

MORRISTOWN PLANNING COMMISSION/BOARD OF ADJUSTMENT -- OCTOBER 5, 1988

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

BOARD MEMBERS ABSENT: N/A

ZONING ADMINISTRATOR: GLORIA WING

GUESTS PRESENT: [See attached list].

The meeting was called to order at 7:11 P.M. by Chairman Paul Nesky, who reviewed the minutes of the 09/21/88 meeting for omissions/corrections. Theresa made the motion to accept the minutes as written; Julie seconded. Roy requested the minutes be amended to read 'Loren Darling, Sr., instead of Loren Darling, Jr.' All in favor, with the amendment to minutes.

7:17 P.M. -- WARNED HEARING/STEVE MORSE was in attendance seeking the Board's approval to allow a sub-division and development, to be located the Upper Elmore Mountain Road (T.H.#39), approximately one-to one and 1/2 miles from Sand Hill across from the Brent Teillon residence. The total parcel of land consists of 24 acres, divided into 5 lots. Lots #2; 3 and 5 do not have public road frontage. There is a right-of-way to serve Lot #3; a common driveway would serve Lots 1; 2 and 5, with Lot 4 having its own drive, for a total of three (3) access/exit onto T.H.#39. Morse advised he has spoken to Bill Moulton, who will look at the property and make a decision if he will grant the three (3) access/exits onto the Upper Elmore Mountain Road.

Morse advised he would not be residing at any of the developed lots.

Adjoining property owners, Brent Teillon; Mr. & Mrs. Benjamin Campbell and Mr. & Mrs. Thomas Burke voiced their concerns regarding this development.

Teillon advised there is a very sharp corner and that vehicles travel at an excessive rate of speed and believes that granting of three (3) access/exits would create a danger. Morse advised he didn't feel there was a major safety concern, with Teillon stating his major concern would be regarding the middle access.

Mr. Burke advised his driveway was located approximately 150' from these accesses and that vehicles frequently travel 50 MPH on this road, though it is posted for 35 MPH.

Theresa advised she and Rose were on this road today to look at the location of this proposed project and met two (2) trucks who nearly run her off the road.

Jean made a motion to recess this Hearing and for Board to do a Site-Walk of the property. Roy seconded. All in favor. The Site-Walk was scheduled for Saturday, Oct. 8, 1988 at 7:30 A.M.

Jean requested that Bill Moulton voice his opinion regarding this project

MORRISTOWN PLAN. COM./BOA MINUTES

OCT. 5, 1988

PAGE 2

as the neighbors are quite concerned.

Brent Teillon also stated his concern of Steve Morse dba/Sundown Corp. Gloria advised Mr. Teillon she made the mistake of Warning the Hearing as dba/Sundown Corp.; that Mr. Morse had contacted her it was his private development and she had placed a correction in last weeks News & Citizen.

Mr. Burke also advised of his concern regarding the sewage and drinking water quality. Paul advised that Health Officer Francis Favreau would grant a Permit only after the application for a Health Permit had met very stringent conditions.

Brent Teillon also stated that in the 20 years he has lived in Vermont that the Elmore Mt. Road has been considered a 'Scenic Highway' in travel brochures and inquired what will happen to it with all the development taking place.

This Hearing was recessed until October 19, 1988 at 8:00 P.M.

7:42 P.M. -- WARNED HEARING/FRED PAROT, JR. was seeking the Planning Board's approval of a Site-Plan Review of development of 12 Lots, advising he will retain three (3) lots, with frontage on RT 100; these lots being Lots #13; #14 and #16. There is also 30 acres in the back that he has no immediate plans for; that the twelve (12) lots he is seeking Permits for lack the 90' road frontage. This property consists of a total of 68 acres.

Jean stated she understood Mr. Parot started moving quite alot of soil without any permits and that it ended up in the brook. Parot advised, 'yes, he did, because the State was going to remove it and take it to Stowe for a Federal project; that he wanted the soil for his own use.

Mr. & Mrs. Meade stated that Parot did not have any consideration for the neighbors as after removing the top soil, it was just left, without seeding and mulching, causing a considerable amount of dust blowing constantly.

Mr. Meade advised his concern was eventually Parot will most likely come in a year or so, and want to develop 4 or 5 more lots.

Parot advised there would be a common septic system eventually owned by the Landowners Association. Mrs. Meade that most the specified area is really wet and doesn't see how it could be used for septic purposes as the land is clay.

Mr. Meade stated that he had considered purchasing this property for development, but was advised by a couple of Board members that there could be no more development within the Airport's flight path. Mr. Meade also asked what the proposed price range of these homes will be. Paul advised that the Board could not get involved with that. Parot advised they would be one-family residences.

MORRISTOWN PLAN. COM./BOA MINUTES

OCT. 5, 1988

PAGE 3

Mr. Parot advised there would be only one access/exit, which was staked out by the State Engineers.

