

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of January 13, 2000

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

Members Absent: Mary Brainard

Guest: Richard Sargent, Donald Anderson, Dorothy Moran, Robert Moran, Sonny Demars, Tom Clark, Betsy Bernhard, Todd Bernhard, Steven Jennings, Kent Sweezey, Ed Former, Marshall Simonds, Katherine Simonds, Terry Light, James Rust, Sharon Green, Carlton Piper, John St. Onge, Dwayne Sprague, and Virginia Neel.

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

Theresa made a motion to approve the minutes of December 12, 1999, as written.
David seconded the motion and it passed unanimously.

WARNED HEARING, CUMBERLAND FARMS, FIRST REVIEW, UPPER MAIN STREET AND CONGRESS STREET.

Gary opened warned hearing and gave an overview of the application. The application is to be reviewed under condition of the permit. A site walk of the property was done prior to this hearing..

Theresa administered the sworn oath to Sharon Green, James Rust, Richard Sargent, Dorothy Moran, and Robert Moran.

Ms. Green and Mr. Rust gave an overview of the situation. The open door around the compressors has secured with a padlock. The white wooden fence around the dumpsters will be installed on January 20th. The swale will be done in the spring when the ground thaws. Letters have been sent to the vendors explaining where they must park when unloading.

Mr. Sargent and Mr. Moran showed pictures of garbage left outside the door, dumpster left open, delivery trucks parked in the road, and refrigerator trucks left running for about one half hour. The compressor that were to be in the attic are outside the building on the roof behind a wall. A gate was discussed with the Moran's and Mr. Rust.

Mr. Rust said the compressors are heating and cooling so the noise should not change throughout the year. A gate with a sign was discussed and it was not looked at with enthusiasm by the Moran's. Mary Preston will monitor the parking of the delivery trucks and manage the

problems.

Gary explained that we will review the project for compliance again on April 27, 2000.

Mr. Moran said he would mind the gate if its okay with the DRB.

The Board explained that they would prefer not to have a gate at this time

**WARNED APPEAL HEARING, MORRISTOWN LAND OWNERS ASSOCIATION
APPEAL OF J. KENT SWEZEY PERMIT # 99-186 FOR A 24' x 28' ADDITION.**

Gary opened the hearing. The application is to be reviewed under the Morrisville/Morristown Zoning Subdivision Bylaws. Gary explained the appeal was for starting before the permit became valid and that the addition blocks the appellants right of way. Gary explained that Ken checked how to handle the right of way issue with the VLCT law department. If the right-of-way is not shown on recorded plat in meets and bounds and is not required to be shown on permitted uses, then it is matter for the civil court system.

Theresa administered the sworn oath to Richard Sargent, Virginia Neel, Ed French, Kent Swezey, and Betsy Bernhard.

Mr. Sargent asked Ms. Neel a series of question about the Morristown Land Owners Association property and right of way.

Ms. Neel said when they purchased the property it had two rights of ways to access their property. The site map given to them when they purchased the land showed the right-of-way, but does not give meets and bounds. The right-of-way is fifty feet. Construction debris and dirt piles from the construction is blocking their right-of-way which was about ten feet from Mr. Swezey house. When she went to check out the addition's location she discovered that construction was underway within the waiting period. They are willing to bend the right of way if an engineer says the road is up to standards.

Gary explained even though we do not legal jurisdiction over the right-of-way that the Board would be willing to try to work it out between the landowners

Mr. French said he had not seen the site map before tonight. The deed is vague and does not give meets and bounds. Mr. Swezey has constructed a new road which is a shorter more direct way to get Ms. Neels property and it is away from Mr. Swezey's house.

Both sides expressed an interest in working out the right of way and the start of construction was not really an issue. The parties were asked to go into the Zoning and Planning Office and try to work out a deal.

**WARNED HEARING DAVID AND JUDY BICKFORD, ONE LOT SUBDIVISION TO
CORRECT THE PERMIT RECORD, RANDOLPH ROAD.**

Gary opened the hearing and gave an overview of the application. The application will be reviewed under Sections: 700-870.1 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site walk was conducted at the property prior to the hearing.

Ken explained the situation. Philip Chairevelle went through state subdivision in July of 1989, prior to the town adopting Subdivision Bylaws. However, he did not record the state subdivision permit and mylar plat until 1990. The town adopted subdivision in September of 1999. Therefore because he was tardy in recording the items in the Morristown land records until after Morristown adopted Subdivision Bylaws, under the Bianchi Decision and law the Bickford's need a local subdivision permit to clean up the property title.

Theresa administered the sworn oath to Dwayne Sprague who represented the applicant.

David went over the relevant criteria in the bylaws which this application meets. David made a motion to approve this application.

Paul seconded the motion and it passed unanimously.

PRE HEARING, DEMARS PROPERTIES/KAREN SHERMAN, TWO LOT SUBDIVISION, ROUTE 12.

Gary gave an overview of the application it will be reviewed under Sections: 700-890.1 of the Morrisville/Morristown Zoning and Subdivision Bylaws. A site visit was conducted prior to the hearing.

Theresa administered the sworn oath to Sonny Demars

Mr. Demars explained that the original leachfield was used up and now they are on the back up system and this system is marginal. He is purchasing one acre from Ms. Sherman for another leachfield. Both the current and new leachfield will be used alternating each year which extends the life of the fields. No structure above the ground can be built on this one acre parcel he is obtaining.

Theresa asked how long is a system good for.

Mr. Demars said the current field has been in about 20 years.

David made a motion that this subdivision meets the town plan.

Theresa seconded the motion and it passed unanimously.

WARNED HEARING DEMARS PROPERTIES, TWO MINI STORAGE BUILDING, PROFESSIONAL DRIVE.

Gary opened the hearing and gave an overview of the application it will be reviewed under Sections: 210, 213.m, 450-454, 500-503.4, and 630-637 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath to Sonny Demars and Terry Light.

Mr. Demars explained that they wish to add two more storage building a 30' X 100' and a 30' X 160' buildings that will look like the other buildings.

Mr. Light asked if the lighting could be on motion sensors as currently one light is on all the time and lights up his backyard. He asked about the clearing of trees since his view is now of the storage building.

Mr. Demars agreed to have the lights on motion detectors and that Mr. Demars and Mr. Light will work out something on screening trees.

Gary asked about stormwater runoff.

Mr. Demars said it would not change.

Paul made a motion to approve this application with the condition that existing and new mini storage building have motion detector lights and our standard conditions.

Tom seconded the motion and it passed unanimously.

Other Business:

Ken said we now have a map plotter.

Paul made a motion to adjourn the hearing at 9:45 PM

Tom seconded the motion and it passed unanimously

Respectfully Submitted,
Kenneth J. Sweetser, Scribe.