

MORRISTOWN PLANNING COMMISSION/BOARD OF ADJUSTMENT -- OCTOBER 19, 1988

BOARD MEMBERS PRESENT: Paul Nesky; Julie Bourne; Don Anderson; Theresa Breault; Rose Lambert and Michael Boudreau.

BOARD MEMBERS ABSENT: Mac Miller, Roy Marble and Jean Wickart.

ZONING ADMINISTRATOR: GLORIA WING

GUESTS PRESENT: [See attached list].

The meeting was called to order at 7:02 P.M. by Acting Chairman Theresa Breault, who reviewed the minutes of the 10/05/88 meeting for omissions/corrections. Don made the motion to approve the minutes as written. Rose seconded. All in favor.

7:03 P.M. -- WARNED HEARING/PAUL & KAY NESKY were applicants seeking the Board's approval to allow a Change of Use of their residence. Theresa was Acting Chairman for this Hearing.

Paul advised there was an error on their application; that the 18,750 sq. ft. was actually the portion of property they sold to Lucien Renaud, an abutting property owner; that the area of their lot is actually 34,848 sq. ft. Neskys' advised the Board of their proposed plans to operate a 'Bed & Breakfast' facility, with four (4) bedrooms in possible use; that their would be a maximum of eight (8) people at one time, with a maximum of four (4) vehicles at one time. This property was formally a four (4) apartment building; that they have removed the apartments and is presently being used as a one-family dwelling. There is ample parking space for this use.

Paul advised they anticipate being open for business year around and have attended numerous seminars regarding 'B&B's'. They do not foresee any increased use of commercial services/facilities; that their signage will consist of a much smaller than the allowable size, which will be of a 'Victorian' design, which is in the process of being made and will be a free-standing sign.

There will be less traffic than when the apartments were in use. Paul stated they have done some interior work to energize the structure; there will be no exterior changes.

Rose stated that being an adjoining property owner, she had no objections and felt it would enhance the street and area.

Julie made the motion to grant approval for a Change of Use. Don seconded. 5 members voted in favor. So approved.

FACTS OF FINDING: Based on and examined under the Village of Morris-
villes Zoning By-Laws, ARTICLE II, "MDR", Page 5, Conditional Use (7)
-- Home Industry and meeting the criteria of ARTICLE III, Section 310.1--
310.6, Page 12, this application was granted approval by the Board.

**Paul resumed his position as Chairman of the Board for the remainder of the meeting.

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7:18 P.M. -- WARNED HEARING/HENRY TOTTENHAM, owner of MORRISVILLE HARDWARE STORE located on Portland Street was present seeking approval for a Variance to allow an addition (loading dock) on the back of the existing building, not having the required set-back. This loading dock would measure 12' X 30'4", constructed of wood, on property leased from the Village of Morrisville. Gloria advised the Board of Selectmen have agreed to lease Mr. Tottenham and Paul Grossman sufficient land to enable them to build the proposed loading dock, which would be approximately 300 square feet; that Morrisville Hardware would need a Variance for approximately 9'.

Norman Nepveu advised he has no objections to their proposed plans.

Gloria advised there is a lease being drawn up that is to include, 'that in the event the Town/Village wishes this loading dock removed, there would be a 60--90 day notice given to Morrisville Hardware'; that she has suggested the lease be reviewed every three (3) years.

Paul inquired if the Municipal parking lot would be losing any parking spaces and was advised no; that the boundary line is basically the light poles.

Mr. Tottenham advised this would be constructed of wood on piers and attached to their building.

Julie asked if there would be any monetary exchange. Gloria stated, yes, that it is undecided at this time how much but it would be fair to all.

Don made the motion to recess this Hearing until November 2, 1988 and the Board conduct a Site-Walk. Rose seconded. 5 members voted in favor of recessing this Hearing.

A Site-Walk was scheduled for Saturday, 10/22/88 at 7:30 P.M. and all interested parties were urged to attend.

7:37 P.M. -- WARNED HEARING/HARVEY'S MOBIL HOME SALES, represented by Martha Harvey and Colleen O'Connell, seeking the Board's approval to allow an Expansion of a Conditional Use. Martha advised this location on Brooklyn Street was still a temporary location as stated on the original Permit issued on 07/13/87; that they are presently negotiating for a permanent lot for this business. The reason they are requesting an expansion is the increase of sales from what they had anticipated and they also transport homes for other businesses and at times have to store the homes for a day or two. Therefore, they are requesting a Permit to allow 50 mobile homes on the lot and basically to double the size of the lot. They will not be taking any more homes in on consignment and the ones presently there are in the process of being removed. They will not be using any additional utilities.

Don made the motion to approve the Expansion of a Conditional Use. Theresa advised that she and Rose were impressed by the appearance of the

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business.

Don stated he wanted to amend his motion to include: that the total number of mobile homes is not to exceed fifty (50) at any one time. Theresa seconded. 5 members voted in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II; Section 203.1, Page 3, Conditional Use (Expansion), (b.) this application was granted approval with the Condition of the limit of no more than 50 mobile homes.

