

Morristown/Morrisville Planning Council
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Meeting Minutes of December 2, 2014

Planning Council Members Present: Andrea Beeman, Paul Griswold (Chair), Yvette Mason, Max Paine, Tom Snipp & Mark Struhsacker

Planning Council Members Absent: Etienne Hancock

Staff: Planning Director Todd Thomas

Guests: Terry Hirschak, Tyler Hirschak, Orah Moore, Richard Duda, Carol Chanania, Jim Bradley and Marilyn Bradley

Call to Order: The meeting was called to order in the Community Meeting Room of the Tegu Building at 43 Portland Street at approximately 7:02 P.M.

Approve prior meeting minutes – Member Snipp moved to approve the October 7th meeting minutes as presented. A vote of 4 to 0 to 2 affirmed the motion with members Paine and Struhsacker abstaining. Member Paine moved to approve the October 21st meeting minutes. A vote of 4 to 0 to 2 affirmed the motion with members Beeman and Snipp abstaining.

Discussion (Agenda Addendum): Jim Bradley Regarding Road Right-Of-Way Exclusion in the Lot Size Zoning Definition – Jim Bradley and Marilyn Bradley appeared before the Planning Council regarding their property on Westside Court. Mr. Thomas advised the Council that he had been working with Mr. Bradley for a few months regarding the maximum permitted residential density on the Bradley's 0.39 acre parcel. Mr. Thomas gave Council members an informational packet regarding the property that showed that the Bradley's 0.39 acres equals 16,988 ft.² of land area and that this lot size divided by the 6,000 ft.² Minimum Area per Residential Unit in the Medium Density Residential Zone yielded 2.8 residential units for maximum density. Mr. Thomas explained that after last year's zoning change regarding density rounding, Mr. Bradley could legally seek a third dwelling unit for this property in this zone. However Mr. Bradley was currently unable to obtain a permit for a third apartment on this property because the property was subject to a 33 foot wide by approximately 150 foot long road right-of-way that serves as the only access to the land of the adjacent property owner. Mr. Thomas further explained that the definition for Lot Size in the zoning bylaw required that the area of any public or private right-of-way be subtracted there from for zoning purposes. Mr. Thomas demonstrated that when you subtract the right-of-way area from Mr. Bradley's lot size, he only has enough density remaining for the existing two unit apartment building. Mr. Bradley says that because the right-of-way in question is private, he has to pay taxes on this land and he should therefore be able to use this land for zoning purposes. Mr. Thomas said that Mr. Bradley was correct that land under a private right-of-way is taxed while the land under a public right-of-way is not taxed. Mr. Thomas said that by simply taking the word private out of the definition for Lot Size, the zoning regulations would better line up with how the town taxes properties and that the Bradley's could seek an additional rental unit on his Westside Court property. Member

Struhsacker asked what the implications of making this change would be. Mr. Thomas answered that there were likely dozens of examples like this and making the proposed change to the definition for Lot Size would likely result in greater residential density throughout the village and the north end of the town. By consensus, the Council decided to table this item until the January 20 meeting so it could be studied in greater detail.

Discussion: Truck Route and Industrial Zone Signage – Mr. Thomas recommended that the Council increase the sign size allowance for businesses in the Industrial Zone now that the truck route is open. Mr. Thomas explained that the currently allowed 50 ft.² of sign size per business in the Industrial Zone was impractical for the businesses located along Old Creamery Road. He said that due to the prevailing speed of traffic on the truck route, the signage for these businesses on the Old Creamery Road appeared to be too small. Mr. Thomas suggested increasing the sign size allowance in the Industrial Zone to 100 ft.² per business to match the maximum sign size currently allowed in the Commercial Zone. Member Paine moved to increase the maximum allowable sign size in the Industrial Zone to 100 ft.² but the motion was not seconded. Member Struhsacker moved to increase the maximum allowed sign size in both the Industrial Zone and the Commercial Zone to 150 ft.². Mr. Thomas said that this is the maximum sign size allowable by law in the State of Vermont. The motion was affirmed by a vote of 6 to 0.