Jean read a letter sent to Parot by Chief LaClair, responding to Parot's proposed development, in which Chief LaClair stated he 'was apprehensive about the location of his driveway' and the potential for accidents and suggesting moving the driveway north for better visibility. Mrs. Meade stated this was some of her concern also. Parot advised he had received the letter today.

Bill Moulton advised he spoke with the State Engineer for District #6; that when the Permit was issued, the State was under the assumption that it was for development of one (1) lot. Bill pointed recommended changes he would like implemented in Parot's plans.

Parot advised his plans were only rough draft plans.

Roy made the motion to do a Site-Walk of the property. Jean seconded. All in favor and a Site-Walk was scheduled for Saturday, Oct. 8, 1988 at 8:30 A.M. This Hearing will be recessed until October 19, 1988 at 8:00 P.M.

8:07 P.M. -- WARNED HEARING/VARIANCE: JEFFREY EMERSON/WAYNE ALEXANDER presented, by Emerson, an application to allow three (3) signs to be placed on the Lowe Building, located on Main Street in the Commercial Zone. Emerson advised that these would be lighted on a timer.

Roy made the motion to grant approval for this Variance. Theresa seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE III, PAGE 13, Signs, Section 316.5 (1) and was granted approval by the Board.

8:09 P.M. -- RECESSED WARNED HEARING/DANIEL DESMOND attending, seeking approval for the addition of four (4) motel units, located (2) on each end of the present Crimson King Motel, on RT 100-S.

Jean read a letter, dated 09/23/88, addressing Desmond's adjoining land owners, with three (3) signatures: Sanders; Vanesse and LaClair, which stated they were aware of his proposed plans and had no objection to the addition.

Desmond advised that a potential buyer had requested in writing that they could add four (4) more motel units at some point. Theresa advised that Permits were only issued for one (1) year period. Roy advised that the Board would require more specific and exact plans. Mac stated that there would be other permits required and the proposed buyer would have to go through ACT 250, etc.

Desmond stated that the proposed buyer's plans are to make the motel

units into apartments. Paul advised this would be a change of use and would require another Hearing; that if these were to be used as apartments, the two (2) acre parcel would not meet the zoning requirements. Desmond advised he will discuss the matter with his potential buyer(s) and have them possibly come back before the Board.

This Hearing was recessed until October 19, 1988 at 8:30 P.M.

8:21 P.M. -- WARNED HEARING/NANCY WEST & NANCY ELDRED were present seeking approval for a Conditional Use Permit to allow a natural food cafe on RT 15/100, presently Country Junction. They advised the cafe would consist of six (6) tables, seating a maximum of 24 people; a bakery and a driveway service. Presently they have no permits. They will be leasing one-half of the store space, with the other half being a children's and maternity clothing store. This area is zoned Agriculture and RR presently.

Theresa inquired what their plans were for signs. Nancy Eldred advised there would be a sign on the building and would have another down the road, erected by the State, which they would pay for. Eldred advised their hours would be from 6:00 A.M. until 3 P.M.; that there is a total of 19 parking spaces, of which 8 would be for the cafe, with the remaining parking spaces being utilized by the clothing store. Each parking space measures 8' X 17'.

The exterior will not be changed with the exception of awnings, which will be special ordered and a new sign: "KOINONIA KOMMON KAFE", which is a Greek word meaning, gathering, friendships, etc.

The Board advised that any exterior change would require the Board's approval and Paul recommended they photograph the exterior as it is presently.

Paul advised the Board they were to act on Change of Use of a Conditional Use.

Don made the motion to grant approval to allow a Natural Foods cafe. Theresa seconded. West & Eldred advised they did not know presently when they would be able to open for business, as these are their first steps. All voted in favor of granting the permit.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, 203.4, Agriculture and RR, Conditional Uses (b), and finding this Change of Use not be significantly different to present business in regard to appearance; traffic; noise and character, this application was granted a Permit.

8:39 P.M. WARNED HEARING/PENNY THOMPSON & KATHY MORRILL presenting an application seeking the Board's approval to allow a clothing store in the other leased half of Country Junction; this clothing store would carry infants, pre-teen and maternity clothing. Advising they would be open

seven (7) days a week; that their sign would be with the Kafe's, and presenting plans for proposed business.

Julie moved to grant approval. Don seconded. All in favor

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, 203.4, Agriculture and RR, Conditional Uses (b), and finding this Change of Use not be significantly different to present business in regard to appearance; traffic; noise and character, this application was granted a Permit.

8:44 P.M. -- RECESSED WARNED HEARING/ALLEN & TRUDY JORDAN: FARM RESORT, RT 100-S. Jordan presented semi-professional proposed plans of present structures/property and also of Phase II. Paul advised the Board did do a Site-Walk of the property.

