



SELECTBOARD MEETING OF June 3, 2009

Members Present: Shaun Bryer, Brian Kellogg, Bob Beeman, Todd Yando and Dave Yacovone.

Department Heads: Dan Lindley, TA; Mark Leonard, Zoning Administer.

Guests: Dawn Andrews, Paul Trudell, Berta Pylcore, Amy Noyes, Joanne Harrison, Kathleen O'neil, Peg Demars, Sonny Demars, Matt Rylaoso, Kelly Rogers, Andrew Volansky, Ted Zilius, Jane Campbell, Theresa Breault, Arthur Breault, Max Paine, Paul Griswold, Kevin Griggs, Dawn Andrews, Bill Lizotte, Brice Simon, Linda Kristan, Sam Guy, Rhoda Bedell, Sharon Bailey, Judith Wrend, Grace Menard, Karen Loh, Judy Shanley, Emile Willett, Jin Mahoney, C.C. Turley Claire Hindes, JJ Toland, Susan Low, Kate Toland Sara Pennock, Richard Duffy, Richard Duda, Laurie Hurley, Henry Tottenham, Rob Maynard, Sharon Deitz, Leon Whitcomb, Sue Sargent, Scott West, Peter Wilder, Molly Pease, Leah Hollenberger, Pat Stevens, Dave Stevens, Rev, Barbara Miller, Gary Cole, Don Avery, Stephen & Carol Jennings, Gilbert & Sandra LeBlanc, Kevin Lane, Hank Gloaik, Louis Ferris, Linda North, David Conner, Stella Sargent, Carol Burnor, Gert Lepine, George Robson, Heather Sargent, Richard Sargent, Mark Cote, Steve Rae, Bill Henchey, Brian Coles, Harriett Merrill, Jennifer Desautels and Virginia Church.

Meeting was called to order at 6:00PM in the Tegu Building Community Meeting room by Shaun Bryer, Chair.

I. AGENDA CHANGES & ANNOUNCEMENTS

II. NEW BUSINESS

Zoning Bylaws 3rd Hearing Discussing Commercial District Business (Enterprise) Office Park
Section 210. **Commercial District (COM).** *

- 211. **Objective.** To provide for mixed uses and space for businesses serving the community and the region. Good highway access and close proximity to the village characterize the area.
- 212. **Permitted Uses.** Due to limited availability of municipal sewage treatment and the need for a thorough review of traffic access and circulation in the area, all development except accessory structures under 500 square feet and fences (see Section 425.1) will be reviewed as Conditional Use.
- 213. **Conditional Uses.**
 - a. Retail & Wholesale Delivery of Goods and Services provided each structure is a single stand alone structures and / or business less than 75,000 square feet in area
 - b. Gas Station

214.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

214.2 **Specific Requirements.** The following special requirements and regulations shall be effective:

214.2a Site Development Plan Approval as established in Section 500.

214.2b Off-Street Parking Regulations as established in Section 450.

214.2c Special Protection Areas Regulations as established in Section 300-344.

214.2d All "General Regulations" established in Sections 400 - 499 of these Bylaws.

Section 216. **Business Enterprise District (BOP)**

216 **Objective.** The purpose of the Business Enterprise District is to accommodate *clustered, walkable*, campus-style development. Campus style development shall mandate all buildings to be designed in a New England campus style, have inter-connected walking ways, be landscaped with appropriate grass, shrubs and trees, with small pockets of parking, and earth tone colored buildings including the roof. The maximum lot coverage is 60% for building and parking lot(s) except as approved by the DRB. Landscaping shall be designed as to break up the view of the building(s) and parking lot(s) from all roads. Parking standards are found in section 450 of this document, shared parking is allowed at the discretion of the DRB. All business shall have off street loading/unloading docks. The minimum lot size is one acre.

