

MORRISTOWN BOARD OF ADJUSTMENT

P.O. BOX 748
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(802) 888-6373

Minutes of October 12, 1994,

Members Present: Gary Nolan, Ralph Wiltshire, Rose Lambert, Theresa Breault, Jean Wickart, Ida-Mae Anderson, and Paul Trudell.

Members Excused:

Zoning Administrator: Kenneth J. Sweetser

Guest Present: see list attached

The meeting was called to order at 7:30 pm by Gary Nolan, Chairman.

Ralph made a motion to approve the minutes of August 24, 1994, September 21, 1994 and September 28, 1994 as written.

Theresa seconded the motion

The motion passed unanimously to approve the minutes as written.

Anthony Puleo

At 7:32 pm Gary opened the hearing for Anthony Puleo. The Board conducted a site walk of said property on September 28, 1994. It was found at the site walk that the applicant is requesting a variance to place a garage 50' from center of Churchill Road, a Class 4 highway. The Applicant owns 14.6 acres, the topography of the land is that it slopes away from the drive in excess of 8' in the length of the garage. The application is for a 24' X 32' garage with work shop.

Theresa administered the sworn oath to Anthony Puleo.

This application will be review under the following sections and subsections of the Morristown Zoning Bylaws: 280 Rural Residential with Agriculture, 282f. Accessory Uses, 650 Variances.

Gary read the application for the record.

The Board of Adjustment finds the following under 650 Variances.

651.1 The Board finds that the property slopes downward away from the driveway and from Churchill Road in a manor that leaves no level spot for the applicant to place his garage. This hardship was found to be a physical hardship and was not created by the zoning regulations.

651.2 The Board finds that because of the physical topography of the said property the property can not be developed in strict conformance with the bylaws. A variance is required to enable the applicant to reasonable develop his property.

651.3 The Board finds that the hardship was not created by the applicant.

651.4 The Board finds that the variance will not affect the character of the neighborhood which is residential uses, the development of surrounding properties, reduce access to renewable resources, nor be detrimental to the public welfare.

651.5 The variance represent the minimum variance that will afford relief and least deviation from the zoning regulations and town plan.

651.6 The Board finds that the variance will meet all of the criteria required under Section 4468 of the Act.

Theresa made a motion to grant the 15' variance request.

Ida-Mae seconded the motion.

Jean-Yes, Gary-Yes, Rose-No, Ralph-No, Theresa-Yes, Ida-Mae-Yes, and Paul-No, the motion passed 4 to 3 to grant the variance.

Vermont Donut, Inc.

Gary opened the hearing 7:56 pm for Vermont Donut, Inc. d/b/a Dunkin Donuts. The application is for a restaurant to be built on a one acre parcel of land that belongs to Eva Perry.

Theresa administered the sworn oath to all parties.

This application will be reviewed under the following sections and sub-sections of the Morristown Zoning Bylaws. 210 Commercial District, 213d Restaurants, 300 Special Protection Areas (WAPA's), and 630 Conditional Use.

Gary read the application for the record.

Darrow Mansfield consultant for Vermont Donut gave an overview of the project. The proposed project will have 26 parking spaces that includes 2 handicap spaces. They have planned seating for 31 that includes 11 stools and seating for 20 in booths or at tables. The restaurant will operate 24 hours a day, seven days a week, with a maximum of 6 employees per shift and a total employment of 30-40. The proposed project will have a drive up window as well as counter service. Landscaping will consist of the follow trees and shrubs and their heights at planting: Maples 12' - 14', White Pine 6'+, White Birch 8' - 10', Crab Apples 8' - 10', and shrub hedges of 18" - 24". Lighting will be 150 watt, metal halide, zero cutoff shoe box design mounted on 14' poles. A winter construction is planned with an opening planned for spring. White fluorescent lights of 3,000-3,400K range will be used in signs to prevent glare problems for traffic.

Section 300 Wellhead Protection Areas. The applicant stated that the plans have been submitted to the State of Vermont Water Quality Division for review and approval. The WAPA intersects the proposed project with the septic disposal system being outside of the WAPA and the restaurant in the WAPA.

The Board of Adjustment will require a copy of the waste water permit, a letter from Water Quality Division stating that the proposed project will not have an adversely impact the aquifer, and a map from Water Quality Division of the WAPA that show the proposed project.

Section 630 Conditional Use.

Section 632.1 the capacity of existing or planned services.
Letters pending.

Section 632.2 the character of the area affected.

- The applicant presented examples of other commercial uses in the area.
- Section 632.3 traffic on the roads in the vicinity. Dunkin Donuts expects 632 round trips per day and submitted a traffic study. The Board of Adjustment will require right and left turn exit lanes onto Route 15.
- Section 632.4 Bylaws in effect. The applicant felt that they were meeting all applicable bylaws in effect.
- Section 632.5 utilization of renewable resources. The proposed project will meet all state requirements for energy conservation, heat will be primarily from the ovens, the entrance is a double set of doors to prevent heat/cooling loss, the biggest energy use will be air conditioning.
- Section 632.6 conditions in effect that may affect the use. See section 300.
- Section 633.1 The proposed project will not create unreasonable soil erosion or reduce the ability of the land to hold water. Storm Water will be collected in two catch basins that function as injection wells with a leachfield type system under the proposed project.

Gary made a motion to recess the hearing until November 9, 1994 at 7:45 pm, at the Town Clerks Office Building. At which time they will continue the review, issue a decision if the required information is presented at that time.

Rose seconded the motion.

The motion passed unanimously and the hearing was recessed at 8:45 pm.

S & B Pitt Stop

Gary opened the hearing for S & B Pitt Stop to consider granting a conditional use permit, and variances. The application will be reviewed under the following sections and sub-sections of the Morristown Zoning Bylaws: 210 Commercial District, 213a Retail Delivery of Goods and Services, 213b Gas Station, 630 Conditional Use.

