

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
May 12, 1993

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Ralph Wiltshire; Ida Mae Anderson; Paul Trudell and Rose Lambert.

BOARD MEMBERS ABSENT: Theresa Breault and Jean Wickart (Excused).

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: See attached list.

The meeting was called to order at 7:34 P.M. by Chairman Gary Nolan, who reviewed the minutes of 04/28/93 for amendments/corrections. (There is a typographical error re: Michael Cote's Hearing/should be #4468, instead of #468.) Ida Mae moved to approve the minutes; Paul seconded. All in favor. So moved.

7:45 P.M. -- ROY MARBLE, representing SCOTT JOHNSON requesting several VARIANCES for Set-Backs for a .6 acre lot located on East High Street in the Village of Morrisville. A Site-Walk of the property was conducted on Sunday, May 2, 1993.

Donna administered the sworn oath to all concerned parties.

Roy advised that Johnson owns the land behind Bournes; that this lot consists of .6 acres according to the tax maps and is located in an area zoned "HDR"; is served by Municipal water & sewage. There is sufficient footage for the required 8,000 sq. ft. per dwelling as outlined in the zoning regulations. Roy presented to proposed plans; one plan requests permit to be granted allowing the lot to be sub-divided into three (3) lots; the second plan is for a two-lot sub-division of the property. Lot #1 measures approximately 9,000 sq. ft.; Lot #2 measures approximately 8,900 sq. ft. and Lot #3 having 8,000 sq. ft. Roy advised they might gain more footage with an actual survey and they will not divide the property without the benefit of a survey. Paul voiced his concern over the closeness of the existing buildings. Roy advised that Mr. Johnson is thinking of selling his mobile home and lot and moving to another area in town; that his grandmother has a life-lease to live in the house and therefore is unable to sell the property with these conditions. Roy advised would Mr. Johnson would prefer the Board's approval for the plans for the Three (3) Lot Sub-division and Variances requested for same.

Ralph made the motion to go into Deliberative Session later this evening. Rose seconded. All in favor. So moved.

8:03 P.M. -- ANTHONY VOYER, dba/Morrisville Bowl, came before the Board with an application for a Sign Size Variance request, which exceeds the allowed 10 sq. ft.

Donna administered the sworn oath to all concerned parties.

Gary advised this would be heard under #470, Page 30, Town of Morristown's Zoning By-Laws.

Mr. Voyer presented plot plans, advising the sign, measuring 13' H X 6' W' would be set in a parking space nearer the Bowling Alley; the sign would be 2-faced; lighted from the bottom, if he decides to light it; this sign would be located approximately 20-25' from Brooklyn Street and would serve three (3) businesses; being Morrisville Lanes; Cusson's Bakery; & Leisure Time Living-Pools/Spa. Mr. Voyer advised that the base of the sign would be a planter for flowers. Also,

they have approval for a Miniature Golf Course, which will be in operation during the day-time hours, from Memorial Day through Labor Day.

Ralph made the motion to approve the Sign Size Variance not to exceed 13' high, including the base/planter and not to exceed 9' in width; that the lights, if lighted, will be shut off at 11:00 P.M. or at the closing of business. Mr. Voyer advised the sign will not exceed 6' Wide and the 13' High includes the base planter.

Ida Mae seconded. Paul voiced his concern with the height and size (sq. footage). Gary asked Mr. Voyer to keep the sign no wider than 6'. Gary called the question. Paul opposed; Four (4) votes in favor to allow the Variance. So moved.

FACTS OF FINDING: Based on and examined under #470, SIGNS, Page 30, Town of Morristown's Zoning By-Laws, the BOA voted unanimously in favor of allowing a Variance in Size for a Sign, with the following conditions: Not to exceed 13' high, including the base/planter and not to exceed 9' in width; that the lights, if lighted, will be shut off at 11:00 P.M. or at the closing of business. Mr. Voyer advised the sign will not exceed 6' Wide and the 13' High includes the base planter.

8:15 P.M. -- JOHN DUFFY & DIANE T. HIRSCH, presenting application for a CONDITIONAL USE, to allow a Physical Education Camp & Studio, to be located on Duffy's property on Randolph Road in the Town of Morristown. Donna administered the sworn oath to all concerned parties.

