

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT. 05661
Phone (802) 888-6373
Fax (802) 888-6375**



Minutes of November 19, 1998

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

Members Absent: None.

Guest: Dorothy Moran, Robert Moran, James Rust, Michael Limoge, Mary Preston, Tom Bjerke, Donald Anderson, Robert Gohl, Julie Gohl and Gloria Wing.

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

Theresa made a motion to approve the minutes of November 12, 1998 as written.
Rich seconded the motion and it passed unanimously.

**RECESSED HEARING, CUMBERLAND FARMS, 50' X 65' STORE, 28' X 46' CANOPY
AND REPLACEMENT TANKS AND PUMPS, UPPER MAIN STREET AND
CONGRESS STREET, SITE PLAN REVIEW.**

Gary opened the hearing and gave an overview of the application. The application is to be reviewed under Sections 205, 207.a, 450-453, and 500-503.4 of the Morrisville/Morristown Zoning and Subdivision Bylaws.

Theresa administered the sworn oath to all present.

Tom Bjerke gave an overview of the changes they have made since the last hearing. The plans now show the exterior lighting. There will be 12 down shaded canopy lights, down shaded 12 soffit lights and one down shielded light in the rear. The grading now has the high point between the store and the American Legion hall. The water will now run towards the parking lot an sheet flow from there to the catch basin. They have placed a bollard at the end of the hedge so delivery trucks will not hit the hedge row or the Moran fence. The will agree with the Moran's request on condition one through seven and ten through seventeen. On condition number eight they will try to keep cars from blocking the Moran's drive. Delivery truck will not be parked there only when they are unloading. They will agree to have deliveries from 7:00 Am to 7:00 PM and in the front after those hours but do to scheduling and inclement weather they need to get deliveries after 7:00 PM. They disagree with condition eighteen and they would like condition

nineteen for the permit to be reviewed after one, three and five years.

Rich disagreed saying that it would not hurt them to be review through the first year and would like to keep it as the Moran's had requested.

Mr. Bjerke said that they were curbing the islands with granite. There will be no public phone inside or outside. They have changed the area between the Congress Street side of the building and the side walk and they will be putting in three flowering crabs.

Paul asked Mr. Bjerke to put one of the trees on the street corner

Concerns were raised from the Applicants and Board members on the safety and visibility for pedestrians and vehicles.

Richard Sargent who is representing the Moran's said theat they do not want any trucks idling or having their refrigerating units running no matter when they deliver. They do not want any deliveries after 7:00 PM or before 7:00 AM and deliveries limited to 30 minutes. They do not want a side door on Congress Street side as the new door is only 45' from the Moran's property line and the existing door is 140' from their property line.

Theresa asked how far from the property line to the Moran's house?

Mr. Sargent said about 45 feet.

Gloria Wing said the Senior Center has no problems with the development as long as they agree to do what they have said they will and they take caution not to hurt their foundation when changing tanks. There only other concerns is with waste discarded from Cumberland Farms customers.

Mr. Bjerke said there will be out side trash receptacles and they can not control what their customers do once they leave the store.

Don Anderson said that he thinks a lot of the trash is from school kids setting around on covered stoops.

Paul asked how tall was the fence around the dumpster and what was it made of?

Mr. Bjerke said eight feet and stockade fence.

Paul asked if it could be planed vertical lumber painted white.

Tom Bjerke said that they would agree to that.

Mr. Gohl said that he did not want the side entrance as cars could be parking in the parking spaces on the street and running into the store.

Gary asked what was wrong with parking on the street where the town allows and if those spots were not intended for use they would not be there.

Mr. Gohl said he is concerned about the noise as the cars could be parked there at night with a loud radio playing and by the time the police get there they would be gone and the store can not be secure if it has a side door.

Don Anderson said that they have a fire exit on Congress Street side and that it is used so infrequently that condition number eleven could be eliminated.

Paul asked where the compressors would be located?

Cumberland Farms said in the building in the attic.

Paul asked how much larger is the new store that the old store?

Mr. Bjerke said 1,250 square feet.

Paul made a motion to go into a deliberative session on this application

Tom seconded the motion and it passed unanimously.

Theresa made a motion to come out of deliberative session.

Rich seconded the motion and it passed unanimously.

Rich made a motion to approve this application with our standard conditions, the agreed upon condition and the following conditions deliveries are limited to thirty minutes each, reviewed one, three, and six months along with our standard one, three and five year reviews, and that the side door will be reviewed and if legitimate concerns arise then it may have to be locked after nine or ten PM to seven AM.

Theresa seconded the motion and it passed unanimously.

Other Business:

The Board discussed Peregrine Parcel request for an earlier hearing, it was decided to stay with our schedule as they missed the filing deadline and the schedule was full for December 10th anyway.

The Board agreed with Ken and they will hold a conditional use hearing on Gerry Sutton garage business.

The Board agreed with Ken to send an enforcement letter to Brent Tomlinson on the traffic controls islands that have not been constructed.

The Board agreed with Ken to send an enforcement notice to Paul Plante as he failed to show up when the Board asked him, he did not come in for his review and he is in violation of the permit.

The hearing was adjourned at 9:30 PM.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.

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