216.1 **Prohibited Design and Operation Factors** in the Business Enterprise District are:

- a. Metal siding, silver or shiny metal roofing, exterior displays, exterior storage, and dwellings.
- b. Noise, vibration, odor, smoke, dust, or glare shall not exceed that typically found in *the external environment of* a light industry setting.

217 **Permitted Uses.**

- a. Accessory structures under 500 square feet.
- b. Fences (see Section 425.1)

218 **Conditional Uses.**

- a. Business & Professional Offices.
- b. Business Services
- c. Research and Development Facilities and Testing Labs
- d. Existing Educational *and Recreational* Facilities
- e. Day Care Facilities
- f. Light Industry
- g. Public Offices
- h. Computer Services
- i. Structures exceeding 35 feet in height
- j. Fences (see Section 425.2)
- k. *Finance and Banking Institutions*
- l. *Accessory Retail and Food Uses*
- m. *Data processing and telecommunications services*
- n. *Wholesale Distribution*
- o. *Conference Centers*

- p. *Direct sale of goods produced on-site.*
- q. *Planned Unit Development (see Section 510)*
- r. *Multi-Family or Upper-Story Residential Use in a mixed-use Planned Unit Development (see Section 510)*
- s. *Food Services in no more than 25% of the developed indoor floor space of a mixed-use Planned Unit Development (see Section 510)*

219 Areas, Dimensions and Setbacks. The following requirements shall apply in this district.

BUSINESS ENTERPRISE DISTRICT							
Development class	<i>Minimum Lot Area Per Family</i>	Minimum lot size	Minimum lot width	Minimum front setback	Minimum rear setback	Minimum side setback	Minimum shore setback
1	<i>4,000 square feet.</i>	1 acre	not less than ½ of lot depth	45' from road centerline	15'	10', except for shared parking.	50' from top of slope of the bank to the Lamoille river or lake. Or 100' whichever is greater.

219.1 Waivers. The Development Review Board may reduce or waive the minimum setback requirements, lot size, and lot coverage, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

219.2 Special Requirements. The following special requirements and regulations shall be effective:

219.2a Site Plan Approval is required of all developments other than single or two-family residential, agricultural and forestry as established in Section 500.

219.2b Off-Street Parking Regulations as established in Section 450.

219.2c Special Protection Areas Regulations as established in Section 300-344.

219.2d All "General Regulations" established in Sections 400-499

219.2e *The maximum lot coverage is 60% for buildings and parking lots in the BOP except as approved by the DRB, either through waivers or a Planned Unit Development process.*

219.3. Conditional use design review. *The following standards shall be added to Conditional Use review in this district (Section 630).*

219.3a *Development in this district shall occur in a New England campus style with earth tone colored buildings including the roof.*

219.3b *Structures and lots in this district shall have inter-connected, lighted walking ways. Sidewalks shall be provided along primary and secondary roads, connecting structures to adjacent buildings and adjacent lots. Sidewalks will be lighted.*

219.3c Structures shall provide for a pedestrian amenities or public entrances for every 75 linear feet of publicly visible façade along primary and secondary roads and parking lots. Pedestrian amenities include benches, bike racks, tables, shelters, etc.

219.3d Parking areas will be located to the sides or rear of structures away from primary streets, as well as secondary streets, where possible. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way.

219.3e Structures will include at least one highlighted public entrance fronting a primary or secondary street, on at least one side of the structure not fronting a parking area, and will be connected to sidewalk infrastructure within the lot and along adjoining streets.

219.3f All buildings on the same site shall be architecturally unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.

219.3g Sites will be landscaped with appropriate grass, shrubs and trees. Landscaping shall be designed to place vegetation at intervals along the façade fronting primary and secondary streets and as to break up the view of parking lot(s) and loading areas from all roads.

219.3h Light design and installation shall emphasize low-level uniform lighting to avoid abrupt changes from bright lights to darkness. In order to protect nearby residential properties from the greater and/or more intensive lighting because of the large scale development, nuisance glare is prohibited.

