

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD**

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Minutes of January 28, 1999

Members Present: Gary Nolan, Tom Paine, Rich Furlong, David Silverman, Theresa Breault, Carol Jennings, and Paul Trudell.

Members Absent: None.

Guest: Russell Barr, John Rubino, Mary Hazard, Gerry Sutton, Bill Mace, Rose Mace, Gordon Reynolds, Juliet O'Neil, Paul Plante, Thomas Griffith, Sam Guy, Paul Newton, Whitney Walker, and Sean Folley

The meeting was called to order at 7:30 PM. by Gary Nolan, Chair.

Rich made a motion to approve the minutes of January 14, 1999, as written.

Theresa seconded the motion.

John Rubino asked that the minutes be changed to say that he has a permit 98-133 as the applicant and Thomas Michelson as the owner and it was issued on October 13, 1998.

The minutes were approved unanimously with the additional sentence on John Rubino.

WARNED HEARING, WILLIAM O'NEIL TWO LOT SUBDIVISION COTE HILL ROAD.

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 740-759.9, 770-780.2, and 800-870.1 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk of the property was conducted on January 23, 1999.

Theresa administered the sworn oath to Juliet O'Neil and Paul Newton.

Ms. O'Neil gave an overview of the proposed subdivision. They own 220 acres of land and are dividing it into two lots, a lot of 81.4 acres and 140 acres in the second lot. They are selling the 81.4 acres to Paul Newton who will build a single family dwelling.

David made a motion to approve the application as presented with our standard conditions.

Paul seconded the motion and it was approved unanimously.

**WARNED RECESSED HEARING, GARY NOLAN, OWNER, KATHY GODIN
APPLICANT SETBACK WAIVERS, CHERRY AVENUE.**

The Applicant has requested a recess until February 25, 1999.

Rich made a motion to recess the hearing until February 25, 1999.

Theresa seconded the motion and it passed unanimously.

**WARNED HEARING, GERALD SUTTON, RUBBISH REMOVAL BUSINESS, BRIDGE
STREET.**

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 205, 207.f, 450-452, 500-503.4 of the Morrisville/Morristown Zoning Subdivision Bylaws. A site walk of the property was conducted on January 23, 1999.

Theresa administered the sworn oath to Gerald Sutton and Sam Guy.

Mr. Sutton explained that he has a garbage route on Wednesdays with about 80 customers, and then on Thursdays he picks up the recycling and drops it off at the Stowe transfer station. He has one truck that he keeps in his driveway.

Gary stated that the requirements of section 460 can be met through conditions and that the board needs a site plan that meets the requirements of Section 500 of our bylaws.

Gary asked if anything left on the truck over night?

Mr Sutton only tires as he can only drop them ~~on Fridays~~ on Saturdays.

Theresa asked Mr. Sutton what he sold at his store.

Mr. Sutton said mostly household items, dishes, silverware, antiques, and small furniture.

Gary asked Mr. Sutton to read what he was asking for in his permit number 91-28.

Mr Sutton said it read "selling discount foods in a 40' X 30' building". He said that he got out of the food business because of the fear of make someone sick, by selling dented cans.

Gary asked Mr Sutton if he understood what he just read.

Mr. Sutton said yes.

Gary asked Mr. Sutton to read from his permit number 92-174.

Mr. Sutton read "temporary greenhouse to be removed after the growing season - area to be cleaned and kept neat".

Gary asked Mr. Sutton if he understood what he just read.

Mr. Sutton said yes.

Gary asked Mr. Sutton to read from the minutes/decision of October 28, 1992 about his property.

Mr. Sutton read "Gerry Sutton came before the Board for an informal discussion, regarding his proposed plans to construct a 14' X 30' green house on the right side of his property near Bournes. The Board advised that they did a site walk of the property a couple of weeks ago when they were doing numerous others; that the BOA has received complaints about the unsightly surroundings and requested that it be cleaned up. Gerry advised he has been cleaning it up area and will continue to do so, agreeing it was a mess.

Gary advised that according to the Gerry's plans, this would be a permitted use and to see

Gloria for a permit, but the Board would request that he police the area better from now on. The Board requested that the permit include a condition that the permit be for a temporary structure would be completely disassembled and removed no later than July 1, of each year. Gerry agreed to do so".

Gary asked Mr. Sutton if he understood what he read from the minutes/decision of October 28, 1992.

Mr. Sutton said yes.

Gary said he did not think that the greenhouse had ever been disassembled and removed as required.

Mr. Sutton said that he though if he moved it back where no one could probably see he would not have to take it down as it is hard to do with the ends.

Paul said it sounds like the Board was very clear about it removal and the cleaning up of the area.

Rich asked Mr. Sutton asked what he and other would think of the way it looks?

Mr. Sutton replied thought it look okay, but some more work could be done in the front and the fence could use a facelift. He said he planted trees, shrubs and flowers last year and that is why he did not get the other stuff done he wanted to.

Gary asked Mr. Sutton when he could get the materials and stuff picked up outside as he does not have a permit to store stuff outside.

Mr. Sutton said in the spring.

Theresa said by June 1, 1999 ?

Mr. Sutton said yes.

Paul asked if that date could be moved up to May 22, 1999 so that the property would look nicer for Memorial Day.

Sam Guy asked about the pile of old lumber near his building as he is worried that someone would flick a cigarette into the pile and burn down his building, as it is old and very dry.

