

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
June 8th, 1994

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

ZONING ADMINISTRATOR: Kenneth Sweetser

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 May 11, 1994 for amendments/corrections. The meeting of 06/22/94 will be held @ the MORRISTOWN ELEMENTARY SCHOOL LIBRARY instead of the Peoples Academy's Auditorium. Ralph made the motion to accept the minutes with the change. Paul seconded. All in favor.

7:31 P.M. -- DOUG WASHBURN: SET-BACK VARIANCE on Randolph Road. Jean administered the sworn oath to Washburns. Gary advised this hearing would be heard under the Town of Morristown's Zoning By-Laws, RR/AG, Section 280 and Section 650 - Variances.

Mr. Washburn presented plans for the construction of a 24' X 36' garage, having a 4-12 pitch roof. The garage would also serve as a small 'hobby' (wood-working) shop. This project would be located on a one (1) acre lot, 46-48 feet from the center-line of the Randolph Road. There are ledges and a bank which is 10-12 feet above the grade of the road, in addition to 3 large trees which prohibit another location for construction. Gary advised he was seeking a 19' set-back variance.

Paul made the motion to conduct a Site-Walk of the property on Saturday, June 11, 1994 at 08:00 hours, with a deliberative session following the site-walk. Ralph seconded. All in favor.

7:45 P.M. -- LAMOILLE ECONOMIC DEVELOPMENT COUNCIL -- DELIBERATIVE SESSION: Complete drawings/plans were presented; letter from all service agencies were presented. Paul advised they were asked to research the adjoining properties' lighting and install the same type of lighting, preferably quartz lighting. The BOA requested that the tree line beside Community College be extended from the contour to edge of the building with evergreen trees 6' high. To extend the length of Community College to the LCDC property line. A letter addressing storm drains was presented.

Ralph made the motion to approve this application with the conditions:

- a) Project be reviewed one (1) year from date of Permit approval; (1995)
Project be reviewed three (3) years from date of Permit approval: (1997)
Project be reviewed five (5) years from date of Permit approval; (1999)
- b) For the BOA, at that time, to address: Drainage
Traffic
Lighting
- c) That evergreen trees, 6' high be planted the length of Community College building to the LCDC property line, for screening/to cut down on the noise level.

Jean seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's By-Laws, Sections 230 --INDUSTRIAL DISTRICT, Page 4, and Section 630 - CONDITIONAL USES, Page 41, the Board of Adjustment granted approval of this permit with the following conditions:

- a) Project be reviewed one (1) year from date of Permit approval; (1995)
Project be reviewed three (3) years from date of Permit approval: (1997)
Project be reviewed five (5) years from date of Permit approval; (1999)
- b) For the BOA, at that time, to address: Drainage
Traffic
Lighting
- c) That evergreen trees, 6' high be planted the length of Community College building to the LCDC property line, for screening/to cut down on the noise level.

8:00 P.M. -- KEN HARVEY, MOBILE HOMES SALES, Harrell Street, (T.H.#17) Morrisville, VT.

Variance for a Non-Conforming Use. Jean administered the sworn oath to Mr. Harvey. Gary advised this would be heard under the Town of Morristown's Zoning By-Laws, RR/AG, Section 280 and Non-Conforming Use. Mr. Harvey presented plans with the road going around the bermed area; there will be an office; workshop. There is a pile of top-soil stored in the corner of the property. The property will require very little grading; and there is excellent drainage from the former gravel pit. He plans to store 40 units on site.

Mr. Harvey advised he currently has an ACT 250 Permit for the gravel pit, that expires around 2001 or 2002; he has one active local permit for the fuel tanks and an expired local permit. The only resident that borders the site is Merriams.

This will be served by a septic system, municipal water, and will need 2.5 times the average home's use. All buildings are portable and he will be the only tenant, employing five (5) people.

There will be 14-15 parking spaces in front of the office unit, with approximately 3-5 cars in the driveway at one time.

Ken also advised he will need an amended ACT 250 Permit to operate this business.

After discussion, Ralph moved to recess this hearing until July 27, 1994 at 8:30 P.M. Paul seconded. All in favor.

8:34 P.M. -- PETER BOURNE/DAWN ANDREWS: RECESSED HEARING FROM MAY 11, 1994.
The applicants presented an up-dated informational letter to the board requesting approval of a permit. The letter was read to the Board and presented for filing.

Charlie Hess, adjoining property owner was present, and requested they keep an eye on oils spills so that oil wouldn't get into his drinking water. That their new tank does not cause as much spillage problems as the older tanks. Peter advised that the containment can handle a 25,000 gallon spill if the tank fails, as it is lined with a foot of clay.

Gary asked for a motion. Ralph moved to adjourn to a deliberative session with the right to gather further information, and if necessary, can request additional

information; to recess until June 20th, 1994 after the BOA meeting with the selectmen, at approximately 6 P.M. Paul seconded. All in favor.

GENERAL DISCUSSION: Ken Sweetser advised that Roger Barry was granted a Permit in November, 1993 to his seafood business; that he has continually expanded since; that his permit was for retail take out sales only; that he has tables for 20 customers; video machines, etc. Ken presented Mr. Barry's plans to the BOA.

Ralph made the motion to reconsider Mr. Barry's Permit for July 27th, 1994 at 8:15 P.M., or earlier if there is a cancellation. Jean seconded. All in favor.

Ames Department Store wants to expand to 80,000 sq. ft., with Kinney Drugs moving to the end toward Franklin-Lamoille Bank.

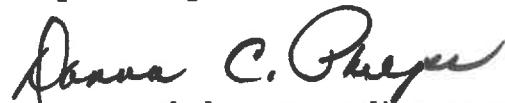
Jeff's Seafood Truck, is requesting the BOA grant them a 'stay of enforcement'; Gary read a letter from Jeff's Seafood requesting a waiver of hearings from Michelle Bessette; Ken read a second letter from Ms. Bessette. Jeff's Seafood business has been in town for the past 21 years and until this year did not need a permit to operate.

Ralph made a motion to grant a 'Stay of Enforcement' Paul seconded. Theresa opposed, stating her reason was they were in competition with Barrys' who pay taxes, etc., whereby Jeff's Seafood doesn't. Six (6) voted in favor.

Gary asked the status of Brad Hart's development. Ken advised the road is to be completed no later than June 15th, 1994.

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

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

JUNE 22, 1994 @ 7:00 P.M. -- LRSD Recessed Hearing
Morristown Elementary School Library