

Gloria

MORRISTOWN BOARD OF ADJUSTMENT MINUTES - FEB. 26, 1992

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

BOARD MEMBER ABSENT: Jean Wickart.

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: [See Attached List].

The meeting was called to order by Chairman Gary Nolan at 7:30 P.M., who reviewed the minutes of the 02/12/92 meeting for amendments/corrections. Theresa moved to accept the minutes as presented. Paul seconded. All in favor. So accepted.

7:31 P.M. -- **APPEAL OF Z.A. DECISION (RE: RAYMOND COUTURE/Operating a kindling processing business as a Permitted Use at Miller's Chicken Barns.)** The decision was made by Zoning Administrator, Gloria Wing, on January 10, 1992 and letters of appeal were received from Fred & Joan Kaiser on 01/19/92 and from Heather Payne on 01/19/92. The date of 02/26/92 @ 7:30 P.M. was scheduled for the Warned Appeals Hearing.

Chairman Gary Nolan advised this Appeal would be heard under Title 24, VSA, Chapter 117, §4464 - **APPEALS**; Theresa administered the sworn oath to all concerned parties who indicated they would be entering testimony. Gary advised he would take testimony first from the applicant and then from the appellant.

Applicant, Raymond Couture, was not in attendance. Norman Couture, who plans to continue the kindling processing business was in attendance with Diana Peduzzi. Ms. Peduzzi advised she lives in Woodbury and works for ACT 250 as her full-time employment; that she felt she could be of assistance to Norman Couture in this matter.

Ms. Peduzzi presented written information on behalf of Couture, for justification that this type of business is permitted (forestry). (This is attached, along with a copy of a letter from David C. Stevens, of the Agency of Natural Resources, dated 01/10/92, to the original minutes and made a part of same.) Mr. Stevens letter states in part, that Couture's business is obviously classified as a "secondary processing facility". Ms. Peduzzi cited Title 24, VSA 4495 pertaining to AG & Forestry.

Joan Kaiser requested that a letter received from J. Robert & Margaret Walgren, postmarked 02/01/92 be read into the minutes and made a part of the record. This letter was read to all in attendance by Theresa Breault as was a letter from absent Board member, Jean Wickart; both letter were in objection to this project.

Fred Kaiser advised the character of the neighborhood has changed drastically and stated the smoke pollution is effecting Joan Kaiser's health.

Norm Couture advised the future operation will not be the same as when Raymond was operating the business; that he will not be using the kiln to dry the wood; that he will purchase the slabs in the spring, pile them between the buildings to air-dry until fall, then would be cutting and packaging kindling for sale. That if necessary, he will install an oil burner for heat; that he will not be using the kiln as it is too expensive. All waste and scrap would be taken to B&B Nursery to be used for mulch in the fall.

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Gloria explained her reasons for her decision and an informational packet was handed out (Copy of same attached to original minutes and made a part of same.)

Joan Kaiser referred to her letter submitted to the BOA, dated 01/18/92 voicing her objections. Joan stated she didn't want to have to monitor the use of this property in the future; that it would be different if she had purchased her property after this use went into effect, but she didn't.

Joan Kaiser stated the question is, do the trees have to be grown on the property in order for this proposed business be classified as Agriculture/Forestry.

Ralph advised that the past hearing, etc., were for Raymond Couture; that this will be under new proprietorship, therefore, a different operation and a new application should be submitted and heard. That this is more of an industrial operation.

Gary advised they are only acting on the appeal tonight and perhaps it is a moot issue.

Mac Miller, Sr. advised this will be operated similar to his former egg business; whereby all feed was purchased elsewhere, that the chickens produced the eggs, which were sold.

Fred Kaiser advised this issue goes back to the gravel pit in this area; that Mac Miller should have questioned the use of the buildings prior to renting them out; that no permits were in place for the use of the building. That renters invested a lot of money into the buildings and operations without finding out if the use was allowable.

Steve Benson inquired who utilized Building #1, (John Heuser) as he burns wood everyday and no one seems to object to this.

Heather Payne was sworn in and Joan Kaiser asked her to testify. Heather advised that her concern was that the smoke was affecting Joan Kaiser's health and that she would hate to see this go into an Industrial Park.

Ralph made the motion to go into Deliberative Session. Rose seconded. Diana Peduzzi inquired if the Board would accept a new revised application from a new applicant. Gary advised yes, if there were substantial changes in the proposed operation application.

Gary called the question. All in favor, so moved.

Kaisers' asked if this operation ceases as of 03/01/92. Gary advised he would accept written testimony for the next ten (10) days only; that the BOA has 45 days to make a decision on this matter. That Couture may store material only or ship any product that is ready for shipping after 03/01/92; that NO processing will be allowed after 02/29/92. The BOA members were unanimous with the Chairman's recommendations. The Deliberative session was set for 03/11/92.

GENERAL DISCUSSION: Steve Benson inquired if the BOA had ever looked into his question regarding gravel pits when he attended the 11/27/91 meeting. Gary advised no. Benson advised there is a law prohibiting an adjoining landowner from removing soil/gravel, etc., causing erosion to his property, but to date, it has not been challenged. That he purchased his property five (5) years ago and Godfrey has removed gravel from the pit and his property line is gone now.

Chris Ransom suggested Benson contact Fish & Wildlife. Ralph suggested Soil Conservation and speak with Tim Beeman.

Gloria advised that Ken Schramm and Brian Lamb are having another dispute; that Lamb has moved into his house on Lincoln Street; that Schramm is concerned that he will move his contracting/woodworking business in also.

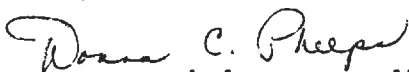
That "Out & About" is interested in possibly purchasing Marsha Schafer's house and would this be a Conditional Use. She doesn't believe parking would be a problem. Copley Hospital owns the Farr House where they are currently located, but they need this house for office space.

Chris Ransom came before the Board to discuss the dumping that is going on behind Water Trough Hill by the Power Plant. This started 6-7 years ago. That he has been talking with Paul Trudell about this and Paul also has viewed the dumping. Chris advised that after he was removed from the Planning Board, he and Jim Fox came to an agreement about this dump and Mr. Fox provided him with seeds, mulch and necessary materials to clean the area up, which he did and reseeded it; that two (2) weeks later, Bill Moulton came down with bucket-loader and scraped all the reseeded area up intentionally. That he advised Jim Fox of this and Mr. Fox advised he would speak with Bill about their agreement.

Paul advised that in agreeing with Chris, that eventually, if the dumping, etc., continues, this area will break away and the Town/Village will be liable. Chris presented numerous photographs of the site in question.

The meeting was adjourned at 09:25 P.M.

Respectfully Submitted,



Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

/dp

Guests / Applicants - Please Sign.

BoA - 02-26-92

	Name	Mailing Address
1	Marge + Mac Miller	RD #3 Box 4830 town
2	Stephen Benan	RR3 Box 4785 Morrisville
3	Jean & Kaiser	" " 2050 "
4	Fred A. Kaiser	" " " "
5	RANSOM	BOX 119 MOVICCE
6	ROMAN WICKART	Box 477 "
7	Heather Payne	RR3 Box 4810 Morrisville
8	Norman Gouture	Morrisville, VT
9	Lara Feduzzi	Woodbury, VT
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