

MORRISTOWN BOARD OF ADJUSTMENT MINUTES -- APRIL 11, 1990

BOARD MEMBERS PRESENT: Theresa Breault; Jean Wickart; Don Anderson; Ralph Wiltshire; Gary Nolan; Rose Lambert.

BOARD MEMBERS ABSENT: Paul Trudell and Michael Boudreau.

ZONING ADMINISTRATOR: Gloria Wing.

The meeting was called to order at 7:30 P.M. by Chairman Theresa Breault, who reviewed the minutes of 03/28/90 for amendments/corrections. Theresa advised reference the F.W. Webb Hearing, the Title should be TITLE 24, instead of Title 7 as printed. The minutes were unanimously approved with this amendment.

WARNED
7:31 P.M. -- ~~RECESSED~~ HEARING/WILLIAM PICKENS, Harrison Avenue. This hearing was recessed from 03/14/90. Bill presented his proposed plans for construction of a third apartment in Harrison Avenue residence. On 03/17/90, Paul Trudell did site-walk, and submitted a written report to BOA of same, which Jean read. The discrepancy of square footage was discussed and it was agreed that Bill had 18,995 sq. ft. on his lot, having adequate footage for a third apartment in an area zoned MDR, Class I.

After further discussion, Don made the motion to grant approval for this application for a Conditional Use and that Bill would have perpendicular parking in the front and would replant the tree that he removed as it was dead, and other trees as indicated on plans exactly as presented. Ralph seconded. Unanimously approved.

FACTS OF FINDING: This application was based on and examined under the Village of Morrisville's Zoning By-Laws, ARTICLE II, Section 253.(f), Page 8, with the following stipulations: that Bill would have perpendicular parking in the front and would replant the tree that he removed as it was dead, and other trees as indicated on plans exactly as presented.

GENERAL DISCUSSION: Theresa read Gloria's letter which stated her concerns while she was on vacation, and was discussed by the Board. Also, Karen Seidel's temporary structures and her adjacent property owners concerns.

8:00 P.M. -- **WARNED HEARING/VARIANCE:** NAPA Auto Supply, RT 100, Northgate Plaza. This application was for a sign to measure 30' long X 4' high; the letters will measure 18" high by 36" wide, of plastic on painted plywood surface. The sign will not be lighted. The letters are their companies logo, blue on light gray background, being a total of 120 sq. ft.

Ralph made the motion to grant the applicant approval with the Condition the BOA received a letter of approval from the

current landlord. Gloria suggested Gary be the liaison person, which he agreed to do. Don seconded. All in favor.

FACTS OF FINDING: Based on and examined under Title 24, VSA Section 4468, VARIANCES this application was granted approval with the Condition the BOA received written approval from the current landlord.

8:15 P.M. -- RECESSED HEARING/CRAIG WILTSHIRE. This hearing was recessed from 03/14/90 to 03/28/90 to 04/11/90 for the construction of a 25' X 40' two-story building, on Bridge Street in the Village of Morrisville, VT in area zoned MDR. This application will be examined under the Morrisville By-Laws, ARTICLE II, Section 253 (f), Page 8, Conditional Use, Re: Multi-family Residential Units, w/one or more structures on the lot. Revised plans were submitted to the Board.

Ralph wanted to go on records that he would not be participating in this hearing.

Paul Trudell had done a site-walk prior and submitted a written report and recommendations, which was read to the BOA.

Gary calculated the sq. ft. of the lot to be 22,880 sq.ft., however, Craig's property deed stated 24,000 sq.ft., therefore, the Board advised they would go with the deed footage.

The plans indicated a 40' or more set-back from the deck and adequate parking space.

Gary advised he agreed with majority of Paul Trudell's report, but not the suggested berms, which Gary believed would cause problems; that he felt the parking should be more defined than is presently shown and Craig should not disturb any more of the area than is absolutely necessary to complete this project.

