

MORRISTOWN BOARD OF ADJUSTMENT -- MINUTES
May 11, 1994

BOARD MEMBERS PRESENT: Chairman Gary Nolan; Theresa Breault; Ralph Wiltshire; and Paul Trudell.

BOARD MEMBERS ABSENT: Rose Lambert; Jean Wickart and Ida Mae Anderson (Excused).

ZONING ADMINISTRATOR: Kenneth Sweetser

GUESTS/APPLICANTS: [See attached].

The meeting was called to order at 7:40 P.M. by Chairman Gary Nolan.

7:40 P.M. -- MENARD'S AGWAY: Ernie Menard, owner/manager, presented an application for a permit to allow a permanent structure measuring 10' X 30', 7' High "Display Greenhouse" to be located on Northgate Avenue. Theresa administered the sworn oath to Mr. Menard. Gary advised this application would be heard under the Town of Morristown By-Laws, Sections 213.a - COMMERCIAL DISTRICT/Conditional Uses: Retail & Wholesale Delivery of Goods and Services and Section 630 - Conditional Uses.

Ernie Menard advised the original plans were for a temporary structure, but the yearly permit fee was prohibitive, therefore, he will apply for a permanent structure and remove the majority of the structure in the fall. Photos of the proposed structure was presented to the BOA for review. The structure is constructed of fiberglass sides, with plastic over a metal ribbed frame. The location, meeting the required set-backs, will be toward Munson Avenue, 30' from the side and 60-70' from the road, resulting in the structure not be being as visible. No plants will be propagated, only displayed. Ken and Ernie advised the Planning Commission granted approval of his plans with the condition that this structure can be dismantled at Menard's discretion and re-erected only in the same location. Ernie advised that he would certainly remove the plastic in the fall and possibly the entire structure, but he is unsure what this would entail at this time. This structure will be free-standing.

Gary reviewed Section #630 - Conditional Uses, with the Board and in finding this application met the criteria as out-lined, Ralph made the motion to grant approval of a Conditional Use for a "Display Greenhouse" with the condition that this structure is to be placed annually, according to the plans presented and made a part of these minutes. Theresa seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown By-Laws, Sections 213.a - COMMERCIAL DISTRICT/Conditional Uses: Retail & Wholesale Delivery of Goods and Services and Section 630 - Conditional Uses, this application was granted approval for a "Display Greenhouse" with the condition that this structure is to be placed annually, according to the plans presented and made a part of these minutes.

7:52 P.M. -- LAMOILLE ECONOMIC DEVELOPMENT COUNCIL, represented by Executive Director, Chris D'Elia, presented an application to allow the construction of a 22,400 square foot incubator building on Lot #12, in the Industrial Park, located on Harrell Street in the Town of Morristown, VT.

Gary advised this application would be heard under the Town of Morristown By-Laws, Sections 230 - INDUSTRIAL DISTRICT, Page 4, and Section 630 - CONDITIONAL USES, Page 41.

Theresa administered the sworn oath to Mr. D'Elia.

Mr. D'Elia advised the application stated 23,000 square foot, but this has been scaled back to a 22,400 square foot structure, to accommodate possibly eight (8) tenants. The building will measure 160' X 120' and 16' high, with office space measuring 40' X 80'. In estimating 40 employees to be serviced, they have provided 45 parking spaces. The parking is also designed to accommodate tractor-trailer truck deliveries. The parking lot will be graveled, no black-top. Chris advised that the storm and water-run surface is designed to slope away from the structure into drainage ditches.

There is an eight inch water line that goes up the side of the property; this line will be deeded back to Morrisville Water & Light, who will maintain the line and when the adjacent lot is sold, this property will tap into this line also.

The septic system is designed for 1,000 gallons.

This will be a sheet metal structure, 16' high with a pitched roof.

Gary then reviewed the criteria with the Board for Section 630 - Conditional Uses of the Morristown Zoning By-Laws and found this application met the out-lined criteria.

Letters from all community services will be required;
Paul asked that Chris research the present lighting of adjoining lots to be compatible in the area;
Ralph requested that all building plans; structure design; all letters; all waste water run-off designs be presented to the BOA before any action is taken on this application. Chris agreed to comply.

There will be no signage;
Landscaping and screening plans were presented;
Construction is planned for completion by the end of August, 1994
Chris advised that realistically they believe there will be 25-30 employees;

Ralph made the motion to recess this hearing to a Deliberative Session on JUNE 8th, 1994 @ 7:45 P.M., at which time the BOA will be presented the requested information. Theresa seconded. Unanimously approved.

8:26 P.M. -- PETER BOURNE/DAWN ANDREWS, dba/BOURNE'S INCORPORATED, presented an application for a permit to allow the placement of a 25,000 gallon oil storage tank at their facility located on RT 100-South, in the Town of Morristown, VT.

Theresa administered the sworn oath to Bourne and Andrews.

Gary advised this area is zoned RR/AG; and the use is an Existing Non-Conforming Use. Gary then read Morristown Zoning By-Law Sections 430 - 432 (Limitations), advising the applicants that the BOA's power has been taken away by the new zoning by-laws that are currently in place.

Ken presented copies of a letter received in response to his request for a ruling from VLCT, as the applicants wanted this application addressed as qualifying as an "essential public service". [Attached to and made a part of these minutes.]

Bourne/Andrews waived having the full Board present for all hearings.

The proposed project is to install a new 25,000 gallon, two compartment bulk storage tank with associated pumps, pipes and fittings, and bring all piping and electrical on existing tanks up to current industry standards, at an estimated cost of \$30,000.00. The existing use of the property is described to be a 'tank farm'.

Bourne advised that Federal Law mandates that they provide 'Low Sodium Diesel' (LSD) fuel for the operation of vehicles designed for the use of diesel fuel; that presently he does not have ample capacity to carry a sufficient supply and needs an additional tank to be dedicated for this use. This tank would be the same size as the existing tank which is located in the existing pit; the proposed tank would be located behind the existing tank and nearly non-visible. The pit is designed to regulation standards for the tanks. Presently they carry diesel; heating oil and kerosene in bulk storage at this location. Bourne advised he is concerned regarding his plans for the coming winter(s) to supply his customers if he is not allowed to install this tank. Approximately 70% of fuel consumption is petroleum products for heat. That other area suppliers are subject to this same problem.

Andrews stated her opinion was that with 70% of the population using fuel oil for heating purposes, this could be classified as an "essential public service".

After discussion, Theresa made the motion to recess this hearing until JUNE 8th, 1994 @ 8:15 P.M., in order for the Board to research and evaluate this application and information; also, that the BOA members not in attendance at this hearing could also evaluate this application and information. Ralph seconded. All in favor.

The minutes of the May 4th, 1994 Joint Meeting, regarding the Landfill was briefly discussed. Ralph advised times and place was incorrect. Ken advised that most likely that was due to the location where he and Donna were sitting as it was impossible to hear and/or see anything; this will be rectified at any future meetings.

CORRECT TIME & PLACE [LRSWMD]:

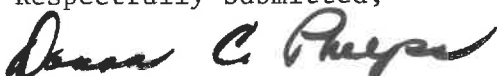
MAY 25th, 1994 @ 7:00 P.M.

@ Morristown Elementary Library

JUNE 22nd, 1994 @ 7:00 P.M.

@ Peoples Academy Auditorium

Respectfully Submitted,



Donna C. Phelps, Recording Secretary 3
Morristown Board of Adjustment