Mr. Sutton said he did not know it was there, as he had paid someone to remove it and if he (Sam Guy) was concerned about fire he should replace basement windows.

David made a motion to approve the application with our standard conditions, with three, month, six month, one year review and annual reviews, with the first review after May 22, 1999, with a review hearing on May 28, 1999 with a site walk sometime the week before, and all exterior storage cleaned by May 22, 1999

Gary asked to amend the motion to say no permit would be issued until site plan meeting the criteria is filed.

Tom seconded the motion and the amendment was approved unanimously.

The original motion was approved unanimously.

**WARNED HEARING, SIX MONTH REVIEW PAUL PLANTE, D/B/A PLANTE'S
AUTO SALES AND SERVICE, BROOKLYN STREET.**

Gary opened the hearing and said this was the six month review of his compliance with the conditions of his permit.

Theresa administered the sworn oath to Paul Plante and Tom Griffith.

Gary asked Paul Plante to read the highlighted condition of his permit in the written decision.

Mr. Plante read the highlighted portions of the decision.

Gary asked Mr. Plante if he understood the conditions that he had read.

Mr. Plante said yes.

Gary noted that the Morrisville/Morristown Development Review Board approved the Applicants application with conditions, the decision was made on June 11, 1998 and signed by Paul Trudell acting chair on June 23, 1998.

Gary asked how he was making out with getting his used car dealership.

Mr. Plante said he had requested a letter from Motor Vehicles Inspector Richer as to his dealer license. He said that Inspector Richer said that he had approved the application and was waiting for Trudy to send him the plates and then he would be up with the plates and license and file a copy of the license with the Zoning and Planning Office.

He said Mr. Griffith is his new partner and they have added another service truck bringing them up to three trucks. The service trucks are on the upper lot for now as with the cars and snow he did not have room on the lower level. They have purchased a junkyard in Washington and junk cars will be taken there, and used parts will come from there. They have been moving some cars today.

Tom asked what vehicles were up on the hill?

Mr. Plante said two were customer vehicles where they have not paid there bills, two were waiting for the insurance company to pick up, and one is a race car and the rest are customer vehicles or parts vehicles. He said the batteries can be moved inside. His tires are disposed of each month and are kept behind a piece of plywood.

David made a motion to hold another review on April 22, 1999 and with a site walk the week before.

Paul seconded the motion and it passed unanimously.

INFORMAL DISCUSSION WITH BILL AND ROSE MACE, RENTING OF SECOND FLOOR, UNION STREET.

The Mace's wish to rent space to Sean Folly to use as his personal work studio. Mr Folley is an art student getting his masters degree. He would like to use the space to work on his projects and nothing will be sold. The second floor is one big space. He will use the space depending on his project it may be every day and long days and then other times it may not be used for a month or more.

David made a motion to call this use an accessory use for a period not to exceed two years and to get a permit from the Zoning and Planning Office.

Theresa seconded the motion and it passed unanimously.

VINCENT AND CATHERINE PIGNATELLO, PLAT REVIEW, STAGECOACH ROAD.

Gary gave an overview of the application and that it has been about two years since the DRB gave preliminary approve.

Theresa administered the sworn oath to Gordon Reynolds.

Mr. Reynolds explained that it has take two years to get through the State Subdivision process as the water and septic to lot "A" were incorrectly located and the water was monitored and failed.

The Board reviewed the written decision that the lots had to be more than two acres with out including the right of way to lot "B". Lot A did not meet the two acres when the right of way was not included in the lot size

Mr. Reynolds said he can move the line and get the two acres.

The Board will review it on February 11th when the plat is corrected.

JOHN RUBINO, APPEAL OF THE ZONING ADMINISTRATOR'S DECISION THAT PERMITS ARE NEEDED, RANDOLPH ROAD.

David Silverman and Kenneth Sweetser recused themselves due to a conflict of interest.

Tom made a motion to go into deliberative session.

Theresa seconded the motion and it passed unanimously.

Rich made a motion to come out of deliberative session.

Theresa seconded the motion and it passed unanimously.

Theresa made a motion that the applicant provide the Development Review Board with credible evidence by sworn affidavits from former residents of the apartments , that three apartments existed prior to 1989 and that the Development Review Board does not intend to pursue enforcement procedures against the present owned by Thomas Michelson, located at 4808 Randolph Road and being purchased by John Rubino.

TOMAS AND ANN BJERKE, LOT LINE CHANGE REQUEST, DEMARS ROAD.

No one was in attendance at the hearing to represent the Applicants.

Rich made a motion to recess the hearing until February 11, 1999.

Paul seconded the motion and it passed unanimously.

Other Business:

Small-Cutler Daycare: They are licensed by the state for 43 children. They have a local permit for

30 children and would like to increase the number of children to the 43 that are approved by the state and do they need a hearing or can the Zoning Administrator approve the change. The DRB has asked the Zoning Administrator to issue a permit for the 13 additional children.

February 6th Community Spirit Day schedule 10:00 -11:30 AM David, 11:30-1:00 PM Gary, 1:00 -2:30 PM Paul, 2:30-4:00 PM Tom and/or Rich.

David made a motion to adjourn the hearing at 10:15 PM
Paul seconded the motion and it passed unanimously

Respectfully submitted,

Kenneth J. Sweetser, Scribe.