Gary then made the motion to grant the applicant a Conditional Use Permit to allow this structure with the following conditions: That property parking facilities be designed and graveled; That revegetation be established as soon as possible; That the rear-set back is *as early as possible* (not) to be disturbed. Don seconded. Unanimously approved. (Ralph abstained).

FACTS OF FINDING: Based on and examined under the Morrisville By-Laws, ARTICLE II, Section 253 (f), Page 8, Conditional Use, Re: Multi-family Residential Units, w/one or more structures on the lot, this application was granted approval with the following conditions:

That proper parking facilities be designed and surfaced; that revegetation be established as soon as possible; that the rear-set back is ~~(not)~~ to be disturbed. *as little as possible*

8:30 P.M. -- INFORMAL DISCUSSION: EARL PENO. Gloria advised that 6 months ago she gave temporary permission for Penos to have a 12' X 65' house trailer on their property for repair-/renovation; that renovations have not been completed todate and they are now requesting the BOA to grant them permission for allow this on the property for another year. That Mr. Doe and Mrs. Cheney want the trailer removed now. Theresa advised the BOA could not consider a period of 1 year.

Mr. Peno advised he was not aware of the sentiments of the neighbors; that initially he spoke them and they didn't mind.

Jean and Theresa suggested they speak with them about the matter and come back to the next meeting on 04/25/90 at 8:00 P.M. Penos advised they would be able to move the trailer when windows arrived, which should be in May, '90.

GENERAL DISCUSSION/BUSINESS:

Interpret Gloria reported on Dr. Olson's application and information received in a conversation with Bill Mitchell from the state, also, Paul Nesky advised her the PC's intent was to have 'mix & match' in the business area, which the BOA doesn't ~~interrupt~~ the By-Laws this way. Bill Moulton advised Mt. View Street ends right at the garage. This lot of Dr. Olson's is a grand-fathered lot, with no on-site parking, this could be considered under a Cond. Use, but there is already a parking problem in this area.

Ralph advised the required sq. ft. is 10,000 sq. ft.; Dr. Olson's lot is only 3,250 sq.ft., therefore, he would be creating his own hardship. The Board was in agreement in their thought this could not be allowed, but to invite Dr. Olson in for discussion on 04/25/90 at 8:15 P.M. if he would like to discuss this further.

Gloria advised the appeal of Michael Caldwelll has been re-scheduled to Wednesday, 05/02/90 at 9:00 A.M.

The Bailey Floral/Karen Seidel's temporary structure which was requested to be left up until no later than 06/15/90 will need a variance; therefore, must be a Warned Hearing. The Board agreed they were creating their own hardship.

Ralph made a motion to advise Bothfield/Seidel to remove the structure within ten (10) days or comply with regulations. Don seconded. Unanimously approved.

Gloria stated the Town had been served with papers in a law-suit by Marvin Tallman's adjoining/adjacent landowners; that

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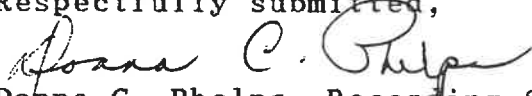
Att. Fred Emigh advised he will defend this suit.

VILLAGESCAPE PLANS: Mark Loati is deeding the Town land for a park and the Town crew is cleaning the area now.

There will be a 'Mock BOA Meeting' at the Charlmont on 05/15/90 at 7:00 P.M. for any members interested in attending.

Ralph moved to adjourn at 9:25 P.M. Jean seconded. All in favor.

Respectfully submitted,


Donna C. Phelps, Recording Secretary
Morristown BOA

/dp

BOARD OF ADJUSTMENT

AGENDA

Date: April 25, 1990

7:30 PM Eldon Towle, add 3rd & 4th apt, w/o sq. ft. required for 4th apt, variance and CU, HDR, Union St.

7:45 PM Richard Shanley, variance of setback, MDR, Fairwood Pkwy.

8:00 PM David Bothfeld, Karen Seidel, discussion