

MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

June 28, 2012 Meeting Minutes

Members Present: Karyn Allen, Theresa Breault, Gary Nolan (Chair), Ron Stancliff, Paul Trudell, Jean Wickart & Chris Wiltshire

Members Absent: Brian Irwin (not needed as Alternate)

Guests: Donna Wilson from the VTrans, James Bradley of 1132 Stagecoach Road, Chris and Carrie Lee of Old Pump Road in Jericho, Karin Ohlsen of 902 Needles Eye Rd, Betty Blaisdell of 867 Brooklyn St, Miranda & Lester Small of 5427 Randolph Rd

Call to Order: Chair Nolan called the meeting to order at 6:35 P.M. Member Breault moved to approve the April 26, 2012 meeting minutes. A vote of 6-0-1 affirmed the motion, with Member Allen abstaining. Member Stancliff moved to approve the May 24, 2012 meeting minutes. A vote of 4-0-3 affirmed the motion, with Members Nolan, Trudell and Wiltshire abstaining.

WARNED HEARING: State of VT, 183 Wabun Ave, \$254.1 Waiver & \$795 Lot Line Chg

Donna Wilson from the State of Vermont Agency of Transportation appeared before the Board seeking a 15% Waiver (11 feet) of the required \$254.1 Minimum Lot Width in the \$250 MDR zone at 183 Wabun Ave (parcel 21-096) and simultaneous approval of a \$795 Lot Line Change with parcel 21-102. Chair Nolan inquired what the minimum lot width was after the waiver. ZA Thomas said that it was 64 feet and that the site plan complied with this dimensional requirement. ZA Thomas also added that the site plan complied with the minimum frontage requirement of 60 feet. Ms. Wilson explained that the State was seeking the waiver to ensure that the property remained as marketable and saleable as possible. Member Breault asked about snow storage. ZA Thomas explained that snow storage between the building and the road would be problematic. Ms. Wilson agreed that the Town could store snow on the west side of the property as a condition of approval. Member Trudell moved to approve the requested lot width waiver and lot line change provided that snow can be stored when necessary on the west side of the property. A vote of 7-0 affirmed the motion.

RECESSED HEARING: Karin Ohlson, 902 Needles Eye Rd, Hm Bus. \$500 SP & \$630 CU

Applicant Karin Ohlson appeared before the Board seeking \$500 Site Development Plan Approval and a \$630 Conditional Use allowance for a Home Business use to run a daycare business for small dogs on parcel 07-260, which is located at 902 Needles Eye Road in the \$260 RRA zoning district. Ms. Ohlson said that she had a fenced-in yard that would be perfect for a doggie daycare for dogs less than 30 pounds in size. She added that she would offer overnight boarding services as well for when her clients were out of town. ZA Thomas added that the Home Business use allowed a maximum sf of 482sf based on the current size of Ms. Ohlson's house. Upon a question from Member Allen, Ms. Ohlson said that she would only care for a maximum of ten dogs at a time and that the dogs would be limited to the area inside the inner fence in her backyard. Member Wiltshire asked if any lighting was planned for the backyard. Ms. Ohlson said that no lighting was currently planned, but she would install a compliant down-shielded light when and if needed. ZA Thomas noted that none of the neighbors expressed any concerns about this proposal. Member Wiltshire moved to approve the requested Home Business use provided that, no more than 10 client dogs may be on the premises at any one time, dogs will be kept indoors after sunset (except when taken out for bathroom purposes), the Home Business use shall be limited to 482sf of the home's interior and that the approval shall be

subject to 1 and 3 year Board reviews (if needed). A vote of 7-0 affirmed the motion.

WARNED HEARING: Lester Small, 5427 Randolph Rd, Home Bus. §500 SP & §630 CU

Applicant Lester Small appeared before the Board seeking §500 Site Development Plan Approval and a §630 Conditional Use allowance for a Home Business use to run a car repair business out of his existing garage on parcel 16-140, which is located at 5427 Randolph Road in the §260 RRA zoning district. Mr. Small said that he wants to do basic auto repairs in his garage, including tune-ups and small engine work. He said that he would not be doing any body work. ZA Thomas said that the Home Business use would be limited to the garage, as the pole barn that Mr. Small constructed last summer was so that the entire garage could qualify for the Home Business use (Home Businesses cannot be larger than 25% of all structures on the lot). ZA Thomas noted that there appeared to be ample parking for a small home business. Mr. Small said that he had room for ten cars, and that all work would be done inside his shop. Member Allen asked about hours of operation. Mr. Small replied that the hours would be from 7am to 5pm, 6 days a week. ZA Thomas noted that none of the neighbors expressed any concerns about this proposal. Member Trudell moved to approve the application, provided that all work must be conducted within the detached 32x30 garage, a maximum of four customer cars are allowed outside at any one time, the hours of operation shall be limited to 7am to 5pm with no work on Sunday and that no car sales are allowed on the premises. A vote of 7-0 affirmed the motion.

