

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
July 8, 1992

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

BOARD MEMBERS ABSENT: Ralph Wiltshire.

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: Marcia Shafer; Balu Raman; George Doll; Sara White; Julian Goodrich; Robert Kingsbury and Robert Davis.

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of 06/24/92 for amendments/corrections. Theresa moved to approve the minutes as printed. Jean seconded. All in favor.

7:30 P.M. -- MARCIA SHAFER presented an application seeking approval of a Conditional Use for Offices on Washington Highway located in a Low Density Residential Zoned area in the Village of Morrisville. Jean administered the sworn oath to all concerned parties.

Marcia advised she has had her residence on the market for three (3) years and has had no interest in it for residential purposes, only professional use as it is adjacent to Copley Hospital. There is currently 1,500 square feet of existing parking, or six (6) parking spaces, which could be expanded to accommodate up to 12 vehicles, with none of the existing trees removed. There is also an adjacent "grand-fathered", undeveloped lot located on the corner of Washington Highway and Mansfield Avenue.

Marcia stated she feels the character of the neighborhood has changed considerably since 1971 when they first purchased this property. Marcia presented a series of photos of the property and area, taken from 1971 up to present date. That this area is more related to the health field than residential as was the case when they purchased the property.

Theresa stated she wanted to go on record 'that in 1989, she was Chairman of the Board of Adjustment; that she attended an Informational Meeting in which David Penella was in the process of "Re-Zoning" for the Village; at that time and until this matter arose, she believed this property was part of the "Special Use District"; that she is appalled to find this lot to be "Spot Zoned"; that when she left her position as Chairman, she believed this was included in the "Special Use District" established in 1989.'

Gloria advised she spoke with Fred Emigh regarding this matter and was advised that granting approval for offices for this property was not a prohibited use due to the character of existing use.

Jean made the motion to grant approval of a Conditional Use for offices. Ida Mae seconded.

Paul amended this motion to include that a 30' green barrier on both Mansfield Avenue and Washington Highway be maintained to insure that the trees always remain as is, and that no building can exist within this space to the edge of the existing driveway.

Gary advised he preferred to only maintain a 30' wide green belt in front of the house, not mandate the area has to remain treed. Paul advised he wanted it a condition that no building or parking can occur in the green belt. After discussion, Theresa seconded the amended motion. Jean objected to the amendment. After discussion, the Board agreed to a Site-Walk of the property. Paul withdrew his amended motion; Theresa withdrew her second. Jean withdrew her original motion, as did Ida Mae her second to the motion.

Theresa made a motion to adjourn this hearing to a Site-Walk later in the evening; that after the walk, to reconvene at the Public Safety Building to finalize the decision. Rose seconded. All in favor.

8:15 P.M. -- **GEORGE DOLL** of VT Sign Company, representing Nelson Shepard, proprietor of Village Lincoln/Mercury & Chrysler/Plymouth Dealership. Mr. Doll presented an application for a Variance to a previously approved Sign Variance, advising that Chrysler Corporation refused to place their sign under the Ford/Lincoln/Mercury sign as previously granted a permit for. Mr. Doll advised they sign was the exact same sign but only wanted to move the sign to be centered between the curb cuts; same height, set-backs, etc. Paul advised he felt the sign was too large as he stated for the previous sign.

Theresa made the motion to grant the approval of the Signage Variance. Rose seconded. All in favor.

Paul advised he referred to the previous hearing minutes and found that he did not oppose the sign as previously believed.

Mr. Doll advised there would be a berm around the base of the installation with shrubbery and plantings.

FACTS OF FINDINGS: Based on and examined under the Town of Morristown's Zoning By-Laws, ARTICLE IV, Section 473, Page 30, a Variance to re-locate the Chrysler-Plymouth Sign, previously approved, was granted by the Board, as was the landscaping to be placed at the base of the installation.

GENERAL DISCUSSION: Robert Davis of RT 100-S was in attendance at the request of the Zoning Administrator, due to the complaints she has received regarding Mr. Davis operating a junk yard on his property.

Mr. Davis advised he has been selling used parts & equipment since he built his house in 1958; that he purchased an additional 20 acres behind his residence for use of his horses and farming purposes; that the only thing outside the fence is the farm equipment and a 45000 gallon tank trailer, which sold and will be moved soon; the cars belong to John Parot, who lives in the house down back and is no part of his business. That any scrap materials on the property are removed by Dick Townes.

Mr. Davis also inquired about the approval of a road across Ryder Brook, located behind the Ryder Brook Stables, stating that if there were to be heavy rains, it would act as a dam for a short period of time, before letting go. The Board and Gloria were unaware of this road being built across the brook.

The Board recessed to Marcia Shafer's Site-Walk at 8:45 P.M., re-convening at the Public Safety Building at 9:15 P.M., with the Hearing being Re-opened.

Gary called for a motion.

Paul made the motion to grant approval of a Conditional Use for Offices, with the Conditions of:

- a) A permanent green belt, 40 feet from the center line on each of Washington Highway and Mansfield Avenue;
- b) That this green belt is to remain either grass and/or treed;
- c) That no parking or buildings are to infringe on the green belt;
- d) That if at any time, parking is extended, parking will not intrude on the rear specified set-backs;
- e) That if the second undeveloped lot is sold as a residential lot, these stated conditions will not apply to this corner lot.

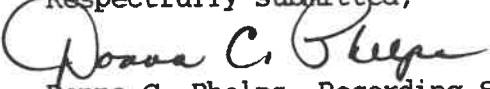
Ida Mae seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE II, §240, Page 6 -- Low Density Residential and ARTICLE VI, §635.7, Page 32 -- Landscaping & Screening, this application was granted approval for Conditional Use for offices subject to the following conditions imposed, pursuant to Section 635.7 of the Zoning By-Laws:

To maintain the property in a character in keeping with the surrounding area, except for the existing driveway on Washington Highway and any future driveway necessary to develop the vacant lot on the corner of Mansfield Avenue and Washington Highway; a strip of 40 feet from the centerline of Washington Highway and Mansfield Avenue be kept a green space from any building or parking area.

Jean made the motion to adjourn the meeting at 9:25 P.M. Theresa seconded. All in favor.

Respectfully submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

7/08/92

Guests/ Applicants

Please Print

Name

Mailing Address:

1. MARCIA SHAFER

RD. 3 Box 660 Morr. VT

2. BALU RAMAN ^{chrysler Corp.}

RR3, 765-10, M'VILLE

3. George Dell (Vt. Sign for ~~Village~~ ^{Village})

P.O. Box 8227 Essex Jct VT. 05451

4. Sara White

Rd 1 ~~Box~~ Box 3577 Trapp Rd Minn. 05601

5. JUAN AN GOODMILL

137 ELM ST. MONTPELIER 05602

6. Robert Kingsbury

RD3 Box 660 ^{monimville} ~~Vermont~~ ⁰⁵⁶⁶⁰

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