

**MORRISTOWN/MORRISVILLE
DEVELOPMENT REVIEW BOARD
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Minutes of May 11, 2000

Members Present: David Silverman, Gary Nolan, Mary Brainard, Theresa Breault, Jean Wickart, and Paul Trudell.

Members Absent: Tom Paine and Carol Jennings.

Guest: Yahko Aslan, Larry Cornblatt, John Stuart, Frank Fronterra Jr., David Peatman, Keven Lane, Sean McVeigh, Alicia Zuber, Phil Kiely, Jeanette Lepine, Gert Lepine, William Bronner, Daniel Doughen, Selina Rooney, Sam Alley, Matt Alley, Sue Kremelberg, Richard Keith, and Paul Bergeron.

The meeting was called to order at 7:31 PM. by Gary Nolan, Chair.

Theresa made a motion to approve the minutes of May 4, 2000, as written.
David seconded the motion and it passed unanimously.

**WARNED HEARING, BIRCH HILL DEVELOPMENT CO. 5 LOT SUBDIVISION,
CAMPBELL ROAD.**

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

Theresa reminded Mr. Stuart that he was still under oath from the April 27th meeting.

Mr. Stuart gave an overview. The first phase was 8 lots, the second phase was 11 lots and now the big lot is being divided with five new lots. The total lots after reconfiguration is 21 lots. The road will be 600' longer than in phase 2. 110 acres is permanently preserved for deer wintering area. The road will follow the existing road grades. There are limited building envelopes on each lot, to also protect the deer wintering area. There will be no further subdivision on this property. There will be a hammer head turnaround at the end of the road.

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

Paul seconded the motion and it passed unanimously.

WARNED HEARING LARRY CORNBLATT, d/b/a ADAMS APPLE CAFE, ADDITION OF LIVE MUSIC TO THE APPROVED USES FOR THE PROPERTY, PORTLAND AND UPPER MAIN STREETS.

Gary opened the hearing. The application is to be reviewed under Sections: 205, 208.F, 450-453, 500, 503.4 and 630-637 of the Morrisville/Morristown Zoning Subdivision Bylaws.

Theresa administered the sworn oath to Larry Cornblatt and Morristown Police Chief Richard Keith.

Mr. Cornblatt gave an overview. He has been in business for two years. He currently has seating for 49 people and proposes to remove booths and have 89 people for music events. They would have live music on Friday and Saturday nights until legal closing time. In March when they had a band the Morristown Police stopped in informed him that he needed a zoning permit for live music.

Jean asked about the current and planned seating.

Mr. Cornblatt responded 49 now and 89 with bands some will be seated and some standing.

Paul asked how they would keep track of the number of people.

Mr. Cornblatt said by head count at door.

Mary asked if exit doors could open out in case of fire.

Mr. Cornblatt replied yes, without a lot of work.

The Board asked about liquor license.

Mr. Cornblatt said he has a class 2 license for beer and wine and has no plans to ask for a class 1 license.

Jean asked what would be the times for the music.

Mr. Cornblatt responded 8:30 PM to midnight or 1:00 AM

Theresa ask Chief Keith if there is a curfew.

Chief Keith replied 10:00 PM for noise. His other concerns are that it is on a major intersection, the building he doubts is sound proofed, and if excessive noise they can issue a ticket at any time. He does not support this as a big loud band, could draw a lot people, could be a problems, and he sees this has the potential to be problems.

Mary asked if he could hire an off duty police office to control the people.

Chief Keith said no, there policy is not to do this, other than school dances.

Gary asked how many square feet the public floor space?

Mr. Cornblatt said about 1,000 sq. ft.

Gary asked Mr. Cornblatt if he had a Labor & Industry permit.

Mr. Cornblatt responded no, but he has spoken with David Coffee from the Health Department and the Fire Marshall Office.

Theresa asked how late the music went on, on the two times he has had music.

Mr. Cornblatt replied 12:30 AM to 1:00 AM.

Paul asked Chief Keith how old is the 10:00 PM ordinance was, and stated that people are trying to revitalize the downtown by bringing more people into the downtown during the day and

night.

Chief Keith said the ordinance is several years old.

David asked what the potential problems could be.

Chief Keith sound proofing is the key, keeping window and doors closed, and loitering outside the building.

David asked about a short 2 to 3 month trial permit.

Mr. Cornblatt said he was willing to accept that.

Chief Keith opposed the trial period for his reasons he had given the Board.

Paul made a motion to recess the hearing do a deliberative session to immediately follow the conclusion of the warned public hearings.

David seconded the motion

Theresa administered the sworn oath to Chris Ransom

Mr. Ransom said he feels it could benefit the downtown and Mr. Cornblatt should not be held responsible for people loitering. A few years ago the benches were removed and should be put back in the downtown. Lower Bridge Street receives far more police calls than this use will. This will not be a hardcore bar and Mr. Cornblatt should be allowed to try this use.

The motion was approved unanimously.

WARNED HEARING, CLIFFORD BORDON, TWO LOT SUBDIVISION, WEST HILL ROAD.

Gary gave a overview of the application. The application will be reviewed under Sections: 700-87.1 of the Morrisville/Morristown Zoning and Subdivision Regulations. A site walk was conducted prior to the hearing.

