

Gloria

MORRISTOWN BOARD OF ADJUSTMENT - MINUTES  
JULY 24, 1991

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

**BOARD MEMBERS ABSENT:** n/a

**ZONING ADMINISTRATOR:** Gloria Wing

**GUESTS/APPLICANTS:** [List attached to original Minutes)

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of July 10, 1991 for amendments/corrections. Theresa moved to accept the minutes as presented. Paul Trudell stated that his objection regarding the Cheney Hearing was fire safety, not access around the building and with this amendment he would second the approval of the minutes. All in favor.

Ralph made a motion to accept the minutes of the BOA's Special Meeting held on July 16, 1991. Paul seconded. All in favor. [Gary Nolan and Jean Wickart abstained.]

**7:31 P.M. - WARNED HEARING/HOME OCCUPATION:** Richard & Dwayne Larabee, were in attendance, seeking approval of an application to allow for Auto Repair; Light Duty Auto Maintenance and External Storage on the so-called Campaign Road. This area is zoned RR/AG.

Jean administered the sworn oath to the Larabees and to Ed Wilson, who was in attendance supporting this proposed project.

Richard Larabee advised he wanted to make a correction on his application, that the correct square footage is 320' instead of the stated 384 sq. ft.

Richard advised this would be a family operated business with his son, Dwayne; that he, Richard, had always worked in auto repair and his son has learned the trade from him; that due to no work in the area, they have decided to open own business and do only light repairs, no body work and would be charging less than the garages.

Gloria advised that there would be no more than three (3) vehicles on the outside at any one time; that most likely Larabee would need screening to block the view of the 'parts' vehicles and the existing garage will be used for the work area.

Ed Wilson, an adjoining property owner advised neither he nor the other neighbors object to this proposed project. A letter of support from the nearby neighbors was presented to the Board. After discussion, Ralph made the motion to Recess this Hearing and conduct a Site-Walk of the property prior to making a decision on this application. Theresa seconded. A Site-Walk was scheduled for AUGUST 14th, 1991 @ 6:30 P.M. All voted in favor.

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Gary advised that he would not be Chairing the Town of Morristown's reconvened hearing pertaining to the Duhamel Gravel Pit application; that Ralph Wilshire will do so; also, that Jean Wickart would not be participating in this hearing.

8:00 P.M. -- RECONVENED HEARING/TOWN OF MORRISTOWN-DUHAMEL GRAVEL PIT. Ralph advised the Board would be reopening the July 10th, 1991 and that only new testimony would be accepted. Theresa administered the sworn oath to persons wishing to testify.

The following correspondence is on file and made a part of these minutes:

Ralph read correspondence between the Town of Morristown and WALTER GRIGGS; LEO LEFFVRE.

Gloria then presented rebuttal on behalf of the Town of Morristown in response to Don Avery at the July 10th, 1991 meeting, regarding four (4) issues. She then presented a photo collage taken with the assistance of Bill Moulton of the Cadys Falls/Duhamel area on 07/23/91. Charlie Burnham then introduced Gerry Tarrant, Attorney for the Town of Morristown in this matter, and Bob Alexander of Pinkham Engineering, a Traffic Engineer.

Charlie discussed the following:

- Non-Conforming Use Status at Pit;
- Property Ownership;
- Roadway design and safety issues;
- Floodplain issues;
- Aesthetics & Quality of Life;
- Health, Safety and Property Values
- Dust
- Speed
- Air
- Number of Trips
- Sight Distance
- Bikes & Pedestrian Traffic

Charlie then advised everyone of the ACT 250 Hearing dates. Gerry Tarrant, Attorney for the Town of Morristown advised the issues to be considered in this hearing were:

- Property Values;
- Public Health;
- Safety

Bob Alexander, Traffic Engineer with Pinkham Engineering, summarized and explained his study of the area.

A letter was presented regarding a site-visit to the area by Karl J.

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Jurentkuff, of the State of Vermont's Water Quality Div./Flood Plain Management Section, advising this road is not in the floodway and that there is no federal, state or local law or regulation that I know of that would prohibit construction of a road in this location.

Charlie advised that this area in question is in the floodway "fringe" as is Avery's home and business; the fringe is outside the floodway.

Don Avery; Don & Carol Ostler voiced their concerns regarding traffic and safety in an area used for recreational purposes by children and pedestrians.

Berta Pykosz advised her concern for safe access as there is no room due to the congestion for parking. That travels this road frequently in her line of business and also for recreational purposes.

Brian Greenia, Selectman, advised that have contracted with Leo Lefevre to a long-term lease for parking in this area. Also, that the Town plans to correct/replace the culvert within five-years from this date. That regarding the safety of children when jumping off from the culvert to swim, the Town should take measures to prevent this, due to the liability for the Town.

Don Avery stated he wanted it on record that he was making a "formal objection" to allowing Karl Jurentkuff's letter to be entered as evidence/testimony, due to the fact that Mr. Jurentkuff was not in attendance to be cross-examined.

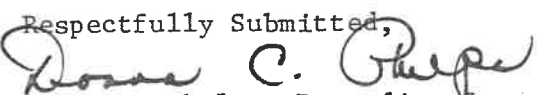
John Lundblad was administered the sworn oath by Theresa and was allowed to testify on the property value of the 260 acres, formerly the Bottomly piece of property; that in 1989 the estimated value was between \$80-90,000.00; in 1990, the estimated value was \$170,000; and that the Hirschak property was valued accordingly.

George Stearns stated he disagrees with the Town; that according to case law, the applicant can not move the use. Charlie advised they have no intention of moving the use, only expanding the use. Stearns advised he didn't believe the Board should make a decision on this application until the results are in from Pinkham Engineering. Charlie advised their study is strictly regarding the flooding/movement of water under the culvert.

After lengthy discussion and testimony, Theresa moved to take this hearing into deliberative session. Rose seconded. Paul advised he wanted a copy of the Pinkham Engineering Report prior to acting on this hearing. Brian Greenia advised the Board will receive a copy. All in favor. Motion carried.

Ralph advised all written material will be accepted for the next 10 days, through the Zoning Administrator.

Rose made the motion to adjourn at 10:30 P.M. Theresa seconded. All in favor.

Respectfully Submitted,  
  
Donna C. Phelps, Recording Secretary  
Morristown Board of Adjustment