7:50 P.M. -- WARNED HEARING/JOIE & MARSHALL LAMB, Summer Street Ext., which is a Dead-End Street, were in attendance seeking approval of a Conditional Use to allow a Day Care Center (Home Industry); having a maximum of 12 children, as any more would require they install a \$5,000 Fire Alarm System, as required by the State of VT. Presently, they are not registered with the State. They have moved out of the trailer and have built an apartment over the garage; they will be living in the facility as per State requirements. The adjoining landowners, Spragues and Limoges have no objection to their plans.

Lambs advised the facility would be open Monday -- Friday only.

Theresa advised there appears to be ample parking space and being on a dead-end street, an ideal location for this business.

Theresa moved to grant the applicant a Conditional Use, contingent upon receiving State Licensing for a maximum for 12 children. Michael seconded. 5 voted in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE II, "MDR", Page 5, Conditional Use (7) -- Home Industry and meeting the criteria of ARTICLE III, Section 310.1--310.6, Page 12, this application was granted approval by the Board.

8:06 P.M. -- WARNED HEARING/JEFF SAUL was in attendance, presenting plans to convert a residence to four (4) offices, a Conditional Use -- Change of Use, on RT 100-S, adjacent to Miller's Market Place, on 3/4th acre; the structure will measure 34'4" X 25, a two-story structure; the tenants will share a common drive with Miller's. Brent Paine was granted a Permit during the Summer of 1988 and Mr. Saul's plans are nearly identical to Mr. Paine's. Plot Plans and a written use proposal was submitted for the Board's review and made a part of the original minutes.

Julie made a motion to grant approval of a Conditional Use, to be used as office space. Don seconded. 5 voted in favor.

FACTS OF FINDING: Based on and examined under the Town of Morrisville's Zoning By-Laws, ARTICLE II, Section 203.1, AGR. & RR (b), this application was granted approval to allow four (4) offices.

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8:06 P.M. -- WARNED HEARING/CHARLES HESS was present seeking the Board's approval to allow new construction of a garage for the repair of salable cars, a Conditional Use. The proposed structure would measure 40' X 62' to be located between the old garage and woodshed. Hess presented a sketch of his proposed plans, which will be constructed of all steel, with an estimated cost being \$46,000. Hess advised the old garage will remain until it falls down.

Don presented a drawing of Hess's property and adjoining property, which indicates what the State Permit allowed at its time of issue and expires on 06/13/89; advising the State Permit does not allow Hess to go behind the Bournes property at all, yet Hess has violated this Permit. Don advised Charlie that he has a larger Junk Yard than either the Planning Commission or the State allows and believes this issue should be settled now, instead of compounding the problem; that the property should be measured by the Board and Charlie Hess and stakes/pins set out depicting the allowable space indicated on the Permits.

Theresa asked when he planned to start the construction of this garage. Charlie advised he already had; that he spoke with Gloria and she had called five (5) members of the Board and polled them and could see no problem with Charlie's proposed plans being approved.

Don made the motion to recess this Hearing until November 2, 1988 in order to have a Site-Walk on Saturday, Oct. 22, 1988 at 8:15 A.M. with the Board and Charlie Hess. Theresa seconded. Julie abstained, due to being an adjoining property owner. 4 members voted in favor of recessing this Hearing.

8:23 P.M. -- RECESSED WARNED HEARING/STEVE MORSE was back before the Board seeking approval of a Variance to allow development of five (5) lots on 24 acres located on Town Highway #39, Upper Elmore Mt. Road; seeking three (3) accesses onto T.H. #39, without the required frontage on a Public Highway. Mr. Morse advised he spoke with Mr. Burke at the Site-Walk and since then Mr. Burke has been very co-operative and has even been assisting him in obtaining power to the property. Mr. Morse advised that after the meeting of 10/05/88, he had a lengthy discussion with all concerned parties and believes it was a very fruitful discussion.

Julie moved to grant approval of a Variance for development of lots without the required minimum public road frontage. Don seconded. 5 members voted in favor. So granted.

Site-Plan: Mr. Morse presented plans, indicating house locations on the property of each lot, explaining each lot and design of same; that Lots #1, #2 & #5 will share a common driveway; with Lots #3 and #4 having individual driveways.

Theresa moved to grant Site-Development Plan approval. Don seconded. 5 members voted in favor. So granted.

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FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, AGR/RR, Section 203.4, a Variance for a minimum Public Road Frontage was granted by the Board. And, ARTICLE IV, Site-Development Plan, Section 401.1 & 401.2 and meeting the criteria of same, was granted approval by the Board.

8:38 P.M. -- RECESSED WARNED HEARING/FRED PAROT was back before the Board and after a brief discussion the Board. Theresa made the motion to again RECESS the Hearing until November 2, 1988 at 7:30 P.M. in order for Mr. Parot to obtain data concerning the following:

- a) Driveway location;
- b) Fire Pond meeting MFD's approval;
- c) Airport's apron of flight path;
- d) Professional blue-prints of plans.

