

Gloria
MORRISTOWN BOARD OF ADJUSTMENT MINUTES - FEBRUARY 14, 1990

BOARD MEMBERS PRESENT: Theresa Breault; Ralph Wiltshire;
Gary Nolan; Donald Anderson; Paul Trudell & Michael Boudreau.

BOARD MEMBER ABSENT: Jean Wickart

ZONING ADMINISTRATOR: Gloria Wing

GUESTS/APPLICANTS: List attached to original minutes.

The meeting was called to order at 7:26 P.M. by Chairperson Theresa Breault who reviewed the minutes of 01/24/90 for amendments/corrections. Don moved to accept the minutes as printed. Gary seconded. All in favor.

7:30 P.M. -- WARNED HEARING: RICHARD TOWNS, dba/Green Mountain Sanitation & Recycling, with David Harvey assisting in appealing the decision of the Zoning Administrator in denying a permit to operate Towns business on the former Miller Chicken Farm on the Cadys Falls Road in an area zoned AG/RR. This property consists of approximately 15 acres, and involves eight (8) buildings, ranging from 7,900 sq. ft. to 10,000 sq. ft. in size.

They advised the BOA members the present access to this property would be moved south approximately 300 to 350' for better visibility and safety; that this location would eliminate truck traffic in the village; they would install sump pumps if necessary; that approximately 17 to 20 trucks a day would leave this location and return at night during 1990. Dick Towns estimated his business, due to recycling and new legislation pertaining to solid waste has increased 50% in the past 10 years, and could foresee this doubling in the next decade.

Theresa advised the set-backs from water bodies from the buildings is in excess of 50 feet, which meets regulations.

Gary inquired about raising the roof of Bldg. #3 by 26 feet. Dick advised he would have to raise the roof of one and might use Bldg. #4. Gary suggested using either Bldg. #4 or #5.

In response to further interviewing by the BOA members, Dick advised that if he doesn't recycle, he would not be able to compete and therefore would be forced out of this family business, which presently employs five (5) people; that the usual hours are from 6:00 A.M. to 5:30 P.M.; this location would allow him to store all his trucks inside in the winter; that ACT 78 governs recycling and has met their requirements.

Ralph Wiltshire advised that due to a conflict of interest, he would be abstaining from voting on this hearing.

Don asked what would be outside the buildings. Dick advised

some of the trucks might be in the summertime, but no recyclable materials would be and nothing in the line of trash would be blowing around.

Gloria asked if there would be any type of screening installed to screen the view of the trucks. Dick advised this would not be a problem as he planned on installing fencing for security purposes. Paul Trudell advised he would prefer trees being planted instead of fencing. Dick advised there is a considerable amount of work to be done at this location and he also must apply to the State of a Permit.

Theresa then opened this Hearing up to the adjacent landowners and interested parties, setting guidelines to be followed and each area be represented by a spokesperson.

Mr. & Mrs. Fred Kaiser, the abutting landowners voiced their opposition to this proposed business and read a prepared written document, attached to and made a part of these minutes.

Mrs. Carol Ostler, representing the Cadys Falls Group voiced the concern the maps were not drawn to scale and the BOA should insist on same; the increased traffic and in the future; safety of pedestrians and bikers and noise.

Dick responded the noise would be no more than present and has not received any complaints from neighbors concerning same.

Mrs. Ostler inquired how this business would coincide with the character of the area, would he be servicing equipment and storing fuel, etc. on the premises.

Dick advised he would be servicing and repairing equipment as he does at his present location and he would be storing approximately 10,000 gallons of diesel fuel in an underground tank for truck usage. That at some point in the future he would like to be able to crush scrap metal inside a building; also, use a building for storage when product prices are down. Mrs. Ostler described the business a terminal.

Theresa read a letter from Jean Wickart, opposing this project. Michael read a letter received by Mr. & Mrs. Walgren opposing this also.

Mark Sinow, advised he didn't believe Dick Towns had a chance of being approved by the State, as when he wanted to increase his turkey business, they denied him approval, as it might pollute the Ryder Brook; and that was an Agricultural business.

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Hans Neilson agreed with other statements. Ed Marston, representing the Samoset area, agreed and stated his concern of increased traffic in AG/RR and should remain as is presently; this business should be located in the Industrial Park.

Peter Heller stated he agreed with others and feels this should remain AG/RR.

Peter Lewia inquired if Mr. Towns could assure everyone there would be no adverse affect to the area at all.

Mrs. Kaiser advised the State Dept. of Water Resources takes this into consideration and decides this on a one-to-one basis.

Theresa advised she believes local law preempt the State regs. Gloria advised permits are sometimes granted approval, contingent upon receiving State approval.

Gordon Lewia advised this does not conform and asked the Board to vote no and deny this application.

Win Adams asked if the Board would require a Bond for clean up in case the 10,000 gallon fuel tank should leak.

Dick advised it was not his intention to pollute or upset the neighbors, but he does need a place for his business. Everyone agreed his service was essential but did not feel a residential area was an appropriate location for it.

Heather Payne-Vinick objected, due to the noise from the trucks.

Ralph made the motion to close the testimony on this hearing at 8:30 P.M. Mrs. Kaiser requested the Board's decision be sent to her via certified letter and all other adjoining property owners be notified. It was explained that the BOA had up to 45 days to make a decision if necessary, but would apprise the people concerned as soon as a decision was made.

8:40 P.M. -- WARNED HEARING: GREEN MOUNTAIN LANDSCAPING-/RICHARD LOWE was in attendance seeking a Conditional Use Permit to allow a covered 10' X 70' arbor; 2,100 sq. ft. of paved driveway and a private office, under AG/RR, Page 3, Section 203.1 (b).

