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**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of July 11, 2002

Members Present: Gary Nolan, Carol Jennings, Jean Wickart, Theresa Breault, Paul Trudell, Carl Fortune

Members Absent: David Silverman

Recorder: Mark Leonard, Zoning Administrator

Guests: Edward French, Louis Ferris, Laura Weikert, Ken Lamb, Jeanne Grassette

Gary Nolan, Chair, called the meeting to order at 7:30 PM.

Theresa made a motion to approve the minutes of June 27, 2002, as written.
Paul seconded the motion and it passed unanimously.

**WARNED HEARING: LUCY DOWNING NESBIT TRUST/LH&A REALTY, LOT
LINE CHANGE, ELMORE RD**

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections 260-264 and 795 of the Morrisville/Morristown Zoning and Subdivision Bylaws. Theresa administered the sworn oath to Lou Ferris of LH&A Realty and Edward French (representing both parties).

Ed French reviewed the application. The Lucy Nesbit Trust owns a 6.7 acre parcel on Elmore Road (VT Route 12). LH&A Realty owns an adjoining 2.2 acre parcel. LH&A Realty has used a portion of the Nesbit property over the years without actual ownership of it. With a sale of the Nesbit property pending, both parties agreed it was in their best interests to adjust the property boundary of the Nesbit property to convey the 0.5 acres that LH&A Realty has been using. LH&A Realty's property would grow to 2.7 acres; the remaining 6.2 acres of the Nesbit property would be sold to a third party.

Gary read a letter from attorneys Otterman and Allen to Edward French authorizing him to act on behalf of the Lucy Downing Nesbit Trust on this application. He also read a letter from adjoining property owners Susan DeColaines and Bill Swanson, expressing no objection to the proposed lot line adjustment but raising concerns about what they regard as a zoning violation by Mr Ferris over his keeping commercial construction vehicles and equipment on the portion of the Nesbit property directly behind theirs to be conveyed to LH&A Realty.

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Jean asked what the issue was regarding Mr Ferris' trucks. Mr Ferris stated that he does keep some of his construction equipment on the site, especially over the winter months, but that he does not consider that 'commercial use' of the property.

Paul made a motion to approve the application with standard conditions. Theresa seconded the motion and it passed unanimously.

OTHER BUSINESS:

The Conditional Use permit for Steven Benson, doing business as Melben's Restaurant, at 110 Portland Street, approved by the Development Review Board in April 1999, was reviewed as required by the DRB's written decision on that application. There have been no problems or complaints reported regarding this business. On a motion by Theresa, seconded by Jean, the Board unanimously approved the three-year review of this permit.

The Zoning Administrator submitted a proposed amendment to the Sprague/Tomlinson lot line change that the DRB had approved in March 2001. At that time, the .98 acre parcel of Duane Sprague was to be adjusted to convey .37 acres to adjoining property owner Richard Tomlinson. The parties have now agreed to adjust the boundary line so that the parcel being conveyed to Mr Tomlinson is .25 acres. The resulting lots will conform to all dimensional requirements of the Zoning and Subdivision Bylaws for the district they are located in. On a motion by Carl, seconded by Carol, the Board unanimously approved the amended lot plat and Gary signed the mylar plat for recording in the land records.

The Board reviewed the revised plot plan for the Chaffee two-lot subdivision of the parcel between Upper Main Street and Copley Avenue. At the June 27, 2002 warned hearing on their application, it was noted that the proposed new lot did not meet the required rear setbacks from existing structures. A condition of approval was that the parcel be resurveyed to create conforming lots. The resurveyed plat was presented, showing that the new lot was reduced from 9420 square feet to 8400 square feet while the retained portion of the original parcel grew from 8500 to 9525 square feet. The resulting lots will conform to all dimensional requirements of the Zoning and Subdivision Bylaws for the district they are located in. Gary signed the revised survey mylar plat for recording in the land records.

The Zoning Administrator advised that Jeff Emerson had requested an extension of his Conditional Use permit, approved in January 2001, to renovate and expand the former Creamery at the foot of Pleasant Street. Under Section 402.4 of the Bylaws, an approved written decision of the DRB is valid for a period of 180 days. Mr Emerson is not ready to proceed with the planned renovations and is requesting an extension. On a motion by Theresa, seconded by Jean, the Board unanimously approved a one-time, one year extension of Mr Emerson's Conditional Use approval.

On a motion by Gary, seconded by Carl, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Mark Leonard, Recorder