That if Mr. Parot is not prepared to present all of the above to the Board on 11/02/88, he is to call Gloria and advise her of same prior to the meeting.

Julie seconded. 5 members voted in favor of same.

8:45 P.M. -- RECESSED WARNED HEARING/DANIEL DESMOND, accompanied by Tom Michaelson, who is interested purchasing the Crimson King Motel property, and wants input from the Board on how to prepare his plans for use of the property. Michaelson stated he didn't want to spend a lot of money on plans if they wouldn't be approved. Don made the motion to RECESS this Hearing until November 2, 1988 at 7:00 P.M.. Theresa seconded. 5 members voting of the Recess. (If Mr. Michaelson does not have, or Mr. Desmond does not have plans established, they are to contact Gloria prior to the meeting and advise her.)

9:02 P.M. -- AMENDMENT/CHARLES BURNHAM, was in attendance seeking the Board's approval to develop a fourth lot, without frontage on a public highway, on property located on Ryder Road; in 1985, the Board granted him a Permit to develop three (3) lots, the road is built to Town Specs, but due to property line dispute, he now has to purchase an additional acre of land in order to move the road. Mr. Burnham said for financial purposes, he wishes to be granted a Permit for development in order that he may sell this lot. Mr. Burnham stated he does not want the Town to take over the road, maybe at some point in time; that at this time he was seeking an amendment to a SITE-DEVELOPMENT PLAN AMENDING the Permit granted on 11/07/84, to include a 4th lot.

Don made the motion to grant approval of 4th Lot only, without public road frontage. Julie seconded. 5 members voted in favor.

GENERAL DISCUSSION/INFORMAL DISCUSSIONS: Paul welcomed Jane Greene and thanked her for coming to the meeting. Theresa made the motion to have the Board appoint Jane Greene as an Alternate Board member until 01/01/89 on the Plan. Com. Don seconded. All in favor.

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Gloria advised that Dick Snow; Allen Deuso; Andy Valcour are still alternates; that Ed Wilson wants to be on the Board. Theresa advised they still should consider those who submitted applications and should be acted on before considering those who did not submit applications for a position.

Gloria advised she had sent Gerald Audy a letter giving him 60 days to remove the dirt and to re-seed the property adjacent to Best Street.

Paul advised that Blow & Cote have constructed a two-story building on RT 15, without any permit and requested Gloria to look into this.

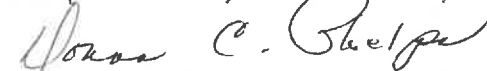
Gloria advised of the concern of the WAJA'S huge L.P. gas tank that has been there since the construction of the veal barn, etc.; that this propane gas tank was not on any of submitted plans; that Sweet & Burt had advised they do lease to WAJA. Paul advised numerous other people are also obtaining propane gas from this storage tank; that it definitely is a commercial project and no one ever got a Permit for it and is very dangerous. Gloria advised she had attempted to contact Tony Thompson for the past days unsuccessfully.

Gloria inquired how the Zoning Amendments are proceeding and Paul advised Dave Penella has a lot more work to do on them, and has done a lot already; that Mr. Penella wants to research Cluster Housing; Impact Fees, etc. That the Board should consider meeting on the alternate Wednesdays to work on these for a few weeks.

Gloria advised that David Ring has resigned as the Town Engineer who approved the Sewage Plans; that the Selectmen will be meeting on 10/26/88 at 7:00 A.M. to discuss same.

Theresa made the motion to adjourn at 9:44 P.M. All in favor.

Respectfully Submitted,


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

/dp

NEXT SCHEDULED MEETING == NOVEMBER 2, 1988 @ 7:00 P.M./Public Safety Bld.

Complete Agenda will be available at that time.

Guests / Applicants

Please Print!

(12)

Name:

Mailing Address:

1. Jeffrey A. Saul R.D. 2 Box 1277 Stowe 05672
2. Fred Parot Box 133 Hyde Park VT 05655
3. Donn Mynen Morrisville
4. HENRY TOTTENHAM Box 980 MORRISVILLE.
5. Kay Nesky Box 159 "
6. Martha A Hawey Box 584 Morrisville, VT
7. Colleen O Connell RD3 Box 2370 Morvill, VT
8. Ed & Ruth Hays Morrisville VT
9. Brian S Lamb RR#2 Box 670 morrisville VT
10. Joik A. Marshall-Lamb RR#2 Box 670 morrisville VT
11. Jang S. Greene P.O. Box 752 " "
12. Stephen E. Mone P.O. Box 474 Morrisville, VT.
13. J.C. Huber RR 4 Box 588 Stowe A.
14. Alice Desmond Star Rt. Box 260, Morrisville
15. Dan Desmond Star Rt. Box 260 Morrisville
16. Charlie Bumbam Box 1149 Stow Ut.
17. Phyllis McKee RD2 Box 2050 Stowe VT
- 18.
- 19.
- 20.