

Horia/Z.A.

**MORRISTOWN BOARD OF ADJUSTMENT MINUTES
JULY 11, 1990**

BOARD MEMBERS PRESENT: Theresa Breault, Chairperson; Jean Wickart; Michael Boudreau; Rose Lambert; Paul Trudell.

BOARD MEMBERS ABSENT: Gary Nolan and Ralph Wiltshire.

ACTING ZONING ADMINISTRATOR: Dayton Wakefield.

GUESTS/APPLICANTS: [Attached to original minutes].

The meeting was called to order at 8:05 P.M. by Theresa Breault, Chairperson, who reviewed the minutes of 06/27/90 for amendments/corrections. Jean moved to approve the minutes as accepted. Rose seconded. Sharon Greaves Rowell was present and inquired if, in referring to Page 3, #C (Tallman) if the Town has 'Commercial' Tax rates in effect. Dayton advised there is no difference in the tax rate, but the State does require that property be listed as to what its use is. Sharon then inquired about Page 2, referring to the 300' from the Audy residence; isn't it supposed to be 25' from the property line. Why be concerned about 300' from a residence and no one mentioned Tallman's are only 25' from Jan Hall's property. Theresa advised this was only a statement made by a guest present, not a decision or ruling being made by a Board member. Theresa then called question. All in favor of approving the minutes.

8:00 P.M. -- WARNED HEARING/VARIANCE: COUNTRY HOME CENTER, DANA WILDES. Theresa advised that a Site-Walk was conducted reference the proposed 12' X 24' addition; that it was determined the addition would be 112' to the center line, or well beyond the required set-back, therefore, she had advised Mr. Wildes he did not have to come before the Board for a Variance. Theresa advised it was her opinion that there was a misunderstanding of the set-back requirements.

GENERAL DISCUSSION: SHARON ROWELL advised she was present to discuss with the Board that she did feel the meeting of 06/27/90 was an illegal meeting regarding the Board making a decision that Tallmans' have a parcel of 'Commercial' (Quonset) property, as this meeting was not warned. Sharon presented a letter to the Board stating in writing her objections and advised her intent is to appeal the Board's decision and also requested that two (2) Board members be designated to meet with her and go over the chronological information pertaining to the Board's decision.

Theresa advised the meeting was a public meeting and Tallmans had requested to come before the Board to discuss what the Board would allow this property to be used for, and presented information indicating the property had commercial status, but the decision was not unanimous by the Board. Jean read Sharon's letter (which is attached to these original minutes.)

8:38 P.M. -- WARNED HEARING/SET-BACK VARIANCE: RICHARD & MURIAL SYLVESTER, Randolph Road, were present seeking the Board's approval

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to allow a 20' set-back to erect a chimney. Jean administered the sworn oath to Sylvesters. Theresa advised this would be heard under Title 24, VSA 4468, #1--5, Page 55.

Sylvesters' presented their plans; the lot consists of 60' X 120'; a letter from their adjoining property owner, Sylvia Cote, which stated she had no objection to their proposed plans, even it were constructed on her (Cote's) property.

After reviewing the above criteria, the Board were in agreement that:

1) Due to the physical circumstances or conditions and shape of the lot, the appellant could not build the chimney within the allowed regulations;

2) The property could not be developed in strict conformity of the Zoning regulations;

3) That the hardship was not created by the appellant;

4) That an authorized variance would not alter the character of the neighborhood, etc.;

5) That the authorized variance would represent the minimum variance to allow relief and the least deviation possible from the zoning regulations.

Jean moved to grant approval for a 20' side set-back. Paul seconded. Unanimously approved.

FACTS OF FINDING: Based on and examined under Title 24, VSA 4468 Criteria #1--5, the Board granted variance approval of the requested side set-back, as outlined above.

8:45 P.M. -- RECESSED HEARING/COURTNEY SALVAS: was not in attendance for his scheduled hearing; Jean called him to inquire why; Salvas requested to come before the Board at the next scheduled meeting.

Theresa reviewed criteria for consideration, with Board members, of an up-coming hearing, that must be acted on.

9:15 P.M. -- RECESSED HEARING: AGWAY, INC., represented by Ernest Menard and Del Govia, Agway Petroleum Specialist, advising her duties are to provide training to Agway employees and also teach Fire Dept. personnel, when requested. Jean administered the sworn oath to the representatives. Del advised she has spoke with MFD Fire Chief Wayne Camley, who is not in favor their proposed plans to install a 1,000 gallon pumping station to refill smaller propane tanks; that he did not like the idea of the location near a shopping center. Del advised that all State and Federal Codes have been met, in addition to all the stringent regulations that Agway imposes on themselves, for safety reasons, which in part, include, a pumping station must be 25' from a property line and buildable site; and 25' from an flammable liquid or flames or materials; that the site must be enclosed by a 6' high, chain-link fence, with two (2) man-gates; that this enclosure must be locked at all times w

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not in use, per State regulations.

Del advised that propane is safer than filling your vehicle at a gasoline pump, where the fumes engulf you, whereas, propane settles and dissipates.

Del advised the only way to stop/control a propane fire is to shut off the source of propane; that the main objection are from people who are uninformed about propane.

Del questioned if the local Fire Dept. had had specific training in controlling/working propane fires, that perhaps that is why Mr. Camley has concerns; that Agway would provide FREE training for the MFD if they were interested.

Del advised that cement barricades are required by law, around the fenced in area; that any used tanks must be purged prior to being filled; that Agway has not had a request for a Permit denied in 2.5 years in the State of VT; that Menard's Agway presently has their State Permit for this project.

Theresa advised this would be heard under Morristown's Zoning By-Laws, Section 402 and 505.1 (a)(b)(c)(c).

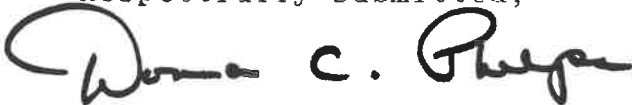
After discussion, Jean made the motion to grant Conditional Use approval of this project. Rose seconded. Paul recommended Agway provide landscaping/screening for this project. Del advised the reasons for not landscaping was for safety, this would be located on a cement pad, surrounded by crushed rock, to avoid any flammable material, also, for visibility for advertising purposes.

Theresa called the question. Unanimously approved. Agway will bring their Site-Plan before the Planning Commission Hearing.

FACTS OF FINDING: Based on and examined under Morristown's Zoning By-Laws, Section 402 and 505.1 (a)(b)(c)(c), the BOA unanimously granted Conditional Use approval.

Jean made the motion to adjourn at 10:00 P.M. Paul seconded. All in favor.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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