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MORRISTOWN/MORRISVILLE DEVELOPMENT REVIEW BOARD

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Minutes of June 26, 2008

Members Present: Gary Nolan, Theresa Breault, Ron Stancliff, Karyn Allen, Jean Wickart, David Silverman, Paul Trudell

Members Absent: none

Recorder: Mark Leonard, Zoning Administrator (ZA)

Chairman Nolan called the public meeting to order at 7:30 PM. On a motion by Theresa, seconded by Karyn, minutes of the June 12, 2008 meeting were accepted as presented.

RECESSED HEARING: GARY & IRENE BOURNE, CONDITIONAL USE & SITE PLAN APPROVAL, CONVENIENCE STORE/GAS STATION RENOVATIONS, 81 BRIDGE STREET

Gary introduced the application, to be reviewed under sections 208, 500, and 632-636 of the zoning bylaws. He noted that a site walk of the subject property was held this evening, prior to the resumption of the hearing. David S was not present for this hearing. Theresa administered the sworn oath to applicant Gary Bourne and his consultant Darrow Mansfield.

Darrow Mansfield reviewed previous proposals to renovate the existing gas station & convenience store at the corner of Portland and Bridge Streets and described the current proposal. The current application is to renovate and expand the existing 30x52 structure, adding a 5x42 section on the rear of the building and an 8x32 section along the west side. The expanded & renovated convenience store would include a drive-up service window on the west side of the building, with vehicles flowing along the north side (facing the Guy property) and west side (facing an apartment building also owned by the applicant) before exiting onto Bridge Street. There are no changes planned for the gas pump islands. Darrow noted that installing fencing and/or guardrails along both the Portland and Bridge Street frontages would more effectively & safely control vehicle access onto and off the site.

Jean asked if there would be any kind of fence or barrier between the Bourne and Guy properties. Gary said there would not.

Paul sought to confirm that the building frontage would be along Bridge Street, noting that ten-foot side and rear setbacks apply to structures on Bridge Street. Darrow said the frontage would remain on Bridge Street and said the expanded structure would conform to the setbacks.

Karyn suggested moving the proposed service window further towards Bridge Street in

order to provide more room for vehicles waiting in line. Gary agreed this could work. Karyn also suggested painting directional markings and/or install signs directing customers to the service window.

Theresa asked about planned lighting. Darrow said they planned to install gooseneck-style fixtures, as well as soffitt lights. The ZA reminded the applicant of current restrictions on exterior lighting when the business is closed.

Paul moved to approve the application with the following conditions: driveway setback requirements to be waived; no alcoholic beverages to be sold from the service window; all exterior lighting off when business closed and new exterior lighting fixtures to be down shaded; garage extension on adjoining residential structure to be removed prior to store expansion; all previous approvals superseded. Ron seconded the motion and it passed unanimously.

**WARNED HEARING: ROY MARBLE, CONDITIONAL USE, HOME BUSINESS
(FIREWOOD PROCESSING & SALES), 212 BEACON HILL ROAD**

Gary introduced the application, to be reviewed under sections 263a, 460, and 632-636 of the zoning bylaws. He noted that a site walk of the subject property was held this evening, prior to the resumption of the hearing. Theresa administered the sworn oath to applicant Roy Marble and adjoining property owners Paul & Barbara Annetts and John & Suzanne Drolet.

Roy reviewed his application to conduct a firewood processing & sales business from his residence at 212 Beacon Hill Road. He said he'd been engaged in this activity, together with his son, for many years, previously on adjoining properties of others he managed and more recently on a portion of his 10-acre parcel. He stated that he received logs from other locations, cuts them into blocks with a chain saw, splits the blocks with a gas-powered splitter, and stacks the wood into cords for drying. He delivers cords of wood to family members and paying customers.

Jean asked what time the activity typically began; Roy said usually not before 7 or 8 AM and that he didn't work after dark. He added that sometimes he might have a truckload of logs delivered after dark.

The ZA asked how many truckloads of logs he usually receives. Roy said 10-12 loads per year, with an average of 6 cords of wood in each load.

Karyn asked how long Roy or his son typically spend while processing wood. Roy said no more than 2-3 hours at a stretch. Paul asked how many days a year they would typically be engaged in the activity; Roy estimated 30 days a year.

Theresa asked if this business was Roy's son's primary occupation. He said no, that his son's primary occupation is landscaper and contractor. Responding to a query by the ZA, Roy confirmed that his son does not reside on the premises, but stressed that the business was a family activity that he (Roy) is directly involved in.

