

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
JUNE 9, 1993

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Theresa Breault; Ralph Wiltshire; Ida Mae Anderson; Jean Wickart and Paul Trudell.

BOARD MEMBERS ABSENT: N/A

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: See attached list.

The meeting was called to order at 7:30 P.M. by Chairman Gary Nolan, who reviewed the minutes of 05/26/93 for amendments/corrections. Ralph advised that regarding the "David Earley Warned Hearing, it should 'changed' to read that Jean administered the sworn oath to Mr. Earley, not Mr. Killian as printed. Rose advised she would like the records to show that regarding the "Ted Lambert, Jr. - Warned Hearing; that she left the table and did not participate." Ralph then made the motion to accept the minutes with the amendments. Ida Mae seconded. All in favor.

7:32 P.M. -- SHERMAN ALLEN CORP./AUTO CARE, represented by Koreen Dailey, who was in attendance for a VARIANCE for Signage. Jean administered the sworn oath.

Ms. Dailey presented photos of the existing signage, advising they will be removing all the present signs, which measures 43 sq. ft. The proposed signs would measure 51 sq. ft., but could be scaled down; the letters would be wooden in either red; white or black, which are the Texaco colors. After a brief discussion, Jean made a motion to conduct a Site-Walk on June 23, 1993 at 09:00 A.M.; that Sherman Allen Corp. is to present plans of the proposed signage on the building, drawn to scale at that time; Ralph seconded. All in favor.

7:47 P.M. -- RECESSED HEARING: JOHN DUFFY & DIANE HIRSCH were in attendance seeking the BOA'S approval for a Gymnastics Camp/School. Jean administered the sworn oath to all concerned parties; Jean and Theresa then left the table and did not participate in this hearing as they were not in attendance at the prior meetings. Gary advised that the Board conducted a Site-Walk of the property at 6:30 P.M. this evening and that most questions pertained to traffic at the Site-Walk.

Diane advised that their original plans for a Gym Camp have been changed somewhat; that they would be operating a Youth Fitness Center for children, ages pre-school to twelve or so. The maximum number students at one time would be twenty (20); there will be no outdoor activities, all activities will be contained inside the quonset hut; they could decrease their total number of students to 30 or 40 a day. While school is in session, the first class would be immediately after school, with students arriving by bus; the second class would start around 5:30 P.M. or 6 P.M. and class are of a 2 hour duration; the student/instructor ratio is 7 to 1. The earliest classes would start at 10:00 A.M. They advised they recruit handicap students. John Duffy will eventually teach classes and will also be building a lot of their equipment.

Duffy and Hirsch presented maps and brochures of proposed plans to be conducted on a 3 acre parcel of land, which includes the right-of-way.

ADJOINING PROPERTY OWNERS CONCERNS:

KEN SCHRAMM: Concerned about the total number of students; noise, traffic and change in the character of the residential neighborhood.

BEN & SARAH BLACK: Recently moved into the development across the street; at the time they purchased their house, they were under the impression that this was a residential neighborhood and only learned of these plans a couple of days ago; these proposed plans would change the character of the neighborhood; that the applicants plans constantly change and are concerned that if approved, would their final plans be what they construct and operate; also, are concerned with the traffic and with kids running around all over the place.

Diane Hirsch advised they were well received in Waterbury, VT for five (5) years and had no problems. They expect children to arrive on the bus during the school year; that parents would car-pool and they eventually plan to operate a van to pick up students.

SHEILA GOSS: Stated her concerns regarding noise, as the sound carries in this area; the further increase in traffic, as traffic has substantially increase in the past five (5) years; that this will change the character of the neighborhood and will also effect their property value.

SEAN FOLLEY: Lives across the road from Duffy, advised he is in favor of this proposed project and feels it would be a good use of the building if it were cleaned up around the area, but feels if this is approved, there should be Conditions imposed:

- Aesthetic Guidelines--be required to clean up area and keep it neat;
- Conduct periodic review of property;
- Require ample parking;
- Restrict number of students;
- Obtain statistics on traffic;
- Limit driveway to only ONE;
- Another Permit to be required if increased use to a Camp;
- Require the Septic system to meet state specs.

Mr. Folley advised he would support the project with the above Conditions imposed.

HOWARD CARROLL: Representing himself; Gilbert Myers and Mike Caldwell. Inquired if this was for a Conditional Use or a Non-Conforming Use; he was advised this was for a Cond. Use. Mr. Carroll advised if this is a Commercial in a RR/AG zoned area, it would not be for a Non-Conforming Use. Gary advised this would be researched further prior to the Board's final decision. Mr. Carroll advised that if the use is not permitted or is applied for as a Conditional Use; that it must then be a Non-Conforming use and that a 'new use' can not be created.

Gary then closed further testimony; Ralph made a motion to close testimony and take the Hearing to Deliberative Session on June 23, 1993. Ida Mae seconded. All in favor.

