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MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of December 2, 2008

Members Present: Bill Henchey, Kelly Rogers, Max Paine, Andrew Volansky, Reeves Larson

Members Absent: Steve Berson, John Meyer

Staff: Mark Leonard (Morristown ZA), Bill Rossmassler (LCPC Planners)

Guests: Rhoda Bedell, Leon Whitcomb, Ron Stancliff, Susan Low, Leah Hollenberger

Chairman Bill Henchey called public meeting to order at 7:00 pm and reviewed the agenda. He welcomed new member Reeves Larson to the Planning Commission.

The ZA described the issues that have come up over the past few years regarding home occupations and home businesses and explained the distinction between the two under the current bylaws. The two issues he would like clarification on are the occupancy by the primary business owner of the dwelling where the home occupation or home business is conducted and how to classify 'off-site' home businesses, those where the only business use of the property is to store vehicles and equipment or materials to be used at the clients' property.

Home occupations, a permitted use regulated under section 423 of the bylaws, specifically say that the business must be carried on by resident(s) of the dwelling unit. Home Businesses, a conditional use under section 460 of the bylaws, says that the home business must be "carried on by family members and no more than three on-premises employees". It does not explicitly require the business owner to reside in the dwelling where the business is located.

The ZA said there had been at least one occasion in which the business owner did not reside in the dwelling where the business was conducted. Instead, the owner had a relative who worked in the business live there and the owner was able to claim that he was a family member of the resident where the business was conducted.

The members agreed it was the intent of the home business bylaw that the primary business owner reside in the dwelling where their business was located. They agreed that section 462.1 should be amended to explicitly require that the primary business owner reside full time in the dwelling where the business is conducted.

With regard to 'off-site' businesses, the ZA explained that he uses this term to describe various contractors who use their home as a base for their business activities, but in which the actual work (painting, landscaping, snow plowing, etc) is performed at clients' homes. As a base for the business, the only activity is usually parking their work vehicles (which are often also used for the owner's personal use) and storage of equipment and materials.

Under the existing bylaws, such 'off-site' businesses are considered home businesses, rather than home occupations, since they are not conducted wholly within the dwelling unit. As such, they require conditional use review and approval. The ZA noted that these reviews are more appropriate for home business activities that are performed on the owner's home property, such as cabinet making and auto repairs, where the potential for impacting the neighbors is much greater.

The ZA suggested adding a new provision under section 423 (home occupations) allowing off-site businesses to be considered and approved as a permitted use, provided they met all other requirements and restrictions for home occupations. Members agreed to this proposal.

Turning to outstanding subdivision issues, Bill Rossmassler said he had not found any good examples from other towns dealing with lot size ratios (the ration between the width and length of a lot). He explained the reason for establishing some sort of ration was to avoid irregularly shaped lots. He suggested that since most village lots were already developed and those that weren't were not very large

that any lot size ratio that the PC might consider adopting be applied to the RRA zoning district only. He said he would try to come up with a proposal for the next meeting.

The Commission reviewed the ZA's suggestion to waive the infrastructure (sidewalks, curbs, lighting) requirements (section 830) of the subdivision bylaws for minor (3 or fewer lots) subdivisions. The ZA noted that such small subdivisions rarely involve this type of infrastructure. The Commission agreed to the proposed change.

The Commission noted that the existing provisions for landscaping under the subdivision bylaws (section 860.3) do not provide meaningful guidance to applicants or the DRB. Bill R provided copies of Stowe's subdivision landscaping requirement for review (copy attached). The Commission felt this was adequate and agreed to incorporate Stowe's language in our bylaw. Bill H asked Bill R to provide Stowe's Conditional Use landscaping provisions for consideration at the next meeting.

The Commission discussed the ZA's suggestion to delegate either preliminary or final plat approval for minor subdivisions to the ZA. The ZA discarded his earlier proposal that the ZA approve preliminary plats, with the DRB approving final plats, as it would likely not provide the same amount of public input as currently is the case with DRB review and approval of the preliminary plat. He said the final plat approval of minor subdivisions does not often require any additional review beyond that of the preliminary plat. As such, it would make more sense, and be more efficient for both the DRB and applicant, for the DRB to continue to review and approve preliminary plats following warned public hearings and for the ZA to be delegated final plat approval authority for minor subdivisions. Major subdivisions would continue to require warned hearings for both preliminary and final plat approvals.

Bill asked the ZA to get the DRB's thoughts and comments on the proposal and provide that feed back at the next meeting.

The ZA reviewed a letter from the Hyde Park Village Improvement Association requesting the Morristown Planning Commission's support for opening the section of the Lamoille Valley Rail Trail between Hyde Park and Morrisville ahead of the schedule proposed by the Vermont Association of Snow Travelers (VAST), the organization charged with managing the rail trail. Members agreed to support the request.

The ZA advised that the schedule of bylaw reviews had been completed. The next meeting, on December 16th, would be used to review the total set of proposed changes in anticipation of holding warned public hearings on the proposed changes in January and February. Due to the statutory warning requirements, he suggested that the first meeting in January be an informal public comment session, with the formal warned hearing being held the second meeting that month.

The meeting adjourned at 8:30 PM.

Respectfully submitted:
Mark Leonard

Minutes approved on:

1/6/09