

MORRISTOWN BOARD OF ADJUSTMENT - JUNE 13, 1990

BOARD MEMBERS PRESENT: Theresa Breault, Chairperson; Jean Wickart; Ralph Wiltshire; Gary Nolan; Michael Boudreau and Paul Trudell.

BOARD MEMBER ABSENT: Rose Lambert

GUESTS/APPLICANTS: [List attached to original minutes].

ZONING ADMINISTRATOR: Gloria Wing

Theresa called the meeting to order at 7:30 P.M. and reviewed the minutes of May 23 and May 30, 1990.

Jean moved to accept the minutes of the May 23, 1990. Gary seconded. All in favor. So accepted.

(Special Meeting) Gary moved to accept the minutes as presented. Ralph seconded. All in favor. So accepted.

7:31 P.M. -- RECESSED HEARING, from May 9, 1990. Jean swore in applicants, Edward & Bonnie Bowen, Needle Eye Road, Morrisville, VT. A Site-Walk was conducted on June 2, 1990 with members of the Board; two of Mrs. Chapman's sons and the Bowens' in attendance reference a request for a 20' Variance, not 5' Variance as stated in the 05/09/90 minutes. Theresa advised this application would be held under Title 24, VSA 4468, Page 55.

Jean read a letter received from Ben Chapman regarding the Site-Walk and requesting on his mother's behalf that the Variance be denied.

Mrs. Bowen advised the mobil home was located in the only place it could be due to the septic system's location.

Gloria advised the Bowen's lot is a 'grandfathered' lot.

After discussion concerning the criteria of Title 24, VSA 4468, Page 55, Gary made the motion to grant the 20' Variance to allow the construction of a garage; Michael seconded. Unanimously approved to allow a 20' side set-back.

FACTS OF FINDINGS: Based on and examined under Title 24, VSA 4468 - VARIANCE, this application for a 20' side set-back was approved, based on the following:

- 1) Lot has unique physical characteristics;
- 2) Lot can not be further developed within zoning regulations, due to leach field and front field;
- 3) Hardship was not created by the appellant;
- 4) a--Variance will not alter essential character of the neighborhood;

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b--Variance will not impair further development of adjoining properties;

c--Variance will not reduce access to renewable energy resources;

d--Variance will not be detrimental to public welfare;

5) a--Variance represents minimum to offer relief;

b--Variance represents least deviation from zoning regulations.

GENERAL DISCUSSION: Gloria advised that in the future the tapes of the meeting will be re-used to save space and money.

Michael Lowell, operating a used car lot, is having to move from the Trombley terminal area and would like to relocate to the Cabot Creamery building, owned by H.A. Manosh or to Pete's Market area. Howard Manosh is willing to do some renovations to the creamery, which is located in Industrial Area, but will need a Conditional Use under Commercial Use.

(The meeting was recessed until 8:30 P.M./Chip Percy)

8:30 P.M. -- WARNED HEARING/CHIP PERCY: AMENDMENT TO "GRAND-FATHERED" TINKER PIT, to install a crusher; and to transport 30,000 yards of gravel for crushing. This application is located on RT 100-S behind Harold & Pat Shonio's residence.

Jean administered the sworn oath to all parties involved.

Theresa advised this application would be based on and examined under Morristown's Zoning By-Laws, **CONDITIONAL USE**, Section 203.1, Page 3 and Section 505, Page 15.

Chip presented the history of the pit, advising he believed it was opened around 1962-63; that he would like to process approximately 50-70,000 yards of gravel, with 20,000 yards being extracted from this pit, the remaining yardage would be stock-piled from other pits owned by him. Chip advised he would like to move the pit location 200' toward Morrisville or approximately 900' from Shonio's; that over the next year, build a road through the wooded land, across the swamp and field and access onto RT 100 in the vicinity of Paine's; that approval to cross the swamp and curb access onto RT 100 would need to be obtained from the State.

Chip advised that 50,000 yard of gravel would be transported down from Morrisville; the working hours would be 7 A.M. to

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4:30 P.M, five days a week; that five acres would be open at a time, with the top-soil stock-piled for use in reclamation.

Chip advised he doe not feel that noise would be a problem, with the State required back-up warning signal being the loudest part of the operation.

That he plans to use tri-axle trucks to cut down on the number of trips to approximately 2,777 trips going through Morrisville; that presently they are making 27 trips daily from Morrisville to Stowe, or approximately 5,000 trips during the working season of April through November; that the trip toward Stowe would remain the same as present; that 90% plus, of the gravel will go to and be used in Stowe.

