

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of March 13, 1997

Members Present: Gary Nolan, Rich Furlong, Ralph Wiltshire, Tom Bjerke, Theresa Breault, and Paul Trudell.

Members Absent: Jean Wickart.

Guest: Roy Marble, Debbie Palmer-Fagnant, Peter Fecteau, Pauli Gusha, Frank Gusha, Marc Mallett, Mike Carr and Kyle Carr.

The meeting was called to order at 7:30 P.M. by Gary Nolan, Chairman.

Rich made a motion that the minutes of February 27, 1997, are approved as written.
Tom seconded the motion and it passed unanimously.

RECESSED HEARING, PETER FECTEAU, AMENDMENT TO PERMIT 88-153

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280, 436, 450-453.4, 500-503.4 and 630-637 of the Morristown Zoning Regulation Bylaws.

Gary reminded Roy Marble and Peter Fecteau that they are still under oath.

Mr. Marble explained that they have a new site plan that shows the expanded area the 30 cars that they are asking for, the road to serve that area and the cut and fill area, as well as proposed landscaping. They have reduced the number of vehicles from 30 additional cars to 27 due to the size limitation of the lot. The access to the area behind the garage will allow Mr. Fecteau to make a horseshoe loop from one side of the lot to the other. The lot will be landscaped with 4' white pine trees as shown on the site plan. The total of 87 cars (60 permitted and proposed an increase of 27) that they are asking for will be approximately 1/3 each, saleable cars, customer cars and salvage vehicles.

Rich asked how many cars Mr. Fecteau sell and how many he salvages?

Mr. Fecteau said he sells about 100 cars a year and salvages around 60.

Ralph asked about the cars in the upper lot.

Mr. Fecteau responded that they were either saleable cars or customer vehicles.

Rich asked how long does it take to fix or strip a car?

Mr. Fecteau said that it takes around 30 to 40 days.

Gary asked Mr. Fecteau if he had used car license and inspection station.

Mr. Fecteau stated that he is a used car dealer and inspection station.

Rich asked how many employees that Mr. Fecteau has and how does he keep track how long a vehicle is on the lot before it is stripped or inspected?

Mr. Fecteau responded that he had one employee in addition to himself, and that he keeps track of the time a vehicle is on his property by his records.

Theresa asked how long in the past has he kept junk cars on the lot?

Mr. Fecteau said three to six months usually, but sometimes longer.

Theresa asked about keeping the cars lined up and how often a crusher comes in to crush cars?

Mr. Fecteau said he would try to keep the cars lined up and that the crusher will come when he has a truck load of twenty cars, but they prefer to come when he has two truckloads.

Ralph made a motion to recess the hearing to a deliberative session to follow tonight hearings.

Tom seconded the motion and it passed unanimously.

WARNED HEARING, K.C.'S BAGEL CAFE, CONDITIONAL USE AND SITE PLAN REVIEW.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 280, 283.b, 450-453, 500-503.4 and 630-637 of the Morrisville Zoning Bylaws.

Theresa administered the sworn oath to Mike and Kyle Carr.

Mike Carr gave an overview of the proposed project. They wish to operate a bagel cafe where people can get take out bagels and lunches and they will have 20 seats inside for those who wish to eat on premises. They wish to go into the Palmer, Inc. building that formerly was Tatro's Market. The inside of the building has been completely renovated and the outside will be done within the next month. The cooking of the bagels will be in Waterbury and they will be brought up daily. They will have a standard kitchen to warn foods and for lunch meals. They use disposable paper product and will not increase the waste water generated. The Cafe will be open from 6:00 A.M. to 5:00 P.M. The parking will be on site as shown on the map and possible expanded is needed. They will retain the green space and may put a couple of tables out if customers choose to eat outside. The only exterior lighting will be a light by the door and it will be on only during ours of operation. For the time being signage will be on the front window.

Gary explained that the Board had conducted a site walk and feels that the parking shown between the building and Brooklyn Street is a problem as some of the parking is in the States right of way and people would have to back into the road. If they want parking there, maybe they should consider curbing it off as to control the parking better and to prevent people from backing

into the road.

Mr. Carr feels that they can come up with a better parking plan for that area.

Ralph made a motion to recess the hearing to a deliberative session to follow tonight's hearings.

Rich seconded the motion and it passed unanimously.

WARNED HEARING, FRANK AND PAULI GUSHA, WAIVER REQUEST.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 250, 252.d, and 254.1 of the Morrisville Zoning Bylaws.

Theresa administrated the sworn oath to Frank and Pauli Gusha.

The Gusha's explained that they have an option to buy the Minnie Sweeter house on Watkins Street if they can get approval for the garage. They wish to tear down the existing garage that is on the side and rear property lines and replace it with a 24' X 30' two-car garage attached to the house. The new garage will need a waiver of 10' from the rear property line and will meet all other setbacks. The neighbors have all signed a letter stating that they have no objections to the garage. They had asked for a 24' X 24' garage and would like to amend the application to a 24' X 30' garage if no one has an objection.

Ralph made a motion to grant the 10' waiver request for the rear setback on a 24' X 30' garage.

Paul seconded the motion and it passed unanimously.

Other Business:

Peter Bourne has asked for an explanation of what a ditch of impervious material means. Gary requested permission to set up a meeting with Peter and his attorney so that he and any Board members and Ken could explain what we are looking for. The Board unanimously agreed to Gary's request.

Perras Brothers: Steve Stitzel is requesting that we hold a hearing on April 10th to amend the conditions on the Perras' to the agreement that we have worked out. A hearing will be held on April 10th.

The Act 250 hearing on the Bishop Marshall school will be on March 26th. Gary and Ken will attend.

Robin Greene has asked if she goes into half of the Manosh building where Conklin Construction is located will she need a hearing or is a change of business. The Board unanimously agreed it is a change of business.

Fred Latour: The Board reaffirmed its position on Mr. Latour complaint that the Bradley property is located in the commercial district and Vermont Monuments is allowed and only needed a change of business permit. The Board thanks the Select Board for it position on appeals.

Ralph made a motion to go into a deliberative session on Peter Fecteau and K.C.'s Bagel Cafe.

Paul seconded the motion and it passed unanimously.

Ralph made a motion to come out of a deliberative session.

Rich seconded the motion and it passed unanimously.

Tom made a motion to approve K.C.'s Bagel Cafe with our standard condition and a condition that they do not park between the building and Brooklyn Street until they submit a new site plan.

Gary seconded the motion and it passed unanimously.

Ralph made a motion to approve Peter Fecteau's request after one year if he could show the Board that he was meeting all condition put on Riverview Garage by previous permits.

Rich seconded the motion.

Gary explained that he did not think that the Board could require Mr. Fecteau to wait one year before gaining approval although he agreed with the idea of motion.

Ralph withdrew the motion and Rich withdrew his second.

Ralph made a motion to approve the application as submitted.

Tom seconded the motion and it was defeated unanimously.

The hearing was adjourned at 9:27 P.M.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.