219.3i All loading docks and garbage storage and pick-up areas shall be located on sides of structures away from public rights-of-way. When this is not possible, screening shall be used to obstruct these areas from view of public rights-of-way. Alley rights-of-way are not included if property on both sides of the alley is part of one PUD.

219.3j Whenever possible, parking areas, loading/unloading zones and garbage storage and pick-up areas will be not be located on sides of structures facing residential uses. When this is not possible, these areas shall be totally obscured from residential uses through the use of vegetation, landscaping and/or screening structures designed in the same style as the principal structures.

219.3k Large-scale development should recognize parking facilities as transitional spaces where users change modes of travel, from car, bus, or bicycle to pedestrian. The design of those spaces shall therefore safely and attractively serve all modes, especially the pedestrian. Bicycle racks must be provided, with one bicycle space being provided for every 10 auto spaces

219.3l "Dead walls" (any uniform blank wall that is 29 or more feet long) are permitted in the rear of buildings to provide service and storage space. Other walls must be animated by clearly-demarcated entrances; functional windows, including display windows; architectural detailing; and signs. The DRB may allow an exception where a side wall does not face a street, pedestrian way, or customer parking area.

219.3m All utilities will be buried.

Public Comments:

Since this was a highly controversial issue the board asked anyone that would like to speak to sign up. Some did so before hand some signed up at the meeting, and some sent letters.

The following comments were received in the form of letters:

- ❖ Mary West- Feels that we should fill up what we already have rather than creating more.
- ❖ LEDC- Believes that Morristown should effectively control the size, appearance and impact of development without excluding general categories

- ❖ Starfire- believes that putting retail in the BOP area would take away from retail already here in the downtown. We should give downtown a face lift to attract more tourism.
- ❖ Dana Wildes- also believes that controlling the size, appearance and impact of development rather than excluding particular types would better serve the Town. There is plenty of input at the DRB hearings and with existing restrictions, both local and state from burdensome permit process already in place.

The following are from residents who asked to speak:

- ❖ Kevin Griggs- Would like to see the issue go to the voters.
- ❖ Emile Willett- Bishop Marshall School would like to see their land stay green, but at the same time have a vested interest in the kids they teach and need the resources to continue to do so. They are subject to act 250 and cannot sell their land to a developer nor do they plan to do so.
- ❖ Jim Mahoney- thanked the Planning Commission for work done, thinks the work and the changes that has been done so far should be approved by the Selectboard, but the BOP should go back to the Planning Commission for further review
- ❖ Jennifer Desoutels- the 200ft tapered set back in the commercial district should be reviewed further, would like it to stay at 45ft. or something considerably less than 200ft, restricts what developers can do in this district.
- ❖ Hank(Chucks Bikes)- thinks that Morristown is quiet and a quaint town and it should stay that way, the proposed changes to retail could open up doors than may not be able to be closed later on.
- ❖ Gert Lepine- feel that green is good and we should keep as much of it as we can as long as we can afford it.
- ❖ Jane- Thanks the Selectboard and Planning Commission for providing so many opportunities for residents to voice their opinions and concerns. Feels that downtown already had access to what we have in place. Economic development thinks retail in another area will take away from what we already have.
- ❖ Dawn Andrews- MACC- thanks to the SB and appreciates what the PC has done so far on the bylaws. BOP proposed changes has a lot of competing language thinks this is good, would like to see more retail, and feel that DRB would be able to regulate. Feels that BOP expansion to the Walton road is a bad idea as it could be detrimental to the Rt. 100 corridor.