Jordan advised as the result he has decided to widen the existing larger entrance and eliminate the present entrance to the motel and close off the circular drive in front of the house, leaving only one (1) access to RT 100; there will be a second access/exit onto the Golf Course Road; that he plans to plant trees for screening and has an excessive amount of parking available. There will be a road that will go up to the putting green, which has good visibility.

Bill Moulton advised he may have to go through the State, regarding his change in accesses onto RT 100. Jordan stated he was aware of this, but due to the fact he would be eliminating two (2) accesses onto RT 100, he didn't feel there would be a problem. Jordan advised that todate, he has not purchased the property.

Lee Sturtevant, representing Morrisville Fire Dept., advised the the MFD would require a complete access road around all buildings and also would like a 'fire pond' existing; also, a dry hydrant installed at some point; that the MPD would like to be made a party to all plans.

Paul advised the Board that Jordans were requesting approval of the Complete Project, which included the proposed Phase II expansion.

Roy made the motion to grant approval for a Change of Use for Expansion of a Non-Conforming Use and also a Site-Plan Review. Don seconded. All in favor.

Bill Moulton stated that previous owners had permitted the Snow-machine Club to have access across the property and inquired if they would still be allowed on the property. Mr. Jordan stated that cross-country skiing and snow-mobiling would be encouraged; that certainly they would be welcome on the property.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE II, 203.4, Agriculture and RR, Conditional Uses (b), and finding this Change of Use not be significantly different to present business in regard to appearance; traffic; noise and character, this application was granted a Permit. Also granted in the same motion was the Site-Development Plan Approval, ARTICLE IV, Section 401, Page 13.

GENERAL DISCUSSION: Jean asked Gloria if the Town was going to pay for the four (4) Thursday night sessions of the VT PLANNING & ZONING EDUCATION PROGRAM, at Lamoyille Union High School in Hyde Park. Gloria advised yes, to complete the form in order that she could send the reservations in all at the same time.

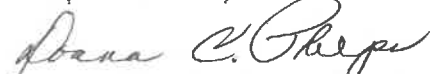
Gloria stated she spoke with Karen Siedel about her various signs in front of her business on RT 100-N; that Siedel wants to put up a moveable sign and be able to change it as the occasion changes; this sign would measure 2-1/2' X 4' which would not require the Board's approval and would be similar to the professional sign Siedel now has and would be lighted at night. Gloria advised she wanted the Board to be aware of it.

Theresa asked Gloria to explain the interpretation regarding her conversation with Bill Mitchell re: David Spaulding's property that abuts Harold Steven's property and Rosaire Levesque's; that Spaulding wanted to put a trailer on his property like Levesque did, for his mother. Gloria advised that Spaulding does have 20,000 sq. ft. which is adequate space for an addition, therefore, she issued Spaulding a Permit. Consequently, Mr. Stevens spoke with her about the situation and to clarify her decision, she in turn called Bill Mitchell at the State Office, who advised Gloria that 20,000 square feet, allowed a Permit for an addition, but DID NOT allow a trailer, as this would be considered a second dwelling and could not be permitted. Gloria advised she therefore had to rescind the Permit.

Gloria advised that Spauldings are also operating a Day Care Center without a Permit from the Board; that she has spoken with them about this and Spauldings were unaware they needed a local permit as they obtained one from the State. Gloria advised she could understand the confusion.

Jean made the motion to adjourn at 9:16 P.M.; Rose seconded. All in favor.

Respectfully Submitted,



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

/dp

NEXT SCHEDULED MEETING . . . OCT. 19, 1988 7:00 P.M. @ Public Safety Building

Guests / Applicants -

Please Print

Name	Mailing Address -
1. Margaret L. Campbell	RD 1, Box 2150 Morrisville, VT 05661
2. Benjamin G. Campbell	" " " " "
3. Brent Teller	RD 2 Box 2560 Morrisville, VT
4. Steve Morse	PO Box 474 MORRISVILLE, VT
5. JEAN MEADE	RD 2 Box 6830 Morrisville VT
6. Art Meade	" "
7. Loen Pauling	Box 35 Craftsbury, VT 05826
8. Magdalene Burke	R.D. 2 - 2525, Morrisville
9. Thomas V. Burke	" " "
10. Don Desmond	Star Rt Box 260 Morrisville
11. Allan + Trudi JORDAN	PO Box 12. SHELBURNE. 05482
12. Lee Sturtevant	Box 770 Morrisville VT 05661
13. Fred Parot	Box 133 Hyde Park VT 05656
14. Gene Couvan	P.O. Box 176 Stowe, VT 05672
15. Jeff Brown	RD #1 Box 6030 Morrisville, VT 05661
16. Alice Desmond	Star Rt. Box 260 Morrisville 0566
17. Kathy Merrill	Eden, VT 05652
18. Penny Thompson	Eden, VT 05652
19. Nancy West	PO Box 105 Johnson, VT 05656
20. Nancy Eldred	RD #1 Box 3940 Hyde Park, VT 05655