken. This will be discussed with Ken at the next meeting.

David made a motion to adjourn the meeting.

Paul seconded the motion and it passed unanimously.

Respectfully submitted,
Kenneth J. Sweetser, Scribe.