

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
AND PLANNING COMMISSION
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Minutes of April 22, 1997

Members Present: Gary Nolan, Rich Furlong, Ralph Wiltshire, Tom Bjerke, George Robson, Pat McCullock, and Sam Guy.

Members Absent: Jane Greene, Jean Wickart, and Paul Trudell.

Guest: Michael McGlynn.

Mr. McGlynn from the Department of Motor Vehicles meet with both Boards to discuss junkyards, non registered vehicles, car dealerships, and people selling several vehicles without obtaining car dealers' license.

Ralph gave an overview of why and how the meeting came about. The town has had problems of people selling several cars without get obtaining a dealer's license or zoning permit and that we have had dealers come in and request amendments to their permits as well as complaints from the public.

Tom explained that R.L. Vallee, Inc. has purchased P.J. Market and has given notice to Paul Plante that he must vacate the premises. It is believed that he is illegally operating a car dealership with a license. He may be fighting his termination of his lease and how can the Department of Motor Vehicles help to get him out of the building and make him obtain a car dealership license?

Mr. McGlynn said that Mr. Plante did apply for a used car license and that there was a problem getting all of the paperwork together apparently the zoning approval got lost or was omitted. By the time everything was in place with the Department of Motor Vehicles, he had lost his lease. They require a minimum of a one year lease before they will license a dealer. The lack of a lease was not the only concern in licensing Mr. Plante.

Mr. McGlynn explained that they only have nine people in the state to deal with junk yards, inspection stations and car dealerships. His department works six twelve-hour days. It can be difficult to enforce quickly due the lack of manpower and the way the laws are written in VSA 23. A person can sell up to twelve vehicles within a twelve-month period on parcel of land. This does not include vehicles that they have legally registered. The problem may be better addressed by our local police department, as they can stop anytime and check VIN numbers, of cars are for sale. When one no longer on the property, then VIN number can be traced to see who sold it.

The Department of Motor Vehicles then can track the cars by the VIN numbers, but they cannot track them on their computer by whoever sold the vehicles. Once the police department has compiled a list of VIN numbers they can take action. It is helpful to write to the Motor Vehicle Commissioner as this can help move the complaint onto a faster track of enforcement.

It was discussed how we can address this in our zoning bylaws and through local ordinances.

George feels that it should be addressed through our legislative body for the Town (Select Board). If we do not have an ordinance to address this problem, then one should be written and controlled by the police department. We should not get involved in the process unless they have a building and/or a sign.

Ken disagrees, he feels that we control all other business, including legally operating car dealerships and we should control anyone who are operating a used car dealership without a zoning permit. They should be treated no different from any other new business comes to town.

Mr. McGlynn said that to become a licensed car dealership they must be able put five vehicles into a structure and have room to walk around the cars and be able to freely open doors, hood, and trunk. He also noted that towns may not know that a car dealer can operate a garage that does oil changes and paints cars.

George feels that rolling stock is different if than a structure and we should keep out of it. He does not oppose putting a definition in the bylaws that is the same the Town ordinance reads, but we should not be in charge of the enforcement.

The question was discussed by everyone in attendance and it was decided that Rich will review the Town Ordinances and Ken will talk with Police Chief Richard Keith.

Questions were raised about junkyards and what constitutes a junkyard.

Mr. McGlynn said it is covered in the State Statues, and that they have to screen junkyards from the view of the road and that three or more non registered vehicles can be considered a junkyard. Most junkyards are used car dealers and should keep only salable cars outside the screened area.

George and others seem to remember a local ordinance that Gloria Wing used to enforce on non-registered vehicles. Zoning Bylaws do not cover non-registered vehicles.

Other Business:

Cumberland Farms/Louis Ferris, Jr.: Cumberland farms would like to tear down the current building, move back to the Ferris lot, and build a new store. They are willing to put up a building of the same architecture style as downtown if they can have their pumps in front of the store. The Planning Commission will discuss it at a future meeting and Sam and/or Tom will talk with Mr. Ferris.

Richard Godfrey property on the Morristown Corners Road: Mr. Godfrey owned 4.4 acres and a 5.6 acres parcel, of contiguous land, for a total of ten acres. The land was purchased on separate deeds. Our regulations state that contiguous lots become a single lot, regardless if they were purchased on separate deeds or time of conveyances. The Union Bank foreclosed on

3.1 acres with his residence. They have created three lots a 1.1 acre, a 3.1, and a 5.8 acre parcel without going through our subdivision regulation. The 1.1 acre parcel, that they have created, is an illegal lot in the Town, as the minimum lot size is two acres.

The Planning Commission and the Development Review Board feel that the bank is not exempt from our regulations. They will have to go through the subdivision process and that the bank cannot create an illegal lot. It is felt that the Planning Commission has been consistent in the past in enforcing of our bylaws on what constitutes a lot and that you cannot create lots without going through the subdivision process, nor have they allowed the creation of any illegal lots. The Development Review Board will ask our attorney Steve Stitzel to review our regulation and give us his opinion.

The meeting was adjourned at 9:20 P.M.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.

* As approved by Development Review Board, but different from the Planning Commission approved minutes for this meeting,