Theresa administered the sworn oath to Yahko Aslan who represented the applicant.

Mr. Aslan gave an overview of the application. The property will be divided into two lots a ten acre parcel and a four acre parcel. They lots will have mound systems one for a three bedroom home and the other for a four bedroom home. There will be an access easement to provide access to the four acre lot. The curb cut was moved toward Stowe and away from the intersection. The Morristown Rescue Squad wants a wider road and turnaround. They will still need a state subdivision permit.

David said the site plans do not show the new driveway location and David asked about the sign offs.

Mr. Alsan said the sign offs were in place and the driveway permit was approved by the Town

David made a motion to approve the subdivision provided the mylar and paper copy be submitted within 90 days and show the correct driveway location and that the road is wide enough for the Rescue Dept and has an adequate turn around for emergency vehicles.

Theresa seconded the motion.

Gary said he wanted to express that they need to do erosion control.

The motion was approved unanimously.

WARNED HEARING, PAUL BERGERION, 6 LOT SUBDIVISION, MUD CITY LOOP.

Gary gave an overview of the application. The Application will be review un Sections: 700-870.1 of the Morrisville/Morristown Zoning and Subdivision Regulations. A site walk was done prior to the hearing.

Theresa administered the sworn oath to Daniel Doughen, Selina Rooney, Sue Kremelberg, Phil Kiely, Jeanette Lepine, Gert Lepine, Kevin Lane, Alicia Zuber, Sean McVeigh, David Peatman, John Stuart, Bill Bronner, and Paul Bergerion.

Mr. Bergerion gave an overview of the application. The lot is about 113 acres and it will be divided into six lots. Five lots of 10.1 acres and one big lot of 62.5 acres. The development road has been moved because of a Class II wetland which is larger than they first thought. The individual septic leach fields for lots 1 through 5 will be on lot four which has sand and gravel plateau about 60' wide and 500' long. No site has been identified for the big lot however, there is room on plateau for its system or it can be approved with a mound system. A couple of sites on lot 2 has been located where a pond and dry hydrant can be installed per request from Fire Department. They prefer to put it near road so that it will have year around access by the Fire Dept.

Paul asked about the septic system

The will be pumped to the plateau on lot 4 and each owner will have his or her own leachfield.

Sean McVeigh asked who had flagged the wetland.

Mr. Paetman said he digitized the wetland from the town maps.

Mr. McVeigh stated that all contiguous wetlands are considered Class II wetlands.

Mr. Doughen said the wetlands are bigger than what is shown on the map.

Jeanette Lepine said the wetlands are important.

Mr. Doughen asked about other possible issues on the property.

Jeanette Lepine said that nearly 8,000 acres of land in the area has been permanently preserved.

Dr. Kiley said he is purchasing the lot across the road and they will be giving a portion to the land trust.

Jean asked if Mr. Bergerion was live on the property.

Mr. Bergerion replied maybe on the big lot.

Jean asked if property could be subdivided into more lots.

Mr. Bergerion said yes, but it is not his intention, at this time.

Mr. McVeigh asked if the plateau could handle septic for 12 system counting the primary and replacement leachfields.

Mr. Stuart responded that yes, but there would only be 6 systems in use not 12 and the lots other than the front three lots are suitable for mound systems.

Paul made a motion to recess the hearing to a deliberative session to follow the conclusion of the public hearings tonight. Jean seconded the motion.

Mr. McVeigh said the wetlands boundaries and buffers need to be flag by an state

approve wetland specialist.

The motion was approved unanimously.

David made a motion at 9:20 PM to go into deliberative session on Adams Apple Cafe and the Bergerion subdivision.

Jean seconded the motion and it was approved unanimously.

Theresa made a motion to come out deliberative session.

Paul seconded the motion.

David made a motion to approve Adams Apple Cafe live music with conditions that he must present a copy of Labor & Industry permit for live music and dancing, the permit will be good for only 90 days from the day that the Labor & Industry permit copy is turned into the Zoning and Planning Office, after 90 days it will be reviewed again, and our standard conditions.

Paul seconded the motion and it passed unanimously.

David made a motion that the Town send the Agency of Natural Resources a copy of the information in compliance with section 344 of our bylaws, and the Applicant shall submit a new site plan with 5' contours around the house sites and plateau where the septic leachfields will go, fire pond and dry hydrant shown on site plans, septic plans with engineers stamp and signature. The wetland is flagged by a state approved wetland specialist, the Applicant in accordance with Section 344 can submit information, so that the DRB can make a determination if this section of our bylaws is applicable on this subdivision, and that the hearing be recessed to June 08, 2000, at 7:30 PM, in the Town Clerk's Office Buildings conference room.

Theresa seconded the motion and it was approved unanimously.

Other Business:

Ken informed the Board that has taken photos of Paul Plante's business and he is over the allowed number of vehicles and there parts piles outside. Ken will send the photos to our attorney Steve Stitzel for his action. There is no waiting time, this time, because he was sent an enforcement order on these problems less than a year ago.

Paul made a motion to adjourn the meeting at 10:11 PM

David seconded the motion and it passed unanimously

Respectfully submitted,
Kenneth J. Sweetser, Scribe.