8:45 P.M. -- ROBERT BOCOCK: Presented application for approval of Signage Variance for his Pack & Park business located on RT 100-S located in the Town of Morristown. Jean administered the sworn oath. Gary advised this would be heard under Town of Morristown's Zoning By-Laws, Section #470, SIGNS, Page 30 and under #4468 of the ACT.

Mr. Bocock advised he wishes to replace the present sign of 10 sq. ft., as it can not be seen due to size and the satellite dish by North Star obstructs it. His proposed plans are for a sign 12 feet high and 5 feet wide; the bottom four feet would not have any signs on it. It would be located where the present sign is.

After a brief discussion, Theresa made the motion to approve the Signage Variance for a free standing sign, not to exceed 60 square feet. Jean seconded. Paul Trudell opposed, stating he feels it is too large as this is residential. Ralph advised this area was initially Commercial years ago as there was a Pontiac/Cadillac dealership where Union Carbide is now located; that Pete's Market was a Farmall Tractor dealership and North Star was a gas station. Mr. Bocock advised the maximum number of signs on standing sign would be six (6).

Five (5) voted in favor. So approved.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, Section #470, SIGNS, Page 30 and under #4468 of the ACT and there being no objections from adjoining property owners, the Board granted approval of a Variance for signage exceeding the allowed 10 sq. ft.

9:00 P.M. -- GARY HAZZARD & MARC SHERMAN/dba/Vermont Furniture Works were in attendance seeking approval for a Conditional Use for a Light Industry. Jean administered the sworn oath.

The applicants presented their plans and photos for a custom order furniture manufacturing from raw materials with business to be located in 1,700 square feet of space, behind Barrows, Mercia & Rollins on Main Street in the Village of Morrisville, VT. They have employed a trained cabinet maker from outside of Boston.

Theresa inquired about the noise element. Mr. Hazzard advised they could not provide the decibels from saws; there will be some noise, but does not believe it will be obnoxious; he has spoken with Chuck's Bike and has no problems with plans; Ken Gibbons of the Union Bank has no problems nor does Barrows, Mercia & Rollins, whom they are leasing the property from.

Regarding increased traffic, the applicants advised most deliveries would be after 4:30 P.M.; that after the initial product delivery, deliveries would be most likely only once a month for materials.

Ralph advised that the cabinet making equipment & saws & planers were considerably more noisy than the saws. Gary Hazzard advised they would be installing Sonex foam panels to reduce and absorb the noise; that this would be a small operations, therefore they would not be operating several pieces of equipment at once.

The hours of operation would be 8 to 5 P.M., Monday through Friday, depending on the growth of the business, possibly Saturdays; the cabinet maker would start working at 6-6:30 A.M. and would be doing finish work as there is a lot of hand finishing.

Ralph made a motion to grant approval for a Conditional Use Permit, with the Conditions that;

The wood-working equipment can be ONLY operated between 08:00 A.M. and 5:00 P.M.; that in the event the noise level is objectionable; that methods to control

and reduce the noise will be used. Jean seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Village of Morrisville's Zoning By-Laws, Section 213, Conditional Uses (d) Light Industry, and there being no objection by adjoining property owners, the Board granted approval.

9:30 P.M. -- ROY MARBLE, representing SCOTT JOHNSON, East High Street, applying for approval of a two-lot sub-division. Roy was previously administered the sworn oath.

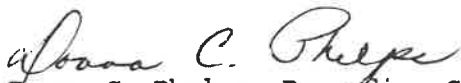
Roy advised that the back line remained the same as the previous plans; there is 22'-8" between the mobile home and the existing house; that Lot #1 meets the minimum set-back requirements; Lot #2 needs 22' frontage Variance; they have approximate 53' of the required 75'; they are 5' short on the corner/side and will need a side set-back Variance for 5'; that if the owner/Johnson receives a satisfactory sale, he will have a complete survey done of the entire property.

Theresa moved to grant approval of the Variance, being 22' Variance on the Frontage; 5' Variance on the Lot width for Lot #2; that if the property is ever sold, that a complete survey of the entire property will be made and a copy of the survey will be filed with the Town Clerk and Zoning Administrator. Gary added that if the mobile home is ever moved or sold; that it will be replaced in accordance with and in conformance of the Set-Back regulations. Jean seconded the amendment and the motion. All in favor as presented with the Conditions.

FACTS OF FINDING: Based on and examined under the Village of Morristown's Zoning By-Laws, Section 644, Page 34 and #4468 of the ACT, the Board granted approval of the Set-Back Variances, with the above Conditions.

Ralph moved to adjourn at 9:45 P.M. Ida Mae seconded. All in favor. So adjourned.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

Site-Walk on June 23, 1993 at 09:00 A.M.---Sherman Allen Corp.

Next BOA Meeting: June 23, 1993 @ 7:30 P.M.