Duffy came before the BOA seeking a Conditional Use Permit to use the rear of the Quonset Hut, the 'old Green Mountain Sanitation Garage' to serve 30-40 children, ages 5-12 years old; the access to the building would be from the front of his house; parking would be on the north side. Mr. Duffy advised that he knows there is a lot of opposition to his plans, but if this fails, he has about 45 acres across the road he can use. The hours of operation would be from 07:30 A.M. to 5 P.M., Monday -- Friday; the parents would drop off children in the morning and pick them up at 5 P.M.; the actual classes would be from 09:00 P.M. to 4 P.M., with four (4) teachers/instructors. The quonset hut measures about 50'W X 90'L and is approximately 22'-24' High. Ralph advised this building has been there since the late 60's.

Photos were presented for the Board's review by Duncan & Sheila Goss depicting the junk, etc. near the property line by Duffy. All opposing neighboring property owners voiced their concern regarding the junk and mess surrounding the Duffy's residence/property. Duffy advised he assured Nathan Barbour that he was in the process of cleaning up this area.

Chairman Gary Nolan read letters received by the Board, regarding Duffy's proposed plans:

1)	Wm. & Suzanne Kempe	- Dated 05/11/93	Concerns
2)	Ken & Dora Schramm	- Dated 05/12/93	Opposing
3)	Duncan & Sheila Goss	- Dated 04/27/93	Opposing
4)	Eric Chittenden to Diane Hirsch	- Dated 04/29/93	Supporting

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Michael Caldwell was in attendance and expressed his concern over the traffic and junk, etc. Mr. Caldwell advised that 3-4 years ago, he attempted to develop his property adjacent to Duffy's and at that time was denied as it was thought to be inappropriate use in the neighborhood; would increase traffic as this was a residential neighborhood; that if Condo's are inappropriate, this proposed use is a conflicting use; this would cause at least as much traffic. Mr. Caldwell advised he built his road to Town Specs and is complying with building single family dwellings; he has sold three lots, of which two have quality homes constructed on them; that he believes this would be a disruptive operation.

Duncan Goss advised that by allowing this proposed plan would be setting a precedent for this area.

Ken Schramm stated as the Town grows, people must comply with regulations and when he purchased his property, he was assured this area was residential; that Stowe View purchasers have covenants in their deeds prohibiting such uses and this would be a direct conflict.

Mr. Duffy advised he gave Stowe View a right-of-way, but doesn't believe his property is part of Stowe View.

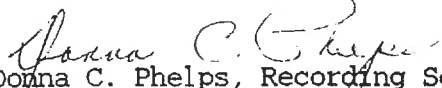
Elsa Everling, business manager for Diane Hirsch, advised the whole concept is based on the same as a school.

Mike Caldwell asked Duffy about liability if he should use the area across the road, due to traffic in crossing the roadway. Mr. Duffy advised there is not heavy traffic and didn't see traffic as being a problem. The area across the road would be utilized for hikes; nature walks, training and outdoor sports and games.

Ralph made the motion to recess this hearing until 06/09/93 at 7:45 P.M. and to conduct a Site-Walk of the area on June 9, 1993 at 6:30 P.M. prior to the scheduled BOA meeting. Ida Mae seconded. All in favor.

Ralph made a motion to adjourn the regular meeting at 9:10 P.M. Rose Seconded. All in favor. (The BOA then entered into deliberative session re: Johnson/Marble).

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

Guests / Applicants

BOA:05/12/93

Print Name : Mailing Address

- ✓1 Chris Ludington RR1 Box 3119 Hyde Park VT 05655
- ✓2 John & Rachel Duffy RD #2, Box 4916 Morrisville
- 3 DUNCAN GOSS RR 2 BOX 4928 MORRISVILLE VT
- 4 Ken Schreamm Rt3 Box 466 Morrisville VT
- ✓5 M & Caldwell 275 Stone Hollow Rd Stowe VT
- ✓6 PAIGE CALDWELL 275 Stone Hollow Rd Stowe VT
- 7 Roy Marble Rt1 Box 710 M201 05641
- 8 Tony Voyer RD3 Box 60 Morrisville
- 9 Eka Evuling 419 Spring St, St. Johnsbury, VT. 05819
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