Gary read the application for the record.

Theresa administered the sworn oath to all parties.

William Merriam the applicant gave an overview of the project. The proposed project consist of a 18' X 18' canopy over the gas pumps, new signage. The canopy will be about 17' high. They currently have 16 parking spaces. Lighting will be down with diffusers.

The applicant lacked the required information to continue the hearing. Ken will issue a recess memo covering the following: maximum sign height, maximum total signage for this project is 35.7 square feet, site plan showing 16 parking spaces, drawing or

photo of canopy, lighting specifications, all setbacks, letter from Ken Wolfe, letter from State of Vermont AOT on gas pumps and any other missing information.

Ida Mae made a motion to recess the hearing until November 9, 1994 at 7:30 pm, in the Town Clerks Office Building.

Ralph seconded the motion.

The motion passed unanimously and the hearing was recessed 9:20 pm.

David Koier, d/b/a Ward Pond Nuts

The application is for a conditional use permit, the building is presently being used for offices and storage. The applicant wish to add uses of light industry and wholesale distribution of goods to the existing uses.

The application will be reviewed under the following sections and sub-section: 210 Central Business District, 213d Light Industry, 213m Wholesale Distribution of Goods, 450 Parking Requirements and 630 Conditional Uses.

Gary read the application for the record.

David Koier the applicant gave an over view of the project. Ward Pond Nuts has outgrown its facilities on the Randolph Road. They will be process and packaging nuts at this site. Retail sales are done at trade shows and by phone orders, they do not plan to have any retail at this location. They have four employees including the applicant and his wife. Parking is for ten vehicles. All modification to the building are internal.

Section 450 Parking Requirements

The Board finds the regulation require 5 parking spaces and the 10 currently there exceed the requirements.

The Board reviewed the Section 630 and the following Subsections that the project will have not adversely affect:

632.1 The capacity of existing or planned community facilities. The applicants through the required letters showed that there was no adverse effect.

632.2 The Character of the area affected. The Board finds that this project will not adversely affect the neighborhood as other similar uses in the vicinity.

632.3 The traffic on the roads and highways in the vicinity. The Board find the proposed project will have no adverse affect.

632.4 Bylaws in effect. The Board finds this proposed project meets the requirements of the current Zoning Regulations.

632.5 Utilization of renewable resources. N/A as building is existing.

632.6 Condition which may effect the proposed use. The Board finds none.

633.1 The Board finds this proposed project will not unreasonable soil erosion or the reduction in the land to hold water

633.2 The Board finds this proposed project will not cause undue air, noise or water pollution.

Ralph made a motion to grant the permit after reviewing the regulations, submittals, testimonial, evidence, conclusions and findings, with the follow conditions: Any further expansion will

be required to be reviewed under the zoning bylaws by the Board of Adjustment. The roasters may not be installed until a copy of the Labor and Industry permit is filed with the Zoning Administrator.

Jean seconded the motion

The Board of Adjustment unanimously approved this application on October 12, 1994 based upon the above referenced findings. The hearing was closed at 9:40 pm

F. William Alley

The application is for two additions to an existing manufacturing facility to be reviewed as a conditional use under the new amendments.

The application will reviewed under the following sections and sub-sections: 230 Industrial District, 233a Manufacturing, 450 Parking Requirements and 630 Conditional Use.

Gary read the application for the record.

Theresa administered the sworn oath

William Alley applicant gave an over view of the proposed project. He wishes to construct two additions, one enclose an 8' X 10' area for scrap metal to be recycled to prevent it from becoming contaminated by the elements, the other will be to add on and enclose the current loading dock area 30' X 38' for the storage of metals and to do pre-machining work. He presently has 16 employees (8 per shift). Parking currently is for 26 vehicles.

Section 450 Parking Requirements

The Board finds the regulation require 10 parking spaces and the 26 currently there exceed the requirements.

The Board reviewed the Section 630 and the following Subsections that the project will have not adversely affect:

632.1 The capacity of existing or planned community facilities. The applicants through the required letters showed that there was no adverse effect.

632.2 The Character of the area affected. The Board finds that this project will not adversely affect the neighborhood as the proposed amendments are changing the zoning district to allow for this the expansion of the industry district.

632.3 The traffic on the roads and highways in the vicinity. The Board find the proposed project will have no adverse affect.

632.4 Bylaws in effect. The Board finds this proposed project meets the requirements of the proposed Zoning Regulations.

632.5 Utilization of renewable resources. The appliacnt is to insulate to current standards in any heated areas.

632.6 Condition which may effect the proposed use. The Board finds none.

633.1 The Board finds this proposed project will not cause unreasonable soil erosion or the reduction in the land to hold water

633.2 The Board finds this proposed project will not cause undue air, noise or water pollution.

Jean made a motion to suggest to the Selectboard to grant the permit with the follow with the conditions listed below. The

Board of Adjustment after reviewing the regulations, submittals, testimonial, evidence, conclusions and findings, suggest the follow conditions: Any further expansion or change of use will require the applicant to come before the board to be reviewed under the zoning bylaws. A copy of any state required permits are to be filed with the Zoning Administrator.

Other Business:

Country Home Center requested a waiver of hearing to enclose the overhang to the right of the door to the garden center. No hearing will be require if the amendment are passed. The Board granted the waiver request.

Farrell Electric request for waiver of hearing to remove current garage and build a slightly larger garage and with second floor. The Board felt that they needed to review this application as home industry can only occupy 25% of the floor space and the business had been sold since the original review of this project.

Ralph made a motion to adjourn at 10:43 pm.

Jean seconded the motion.

Approved unanimously, the meeting adjourned at 10:43 pm.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.