



## SELECTBOARD MEETING OF May 26, 2009

Members Present: Shaun Bryer, Dave Yacovone, Todd Yando.  
Department Heads: Dan Lindley, TA; Mark Leonard, Zoning Administer.  
Guests: Heather Sargent, John Myer, Max Paine, Andrew Volansky, Leon Whitcomb, Rhoda Bedell, Bill Rossmassler, Craig Myotte, Steve Rae and Chris Ransom.

Meeting was called to order at 6:05PM in the Tegu Building Community Meeting room by Shaun Bryer, Chair.

### I. AGENDA CHANGES & ANNOUNCEMENTS

### II. NEW BUSINESS

*Zoning Bylaws 2nd in a series of 3 hearings; proposed changes as follows:*

#### **345. Protection of Prime Agricultural Soils (PAS) within the Sewer Service Market Area (SSMA).**

**345.1 Purpose.** The purpose of this regulation is to promote compact, high density development in the sewer service market area (SSMA).

**345.2 Applicability.** This regulation only applies to lots and developments in the SSMA (as is depicted on the associated map attached)

#### **346. Requirement for Lots Containing 10.0 or more acres of Primary Agricultural Soils within the SSMA.**

**346.1 Purpose.** The purpose of this section is to preserve large tracts of primary agricultural soils (PAS) by requiring that developments on lots containing 10.0 or more acres of PAS are only allowed to apply 50% of the area of PAS in the lot to their total developable area for the purposes of calculating family densities and lot size. These developments are required to go through a planned unit development (PUD) process in order to optimize the preservation of PAS.

**346.2 Applicability.** The provisions of Section 346 and its subsections shall apply to development of any lot containing 10.0 or more acres of primary agricultural soils (PAS) within the SSMA where said development is not subject to "Act 250" 10 V.S.A. Chapter 151.

**346.3 Removal of developable area.** Notwithstanding the provisions of any other currently adopted zoning and subdivision bylaws, only 50% of the area of PAS in a lot covered by Section 346 may be allotted to the total developable area of the lot for the purposes of calculating family densities and lot size. All other existing limitations on the total developable area will apply and will supersede these standards if more restrictive.

**Example**

For a 20 acre lot containing 12 acres of PAS, only 50% (6 acres) of that 12 acres of PAS will be available for the total developable area of the lot. Thus only 14 acres of that lot could be used to calculate the number of lots available to subdivide or the number of families allowed within the area.

**346.4 Waiver of developable density restriction.** The PSA developable area allotment restriction of subsection 346.3 will be waived for any development for which 75% or more of the area of PAS in the lot are preserved through the PUD process, as outlined in subsection 346.5 and/or through municipal mitigation by depositing a monetary amount into the Morristown Conservation Fund, or upon the recommendation of the DRB, into an alternative local conservation fund or the Vermont housing and conservation trust fund (10 V.S.A. § 312) equal to the “price-per-acre” value of PAS following the pricing provisions of 10 V.S.A. § 6093(A)(1)(C).

**Example**

Taking the lot described in the example above: If through clustering and mitigation in PUD proceedings, 75% (9 acres) of the PAS in the lot could be protected from development, then all 20 acres of the total area of the lot could be used to calculate the number of lots available to subdivide or the number of families allowed within the area. However none of those subdivisions or families could be located in the 9 protected PAS acres. The clustering provisions of the PUD process would facilitate this.

**346.5 Planned unit development requirement.** Notwithstanding the provisions of any other currently adopted zoning and subdivision bylaws, any development on a lot covered by Section 346 must go through a planned unit development (PUD) procedure. This procedure will follow the PUD provisions of currently adopted zoning and subdivision bylaws, as well as the following standards:

- a. Lots and structures shall be clustered in order to preserve the largest contiguous amount of primary agricultural soils.
- b. Where marginal soils also exist on the site, structures and developable lots will be clustered away from the primary agricultural soils. Lot lines shall be located at field and orchard edges. In the event that no other land is practical for development, lots and structures will be clustered on the least fertile soil in order to minimize the loss of productive agricultural soils and impacts of existing farm operations.
- c. Lots and structures may be clustered on primary agricultural soils if those areas, by their nature, are not reasonably viable for farming. Such features could include agricultural soils that are distributed in a long narrow band. Other areas in the development are still required to protect areas with agricultural soils or potential for agricultural use.
- d. Contiguous patches of primary agricultural soils should not be fragmented. The portion with the contiguous patch should remain in a parcel or designated open space.
- e. Vegetated buffer areas may be required between agricultural and other uses to minimize land use conflicts.
- f. Access roads, driveways, and utility corridors shall be shared to the extent feasible and shall follow linear features such as existing roads, tree lines, stone walls, and/or fence lines to minimize the fragmentation of agricultural soils.

**346.6 Other effects of existing bylaws.** The PUD procedure of subsection 346.5 will be subject to any provisions of existing zoning and subdivision bylaws not superseded by the provisions of this ordinance.

**347. Addition of protection of PAS to current PUD standards.**

Notwithstanding the provisions of existing bylaws and ordinances, the protection of primary agricultural soils shall be included in the purpose and standards for review for any planned unit development in Morristown (see Sections 510, 512 and 515 of Morristown zoning and subdivision bylaws).

**348. Provision of notice to the Morristown Conservation Commission.**

Within 15 days of receiving an application that triggers a review under these Sections (345-347), the Zoning Administrator will notice the Morristown Conservation Commission that the application has been received and will invite the Commission to review the project and participate in the proceedings if the Commission so desires. Regardless of whether or not the Commission participates in the review of the project, the Zoning Administrator will copy the Commission Chair on all significant correspondences regarding the proposed project and its pending review, including but not limited to the warning of Development Review Board hearings related to the project.

**PUBLIC COMMENTS:**

*How much would rates go up if expansion was/is not approved?* Craig from Water & Light said rates would go up significantly.

*How will the extra capacity of the sewer extension be allocated?* Currently if you have the dollars upfront that you as a developer pay for the installation and pipe. Then the Villages takes it over.

*Several comments on being careful of our Agricultural Land and once it is gone we can't get it back.* Bill Rossmassler explained that most of the agricultural land is not ideal for development, IE: it is in flood plain or there is no access, etc.

*Will the DRB be educated in these new bylaws?* Yes there will be education for the DRB.

Next Hearing will be on the Business Office Park on June 3, 2009 at 6:00PM, Guests will be asked to sign up to speak for 5 minute time slots, comments in writing will also be accept and read at he meeting.

**III. ADJOURN**

**Motion made by Dave Yacovone, seconded by Todd Yando to adjourn meeting at 7:30PM.**

**Motion approved. (5/0)**

Respectfully submitted and filed this 27th day of May 2009

Erica Reed, Administrative Assistant

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