WARNED HEARING: Adam Grant, 897 Brooklyn St, §500 SP & §630 CU

Under §500 Site Development Plan Approval & §630 Conditional Use, applicant Adam Grant appeared before the Board to add a Motor Vehicle Sales and Repair Facility use to his existing auto-body shop at 897 Brooklyn Street (parcel 20-030, COM zone). Mr. Grant said that he would simply like to be able to legally sell a few of the wrecked cars that he repairs on the premises. Upon a question from Member Allen, Mr. Grant said that he doesn't expect to have more than 4 used cars for sale at any one time. He added that the cars would be for sale in the portion of his lot closest to Brooklyn Street. Upon a question from Member Nolan, Mr. Grant said that no new lighting is proposed with the application. Member Breault asked about hours of operation. Mr. Grant said that his existing and proposed hours are from 8am to 5pm Monday through Friday. Member Wiltshire moved to approve the application, provided that no more than 6 for-sale cars at a time shall be allowed on the premises. A vote of 7-0 affirmed the motion.

WARNED HEARING: Chris Lee, 177 Summer St, §640 Appeals for §432.3 Lot Size

Under §640 Appeals, property owners Chris & Carrie Lee of 177 Summer Street LLC appeared before the Board to appeal the Zoning Administrator's decision to deny their request to reestablish a Dwelling Unit, Multi-Family use on parcel 23-158 at 177 Summer Street in the §250 MDR zone. ZA Thomas said that the permit was denied due to the parcel's lack of adequate lot size and the loss of its grandfathered status when the existing structure was not used as a multi-family home under §432.3 within the last year (due to a foreclosure). Mr. Lee explained the timeline of buying 177 Summer Street from foreclosure. He added that before he closed on April 25th, he checked with the Lister's Office to confirm that it was being assessed as a three family home. ZA Thomas explained that the Lister's assess and tax what they see when they visit a property, but they don't confirm what they find and ultimately assess meets zoning

requirements. ZA Thomas said that he contacted Mr. Lee within days of his closing to gather information if the Dwelling Unit, Multi-Family use was still valid on a non-conforming lot, or if it had been abandoned during the foreclosure process. ZA Thomas said that it was only after working with Mr. Lee and talking to the neighbors and previous tenants of the property that he determined that the Dwelling Unit, Multi-Family use had indeed been abandoned during the previous year as the foreclosure process ran its course. ZA Thomas cited his letter to Mr. Lee dated May 23, 2012 as evidence to the Board of his ruling. Mr. Lee complained that he felt blindsided by the Zoning Administrator's ruling and asked why notification was not included in the Land Records before closing. Mr. Lee questioned if the use was in fact discontinued if one of the apartments was being used within the last year, just not all three apartments. ZA Thomas said that a single dwelling unit conformed with the existing small lot size, it was the lack of use of the other two apartments within the last year that caused the loss of the grandfathered use. Chair Nolan moved for the Board to enter deliberative session and return to open session immediately thereafter. The motion was approved by a vote of 7-0.

Upon returning from deliberative session, Chair Nolan said that the Board, by a vote of 4-3 upheld the Zoning Administrator's determination that 177 Summer Street lost its grandfathered protection under §432.3 within the last year and that it now could only be used as a single-family home because of its 0.23 acre lot size. Member Nolan said that one apartment being used until October 2011 did not protect the grandfathered use because the use of the other two apartments had been discontinued for approximately two years (and it was these two additional dwelling units that created the non-conformity). Chair Nolan added that the intent of the zoning is to ensure that properties at some point come back into compliance with the Bylaws.

The meeting adjourned at approximately 9:30 P.M.

Respectfully submitted by Todd Thomas, ZA