Ralph inquired if he would still use the existing road if he obtained the new road; Chip advised it would not be used for haul-trucks. Ralph asked about vibration from this operation and the crusher. Chip advised the crusher would be placed on wood base to reduce vibration. Ralph then inquired about the problem of dust; Chip advised there would not be any dust; this is a moist operation and if there is road dust, they will put calcium chloride on the road. Chip and Gary advised Manosh is operating a "jaw crusher" at Reed's Pit in Wolcott if anyone is interested in observing the operation of same. Ralph advised he felt the accelerating and decelerating would cause considerable noise; that most likely is due to truck operators and vehicle maintenance.

Chip stated he believes the wetlands will be the biggest problem with the State.

Attorney Robert Davison, representing Harold & Pat Shonio, voiced his concern and objection to allowing this application; that it is only 500' from Shonio's garage to cleared area of pit; that the tree area is removed and visible. That under Section 203.1, he does not believe a Conditional Use is permitted approval by any standards. The Zoning Administrator said this was a permitted use, therefore, they are appealing her decision and requesting at this time, the BOA reject this; also, this needs to be approved by the Planning Commission. That regarding Section 402, that Manufacturing is not Permitted. This is an expansion of a Pre-Existing Use. That by Chip Percy's admission, he does not have his yearly haul-receipts. Harold Shonio advised he believed that the 5,367 yards extraction per year has been an expansion without a permit, therefore a violation.

Att. Davison voiced other concerns that there would be 10,000 trips per turn around; that the material will go out of the stock-pile pit in smaller truck loads, increasing the traffic and the trucks braking will be a noise problem; that traffic alone should be reason enough to reject this project.

That the noise would be a serious health threat as decibels quadruple; that clay and water underneath the ground transmit sound; and there will be dust from this operation regardless; and, that by using the chloride, it will contaminate the water of Joe's Pond and Shonio's spring, and will affect the plants and wild life.

This will also affect the character of this residential neighborhood; this pit was not extensively operated until recently; this is a big operation, again requesting to reject this project based on affecting the character of this residential neighborhood.

Harold & Pat Shonio described the noise and vibration from the already existing traffic and how the value of their property has dropped due to this.

Max Paine; Inga Paine; Ann Alexander; Ben Brayton; Stan Wright; Ed Kaiser; Chick Height; Bob Ross; Allen Lawrence; Linda Jones; Bob Murray all voiced their complaints and objections to this project, requesting the BOA reject it.

A time of 08:00 A.M. was set on 06/20/90 to visit Manosh crushing operation on the Garfield Road, top of the hill by the red silo.

Dale Percy advised there has been a crusher there since 1976 and no one objected. Pat Shonio advised there wasn't all the houses in this area back then.

Jean made the motion to go into deliberative session; Gary seconded. Unanimously approved.

10:05 P.M. -- DEMARS HARDWARE/DAN DEMARS was in attendance seeking a sign variance for a U-HAUL sign, measuring 4' X 6'3" to be placed on the side of the back warehouse building, which is the second one. This 21 sq.ft. sign will be plastic, illuminated from the inside the company sign, which will face the store, not the road; it will be orange and white in color.

Paul Trudell requested the sign be lighted by incandescent lights and be on a timer-clock.

Ralph advised U-HAUL has a flat sided sign that is lit by a spot-light, that Dan might want to check into.

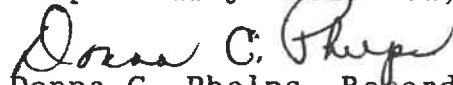
Ralph then made the motion to approve the signage variance of an externally lighted sign on a timer, being a double-sided metal U-HAUL sign, not exceeding 21 sq. ft., to be in operation the same hours as other businesses on Munson Avenue. Paul seconded. Unanimously approved.

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FACTS OF FINDINGS: Based on and examined under the Town of Morristown's Zoning By-Laws, and Title 24, VSA 4468, Page 55, this application was granted approval with the conditions: an externally lighted sign on a timer, being a double-sided metal U-HAUL sign, not exceeding 21 sq. ft., to be in operation the same hours as other businesses on Munson Avenue.

Jean made the motion to adjourn the meeting at 10:20 P.M.
Ralph seconded. All in favor.

Respectfully submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