David asked if there had been any change in the scope of the business over the past few years. Roy said there had not. David asked if Roy was aware of any noise complaints about the activity; Roy said he was not aware of any.

Neighbor Paul Annetts disputed some of the statements and characterizations of his actions made in Roy's narrative statement. He said he had spoken with the ZA about this business prior to Roy's application and specifically asked the ZA not to investigate the home

business use while Paul sought to resolve the matter with Roy.

Paul cited the zoning requirements for home businesses (section 460), noting the prohibitions on objectionable noise and exterior storage of materials and equipment that are at variance with the residential character of the neighborhood. He said the materials and equipment were as close as 30 feet from his property line and approximately 150 feet from his house. He stated that the noise from the chainsaw, in particular, was very much objectionable. He produced photos taken from inside his home very clearly showing the woodpile within view. He also provided a letter from a realtor which stated that business activity would negatively impact his property's value.

Paul also questioned whether the business was being primarily done by and for the benefit of the primary resident, Roy Marble, asserting that Matt Marble, who does not reside on the premises, was the primary beneficiary of the business. He disputed Roy's statements that the activity, at its present scale and location, had been ongoing for a number of years. He said the trees that Roy or Matt had planted to provide some screening were thus far ineffective.

Barbara Annetts said she hopes to avoid a confrontation with her neighbor over this matter, but has the same noise and aesthetic concerns as her husband. She said that at its present location, which she noted is far from Roy's house but right next to hers, the noise is far greater than when it was located elsewhere. She said the scale of the operation is also greater than in past years and noted, as Roy had, the potential for increased demand for cord wood. She added that visitors had commented to her about the 'unsightly' woodpile right next door.

Jean asked Roy if there was another location on his property that would be suitable for this activity. Roy said any other location was too wet at times to stack wood on.

Jean also asked if the activity was conducted on weekends. Roy said that it was at times, noting that he and his son both had regular jobs and could only do this when it fit in with their available free time. .

David asked Roy how long the activity had been at its current location; Roy said 3 or 4 years. David asked why it could not be located elsewhere. Roy said any other suitable area was already being used.

John Drolet echoed the Annetts' concerns. He said the activity had gone from being barely acceptable to who knows how big in the future. He said when the activity was taking place across the road (on the Barnett property) it was ok, but now that it was much closer to the homes of other, its impact was much greater. He was surprised by the size and amount of material now on site.

Paul asked about noise impacts. John Drolet said it was minimal so far, noting that his house is much farther away from the activity than the Annetts. Paul Annetts said the noise is much more bothersome now that it's located so much closer to his house. He said the impact on his and wife has been 'substantial'.

Paul asked how much of the product was for family use, versus sold to others. Roy estimated 18-20 cords per year was for family use. His application stated that he processes anywhere from 20-25 to up to over 100 cords in some years, depending on demand and available logs.

Ron observed that with the current cost of other fuels, there is going to be a greater demand for firewood. He asked whether there some acceptable accommodation could be reached

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between the parties. Paul Annetts said he understood the factors driving demand for firewood, but that that was irrelevant of the zoning issues before the Board.

David moved to recess the hearing to a deliberative session following the next application hearing. Jean seconded the motion and it passed unanimously.

WARNED HEARING: GREGORY SARGENT, CONDITIONAL USE, MOVING SERVICES, 796 LAPORTE ROAD

Gary introduced the application, to be reviewed under sections 263a, 460, and 632-636 of the zoning bylaws. Theresa administered the sworn oath to applicant Gregory Sargent.

Greg Sargent reviewed his business, which he stated he had been engaged in at his current location since 2000. He has a moving service, which involves two trucks and two large trailers. He said there is no business activity on the premises other than parking the vehicles. There is no garage space for any of the vehicles, which are parked in front of and beside his house.

Paul asked if it would be possible to move the vehicles to a less visible location behind the house. Greg said the lot configuration and slopes preclude that, noting that it is too steep and icy in the winter to locate the vehicles behind the house.

David moved to approve the application as presented. Jean seconded the motion and it passed unanimously.

The Board moved into deliberative session to consider the Marble application. On a vote of six in favor, one opposed, the Board voted to approve the application with the conditions that power equipment operating hours for the business be restricted to between 8am-5pm on weekdays and 9am-3pm on weekends and holidays and that storage of materials and equipment not be located within 300 feet of any adjoining residential structures.

The meeting adjourned at 9:30 PM.

Respectfully submitted,
Mark Leonard, Recorder

Minutes approved on: 7/10/08 TB/JW