Theresa commended Mr. Lowe on the location of his driveway, stating she and others, feel it is the safest location.

Mr. Lowe advised his arbor will be covered with a false roof

for shopping convenience during inclement weather; that he plans to put a 2' perennial flower bed in front of the parking and stonewall will surround the property; there will be out-door indirect lighting, using 12 volt lighting, which will be on a timer for the sign, with underground wiring. No one attended this meeting to voice any objections. He advised he plans to move his private office to the rear, upon the ledges, freeing up more office space at the present location. There will also be raised ties to prevent traffic in unauthorized places.

Don made the motion to grant approval for the Arbor; 2,100 sq. ft. of paved parking space and the office in the back of the lot. Ralph seconded. All in favor. So granted.

FACTS OF FINDING: Based on and examined under the Town of Morristown Zoning By-Laws, Page 3, AG/RR, Section 203.1 (b), this application was granted approval.

8:55 P.M. -- WARNED HEARING: TATRO BROTHERS, INC./DALE TATRO and Roy Marble assisting, applied for a Conditional Use Permit to allow an office and storage of trucks on RT 15, the former Al's Small Engine Repair Service, zoned AG/RR & SPECIAL INDUSTRY.

Roy advised the tax maps indicate 1/4 acre; the deeds stated 1/2 acre of land. Written proposed plans and maps of this area were presented; they also stated they would like approval of a sign, that it would measure 2-1/2 X 4' or 10 sq. ft. with name of business on same; that either Dale Tatro or his brother will most likely be living on the property; that summer employees would number 8 to 10. There will be no maintenance or repairs done on the property. The parking lot will be in the rear of the present residence; this is a "grandfathered lot".

Don made the motion to grant approval of a permit; Gary asked the applicant to keep everything at least 25' from the river and was advised this would be no problem. Paul Trudell wanted trees planted for screening, which Mr. Tatro agreed to do. Don amended his motion to include adding screening on the Wolcott side of the property to screen the parking lot and to keep boundaries 25' from the brook. Paul seconded. All in favor, at 9:12 P.M.

FACTS OF FINDING: Based on and examined under the Town of Morristown Zoning By-Laws, Page 3, AG/RR, Section 203.1 (b), this application was granted approval.

9:15 P.M. -- WARNED HEARING: N.H.C./former Hearthstone, represented by GARY HAZZARD, who was present seeking the BOA's approval to allow the addition of a loading dock; two (2) doors to be installed; raise the roof; storage of equipment & machinery of industrial stoves in the former 'Concord Mfg. building on Harrell Street in an area zoned AG/RR, requesting a change of a non-conforming use.

Theresa advised this would be heard under the Town of Morristowns Zoning By-Laws, AG/RR, Sections 203.1 & 203.7.

Mr. Hazzard advised they presently employ 13 people and at this time do not foresee an increase in employees; there is 18 parking spaces available; that Concord Manufacturing was previously issued a Conditional Use Permit; they are leasing 16,000 sq. ft. or 52% of the building. Photos were presented to the BOA and Site-Plans for the project to be located on 4.1 acres.

Adjoining property owners were present and Joe and Linda Clark stated they objected to Ames Tractor Trailers being stored behind the Concord Building; also, to the soapstone being stacked and stored outside and to Leo's Welding's mess behind and around his business. That the exterior be kept neat and keep the dust down.

Gary Nolan advised that using liquid chloride in the spring should take care of the dust problem for the summer. Gary Hazzard advised they would take steps to keep dust down.

Gary Nolan suggested designing the traffic pattern to go around the building to prevent trucks from backing off of Harrell Street to the Concord Building.

John Markres advised he didn't object to N.H.C. but does not want the soapstone stacked high enough to be a danger to children.

Ralph made the motion to grant approval of a Change in a Conditional Use with the following conditions:

- 1) Exterior storage of soapstones are to be kept neat and orderly and not stacked over two (2) pallets high;
- 2) Dust to be controlled;
- 3) Traffic pattern to go around the building, not ^{back into lot} enter from Harrell Street.

Gary seconded. All in favor.

FACTS OF FINDING: Based on and examined under the Town of Morristown's Zoning By-Laws, AG/RR, Sections 203.1 & 203.7. The Board of Adjustment granted approval with the following conditions, which were agreed to be complied with by Gary

Hazzard, on behalf of N.H.C., Inc.:

- 1) Exterior storage of soapstones are to be kept neat and orderly and not stacked over two (2) pallets high;
- 2) Dust to be controlled;
- 3) Traffic pattern to go around the building, not enter from Harrell Street. *Back into lot*

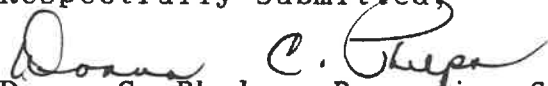
At 10:05 P.M. the Board of Adjustment went into Deliberative Session to discuss the Green Mountain Sanitation application. Each board member expressed his/her opinion; discussion emphasized the essential need for an appropriate location for this operation.

Don made the motion to grant Green Mountain Sanitation a Conditional Use Permit. Michael seconded. Motion unanimously denied.

FACTS OF FINDING: Based on Title 24, VSA Chapter 117, Section 4407, CONDITIONAL USES (B), the character of the area affected; and (C) traffic on roads and highways in the vicinity; also, Morristown Zoning By-Laws, 203.1 (b), Businesses not significantly different in nature from residential and/or agricultural uses with regard to appearance; volume of traffic; noise, or character of the neighborhood, this application was unanimously denied by the BOA.

Don made the motion to adjourn. Gary seconded. The meeting was adjourned at 10:30 P.M.

Respectfully Submitted,


Donna C. Phelps, Recording Secretary
Morristown Board of Adjustment

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