

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
August 25, 1993

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Theresa Breault; Ralph Wiltshire; Ida Mae Anderson; Rose Lambert, and Paul Trudell.

BOARD MEMBERS ABSENT: Jean Wickart (Excused).

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: [See attached list].

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of August 11, 1993 for amendments/corrections. Theresa moved to accept the minutes as printed. Ralph seconded. All in favor.

7:30 P.M. -- H.A. MANOSH CORP., represented by Herb Parkhurst, SIGN/CONDITIONAL USE, Variance for a sign measuring 3' high X 12' long, to be attached to Manosh's Car Wash building, located on RT 100-N, located in area zoned as Commercial; a second free-standing sign to measure 2' X 5' to be located between the sidewalk and RT 100/Brooklyn Street. Gary Nolan removed himself from the meeting and Theresa Breault chaired this Hearing in Gary's absence; administered the sworn oath to all concerned parties; Theresa advised this application would be heard under SIGNS, Section 470-4 parties, Page 30 and CONDITIONAL USES, Section 630, Page 40 of the Town of Morristown's Zoning By-Laws.

Herb Parkhurst advised they have contracted with 'Great Big Graphics' to design the signs, which will be weather-proofed wooden signs; the colors will coordinate with the color of the Car Wash structure; that the sign near the roadway will be two (2') feet above the ground, having a total height of 4 feet, with this proposed sign meeting the allowed 10 square feet for signage. The proposed sign for the building exceeds the allowed square footage by 26 square feet, therefore, requiring a size variance. Paul voiced his concern regarding the size and appearance, adding that there are too many signs already in this area. The Board addressed the by-laws pertaining to Signs, Section 470/473, Page 30 and Conditional Uses, Sections 632.1 through 632.6 and agreed that this sign would not adversely affect the area.

After a brief discussion, Ralph made a motion to grant the Variance and Conditional Use with a Condition that the Board of Adjustment/Zoning Administrator receive a final draft of the signs prior to the construction of same for review. Rose seconded. All five BOA members voted in favor. Approved with Condition. Herb advised they planned to open the car wash in mid-September.

FACTS OF FINDING: Based on and examined under SIGNS, Section 470-473, Page 30 and CONDITIONAL USES, Section 630, Page 40 of the Town of Morristown's Zoning By-Laws, the Board of Adjustment granted approval, with the Condition that the Board of Adjustment/Zoning Administrator receive a final draft of the signs prior to the construction of same for review.

Gary Nolan resumed his position as Chairman and chaired the remainder of the meeting.

7:50 P.M.-- WILLIAM, JR., and PHYLLIS FITZGERALD, for the construction of a garage, measuring 26' X 24', requiring a side-set-back variance on Maple Street, in an area zoned MDR.

Theresa administered the sworn oath to all concerned parties.

William Fitzgerald advised that this application would require a 3 foot side set-back variance; that water will be directed toward the back of the garage to eliminate the water running into his neighbor's cellar; Lee Sturtevant, formerly on the Fire Dept., advised that 2-3 years ago, when this proposal was before the Board, the Fire Dept. did not have a concern with the buildings being so close together. All but three (3) trees will be removed and a ditch for water run-off will be constructed between Fitzgerald's and Mrs. Jewett's property. They have discussed these plans with Mrs. Jewett and she is in favor of them.

This building will be 2 feet wider than the present garage. The Board had conducted a prior site-walk of this property.

Theresa made the motion to grant approval for a three (3) foot side Set-Back. Gary seconded the motion. Ralph advised he would like the motion amended to include landscaping plans and written statements from Mrs. Jewett that the plans meet with her approval and that proposed plans will be adhered to. Theresa amended her motion to include Ralph's recommendation; Ralph seconded the amendment. All in favor of amended motion. Gary then called for a vote on the motion. Moved and seconded. All in favor, and Fitzgeralds' were advised that the above documentation was to be submitted to Ken Sweetser, Zoning Administrator, prior to being issued a Permit.

FACTS OF FINDING: This application was examined under Section 250 (MDR), Section 254, Pages 8 & 9, and approved Variance of 3' with conditions that the following documentation is to be submitted to the Zoning Administrator to include landscaping plans and written statements from Mrs. Jewett that the plans meet with her approval and that proposed plans will be adhered to.

8:05 P.M. -- MARK ZMICH: VARIANCE OF NON-CONFORMING USE on the corner of Summer and Street and Harrison Avenue. Theresa administered the sworn oath to all parties in attendance.

Mark presented blue-prints; a photos and history of the property; advising that he believes the original house, next to Mr. Goodrich's was built around 1886 or 87; that the house closest to the corner was built at a later date and at some point the two house were joined together, in what was most likely an 'out-house' between these 2 houses. That two (2) years ago he spoke with Gloria Wing about his plans and was advised that removing parts of the buildings was not a problem; that later he was advised he would have to be granted a permit.

Approximately twelve (12) of Mark's neighbor's were in attendance and in full support of his plans, advising that he has greatly enhanced the neighborhood and increased their property values. That prior to starting this project, he discussed his plans with his neighbors and had received full approval

After hearing testimony and comments from the neighbors, Ralph made the motion to grant a Variance of a Non-Conforming Use. Ida Mae seconded. The BOA reviewed Section 430 and Title 24, Section 4468 of the ACT, Page 55. Ralph recommended eliminating the reading of same, and granting approval, due to the total

community support for this project. Gary advised the BOA could not legally do so, and proceeded with #4468, 1--5.

1. The middle section was a hazard and was going to fall down and was there when he purchased the property;
- 2) This reconstruction of the property was necessary for proper use of the property;
- 3) This hardship was not caused by the appellant;
- 4) The proposed changes improves the neighborhood;
- 5) Removal of the center section was the minimum relief applicant could do.

Ralph asked to move the question. Ida Mae seconded. All in favor.

FACTS OF FINDING: This application was approved based on and examined under a Variance of a Non-Conforming Use. The BOA reviewed Section 430 and Title 24, Section 4468 of the ACT, Page 55.

1. The middle section was a hazard and was going to fall down and was there when he purchased the property;
- 2) This reconstruction of the property was necessary for proper use of the property;
- 3) This hardship was not caused by the appellant;
- 4) The proposed changes improves the neighborhood;
- 5) Removal of the center section was the minimum relief applicant could do.

GENERAL DISCUSSION/BUSINESS: Gary and Ken advised they received a call from Robert Davis; that he is not going to do anymore about cleaning up his property, even though he received his notice as his cancer has reoccurred and is unable to do so. The BOA was in agreement to keep an eye on the property to make sure that not any additional debris accumulated on the property. Gary advised that he has made a point of checking on the property and Mr. Davis has cleaned up the majority of the junk.

Ken advised that a Mr. Jones, from Walden, VT would like to re-locate his business on RT 100, in the area of Green Mountain Landscaping or Ryder Brook, for office space only; that if any equipment was on the property, it would not be there longer than a day or two at the most, between jobs. After discussion, the BOA requested Mr. Jones come in for an informal discussion of his plans.

Ken advised he has presented Gary with copies of Enforcement letters sent to McDonald's Corporation, regarding their dead and dying trees; they are in agreement they need replacing, but feel it is the property owner's responsibility to replace the trees (Mr. Murphy). Also, a letter was sent to Brad Hart, regarding his sub-division on RT 100 and not complying with his permit and the plans he submitted for approval. Ken advised he has received complaints from lot owners regarding his non-compliance.

Rose moved to adjourn at 9:00 P.M. Ralph seconded. All in favor.

Respectfully Submitted,

Donna C. Phelps, Recording Secretary/BOA