

Gloria

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
SEPTEMBER 26, 1990

BOARD MEMBERS PRESENT: Jean Wickart; Rose Lambert; Theresa Breault, Chairperson; Ralph Wiltshire; Gary Nolan; Michael Boudreau; Paul Trudell (Donald Anderson).

MEMBERS ABSENT: N/A

ZONING ADMINISTRATOR: Gloria Wing

SEE ATTACHED GUEST/APPLICANT LIST

The meeting was called to order at 7:30 P.M. by Chairperson Theresa Breault, who reviewed the minutes of 09/12/90 for amendments/corrections. Ralph moved to accept the minutes as printed. Jean seconded. All in favor.

7:30 P.M. -- APPEAL OF Z.A. DECISION of 08/08/90/BRIAN & JOIE LAMB: COMMERCIAL USE for Storage & Supplies in "MDR" located on Cherry Avenue. The adjacent property owners have filed the following complaints reference the Lamb's property use, being;

- 1) Toilets, sinks & bathtubs with weeds growing inside;
- 2) Backhoe parked on property;
- 3) Garage used for storage of contract supplies;
- 4) Bright light that shines directly into neighbor's bedroom;
- 5) Used car "For Sale" on property;
- 6) Three-family garage sale;
- 7) Employees coming & going for wood supplies,

advising this causes problems for adjacent property owners.

Jean administered the sworn oath to all involved parties. Theresa read the minutes of 06/14/89 regarding the Lamb's original application; advising that a Site-Walk of the property was conducted on 06/21/89 and advised that at this time the neighbors objected to the use of this property for storage and business purposes. Theresa then read the minutes of 06/28/89, pertaining to Lamb's application, which was denied the use of the property for storage. The Lamb's were represented by Attorney George Stearns at tonight's (09/26/90) meeting.

Gloria advised the property was used for storage 06/89; there is no problem with the garage sale or the car for sale on the property. Also, Mrs. Campbell has been issued a State Permit for her Child Care, but has only five (5) children, therefore, does not need a license.

Lamb's advised they have purchased the paint for one (1) side of the residence as they previously agreed to do and plan on painting the property this fall. The backhoe is there to construct a driveway and they have received permits from Bill Moulton for same.

Stearns inquired who filed the complaints and was advised it was

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Ken Schramm and Mrs. Steve Campbell, then inquired what Zoning By-Laws are being violated.

Gloria advised the Village By-Laws, #7,8, 9, re: Permitted Uses, in a MDR zone; no Commercial activities allowed without a Permit, based on the fact their application was denied Commercial Use.

Stearns advised the application was not for the use of Commercial Storage, but for a wood-working shop; that a property owner has the right to use own property for storage for personal effects and believe Lambs use is allowed and would find the same use in any other person's barn/garage in town. The motion in '89 was to allow storage and wood working shop and this motion was defeated. That the backhoe is located there for a specific purpose to build a driveway and the work can only be done on weekends when it is not raining.

Theresa asked if Lambs were going to remove the tub; toilets and lavatory and was advised 'no' they will be used to plant flowers in.

Ralph moved to go into deliberative session to make a determination on this matter.

Schramm asked Attorney Stearns if this matter could be worked out among with Lambs, himself and Attorney Stearns within the next week or so.

Rose seconded Ralph's motion. All in favor.

8:15 P.M. --WARNED HEARING/VARIANCE OF REAR SET-BACK for an ADDITION to garage on WILKINS STREET/RON & LINDA BELVEL, to be heard under the Village By-Laws, Page 9, MDR and Title 24, VSA 4468. Jean administered the sworn oath.

Belvals advised they have 18' to the News & Citizen's property line and need a variance for 7'; they have spoken with Brad Limoge and he has no problem with their proposed plans for the addition to be used for bicycles, etc.

Jean made the motion to grant approval of the 7' variance. Gary seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village By-Laws, Page 9, MDR and Title 24, VSA 4468 the Board granted approval of a 7' variance as there was no opposition to Belvel's proposed project.

GENERAL DISCUSSION: Gloria advised there should be corrections to the minutes of 09/12/90, RE: MARBLE hearing, 50' not 500' as minutes state, and the Board granted a 15' set-back for a 50'

right of way. The motion was made, seconded and approved to

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correct the minutes of 09/12/90.

Gloria advised the Board has 45 days to make a decision regarding the Lamb/Schramm dispute.

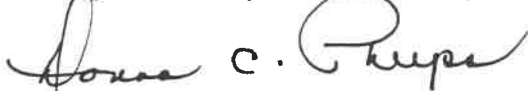
Also, she has been receiving calls pertaining to the Tallman issue and Tallman's are appealing her decision and have retained a new attorney. She has checked the property the past few days and has found nothing around. She will proceed with an injunction if necessary.

Gloria advised the BOA that Provost is appealing her decision and that of the Planning Commission's decision of denial. Neither she nor the PC could grant a permit for 36 units; that he previously was asking for a 64 "Cluster Unit", which is not allowed at this time. She will be calling Fred Emigh for advice; they have 60 days to act on this matter. A Warned Hearing is scheduled for 10/24/90 at 7:30 P.M.

On 10/10/90, at 7:30 P.M. Patti Spear will be attending the meeting with the BOA for discussion.

Michael moved to adjourn at 8:45 P.M. Jean seconded. All in favor.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

Print!

09-26-90

Bo A. Guests/Applicants

Name:

Mailing Address

- | | Name: | Mailing Address |
|----|------------------------|-----------------------------|
| 1 | Mr & Mrs Brian S. Lamb | RR# 1 Box 650 Maerkville |
| 2 | Kenneth R. Lamb | |
| 3 | George K. Stearns | P.O. Box 132 Stowe VT 05672 |
| 4 | Linda Belval | RR1 Bx 430 Morrisville VT |
| 5 | RONALD BELVAL | RR1 Bx 430 MORRISVILLE, VT. |
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