Steve Rae- Conservation Commission- In general we support zoning changes which are consistent with the dominant themes expressed by the general public via vehicles which broadly capture the public sentiment - such as surveys, and forums, and the "Vision Statement" articulated in the most recently adopted Town Plan. We discourage zoning which would allow retail use in new areas (such as the Business Enterprise Zone).because it is: inconsistent with The Town Plan's Vision - which seeks to maintain "a vibrant downtown", and inconsistent with town-sponsored initiatives currently underway, the goal of which is the revitalization of the downtown. We appreciate your consideration of these recommendations as you move to finalize adoption of zoning changes for Morristown/Morrisville

- ❖ Steve Rae- Personnel-Planning commission did a good job allowing for public comments, hopes Selectboard will accept the changes that are proposed, and zoning is an ongoing process and can be modified later if they regulations appear to be faulty.
- ❖ Heather Sargent- already have vacant land in the north end that is zoned for commercial use- downtown has 40,713 sq. ft of retail space available, 14,050 sq. ft of office space available, and 4,204 sq. ft of restaurant space available. Bringing retail to the BOP is minimum wage and would not do our town or residents justice.

- ❖ David Conner- Family Center- hopeful that the bypass will create revitalization to our downtown and proved an uncongested shopping experiment for residents and tourists. Feels that the zoning changes for the BOP shouldn't happen until we have experienced what the bypass could mean for the downtown.
- ❖ Karen Loh- we can't continue to ignore the downtown area, we have a lot of historic buildings and tearing them down would add to the already overflowing landfills, not to mention the cost of getting rid of the material.
- ❖ David Polow- Karen Loh Read letter- zoning is to protect public safety, and zoning regulations should be reasonable. Morristown is a beautiful place and we should strive to keep it that way.
- ❖ Linda North- Enjoys walking the streets of the downtown and we should use our existing buildings that are already zoned for commercial/retail use. We need to support what is already here and make it stronger.
- ❖ Berta- glad to see so many people here, Morrisville had always been so beautiful. Glad she is able to be out walking our street in the downtown. Feels that perspectives have changed since the survey was sent out.
- ❖ Kathleen- doesn't think we need to hurry with the changes. We should not approve zoning that someone could use tomorrow. Wants to see flexibility to belong to the Town. We should have more public input as it takes a while for word to spread throughout the community.
- ❖ Ed Debour- Thanks the PC & SB for all the work they have done and for allowing for so much public input. Sometimes zoning has unintended consequences. Hopes to have ongoing discussing with MACC that could be complimentary to the village.
- ❖ Paul Trudell-MACC/DRB/Local architect does a lot of work in the town, is against anything that takes away from the downtown. BOP was intended to be used to bring more business to the area. Feels from an architectural standpoint there should be a buffer in the design process.
- ❖ Bryce Simon- as downtown becomes more vibrant BOP will have to bring a broad range of usage. Encourage development to come while maintain control, it takes away from the downtown, IE: conditional use then the DRB can deny the application. BOP area could be kept as conditional use for when something is a good idea would be approved and when it is not it would be denied.
- ❖ Barbara Miller- in reference to the Backpack BBQ- 4 individuals went to the United Way and complained about her making trouble for the board and could be trouble for the Town and the United Way pulled the plug on her project.
- ❖ Art Sanborn- Letter was on behalf of the entire Board of directors, by unanimous decision.
- ❖ George Robson-BOP was intended for business like insurance companies that would build a "campus" like including green space similar to a college campus.
- ❖ Chris Ransom- initial survey stated 53,000sq.ft. Northend of town is not conducive to socialization, and is ugly. Feel that the bigger stores could push out the little guys.
- ❖ Oxbow is a park but was developed as sports fields. Green space is our future and we need a decent place to live. There is plenty of space that can be redeveloped. DRB proposed zoning doesn't offer protection thinks we should wait.
- ❖ Peter Wilder- downtown is vital to our Town and other states are using our Town as a model to build their downtown.

NEXT BYLAW HEARING SCHEDULED FOR JUNE 23, 2009 at 6:00PM

III. ADJOURN

Motion made by Dave Yacovone, seconded by Brian Kellogg to adjourn meeting at 8:30 PM.

Motion approved. (5/0)

Respectfully submitted and filed this 5th day of June 2009

Erica Reed, Administrative Assistant

Please note that all minutes are in draft form unless otherwise stated.