Discussion: Conservation Subdivision Bylaw – Mr. Thomas explained the concept of conservation subdivision design for those in the audience unfamiliar with it. Mr. Thomas asked Council members if they had any questions with proposed revisions to the bylaw requested at last meeting. Mr. Thomas said that this was the second meeting of the proposed conservation subdivision bylaw and that it should be substantially complete at this point. Resident Richard Duda asked about what kind of subdivisions would use this bylaw. Mr. Thomas responded that all ‘major’ subdivisions (subdivisions of four lots or more) would be required to go through the conservation subdivision design process if this zoning change was approved. Members were satisfied with the changes and unanimously agreed to include the proposed conservation subdivision design bylaw within the next zoning update.

Discussion: Zoning for Storage Facilities – Chair Griswold explained that he noticed a large amount of storage facilities for the first time when he drove the new truck route. He said that storage is clearly needed in town, but that it should be located off major state and town roads so that this valuable land could support higher value buildings and commerce and allow for greater employment opportunities in these high value land areas. Mr. Thomas shared research be completed at the request of the Chair regarding storage facilities with the Council. He said that other than the storage of seasonal items like boats in existing barns in the Rural Residential Agricultural Zone, the various storage uses allowed were limited to the Industrial Zone. Member Struhsacker said he is not sure where storage facilities should go, but that this was a good question to look into. By consensus, the Council agreed to table this item and move it to its January 20 meeting so members could think about this issue in greater detail.

Discussion: Intersection of the Truck Route and Historic Route 100 and the Welcome to Morrisville Sign There at –

Member Mason said that she does not like how the intersection of the truck route and Historic Route 100 functions. She said that she drives this intersection everyday and the traffic movements are awkward and turning traffic often does not know when it can safely enter or exit the road. She added that she believes the intersection needs more lighting at night and traffic lights. Morrisville business owner Orah Moore said that she feels that downtown Morrisville is getting bypassed and better signage is needed at this intersection to alert people to take the ride into downtown. It was agreed by everyone in the room that a green traffic sign designating the right to downtown Morrisville with the distance thereon should be added to the northbound lane of the truck route just prior to this intersection. Mr. Thomas polled Council Members about the lighting at night and the traffic light. All agreed that better lighting at night was needed at this intersection. Member Struhsacker was opposed to a traffic light being added to this intersection. However, the rest of the Council Members agreed that a traffic light should be added here. Mr. Thomas said that this was not in the town's jurisdiction but that he would write a letter to the Vermont Agency of Transportation asking for better site lighting, the green downtown Morrisville designation sign and a traffic light at this intersection. Chair Griswold added that he had a hard time seeing northbound traffic on the truck route when trying to enter the State Highway at this intersection when he is trying to drive toward Stowe due to the height of the guardrails.

Discussion: Fall Zoning Change Legislative Body Approvals – Mr. Thomas updated the Council regarding the approval process for the zoning changes proposed earlier this fall. He said that all of the zoning was approved except for the proposed stormwater site plan review language. He said that both the Trustees and the Selectboard preferred to trigger local storm water review at 20,000 ft.² of building footprint, as opposed to the 10,000 ft.² of building footprint originally proposed. He said that resubmitting the bylaw as such, along with other various minor changes requested during the hearing process, should allow for it to be approved by both legislative bodies if it is submitted with the next zoning change. Member Paine moved to include the as-revised stormwater bylaw within next zoning change. A vote of 6 to 0 affirmed the motion.

Mr. Thomas noted that there was a controversy created after the legislative body zoning hearings had concluded regarding the zoning for the green mountain arena parcels owned by Tom Hirschak. He said that he spoke with Terry Hirschak after the Selectboard's November 24 vote on the zoning, and also after a long Selectboard discussion at that same meeting regarding the green mountain arena area zoning and agreed to clear the December 16 Planning Council agenda in order for Tom Hirschak to again make his case for a zoning change that would allow him to use this land area in the town for his auction business. Mr. Thomas reiterated his opinion that this zoning change required a Town Plan update first due to the very public process in which the possibility for a zoning change for this area was removed from the Town Plan last winter. He said that, if a zoning change was desired, he could have the town plan updated in the requested zoning change completed by July.

Discussion: January Meeting Schedule – Mr. Thomas said that the normally scheduled January 6 Planning Council meeting will be cancelled as he would be out-of-state visiting family for the Christmas holiday. He added that the next Planning Council meeting would be on December 16 for the green mountain arena area zoning discussion and that the following meeting would take place on January 20.

The meeting adjourned at 8:20 PM – submitted by Todd Thomas, Planning Director