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**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of November 15, 2005

Members Present: Kelly Rogers John Meyer, Richard Duda, Andrew Volansky

Members Absent: Bill Henchy, Steve Benson, Bruce Tomlinson

Guests: Mike Miller (LCPC)

Recorder: Mark Leonard, Zoning Administrator (ZA)

Kelly called the meeting to order at 7:00 PM. Minutes of Oct 18, 2005 and November 2, 2005 were reviewed and approved, with a correction to the attendance list of the Nov 2 meeting.

Mike Miller presented a map depicting the various zones within the Airport Hazard Area (AHA) surrounding the Morrisville/Stowe airport. He observed that the current restrictions primarily limit the height of structures within the zones, with no restrictions established for structures less than 50 feet in height, with certain other restrictions on devices or structures that would interfere with radio signals or visual cues of pilots operating within the AHA. He suggested the commission consider other restrictions based on noise patterns within the transitional zone (the area closest to the runway) as a means of avoiding conflicts over noise between airport users and property owners in the surrounding area. A possible option would be to find ways to purchase development rights for properties that might be impacted instead of zoning restrictions, though he acknowledged that such a plan could not be imposed on unwilling property owners. He also suggested less restrictive zoning changes in the horizontal zone, the area beyond the transitional zone.

Kelly noted the inherent conflict between the desire to limit the noise impact on potential residential development within the transitional zone and the desire to prevent commercial development along Route 100 in the airport vicinity. If landowners were prevented from using their land for residential use, the only other alternative would be commercial use, which she noted the commission has consistently opposed.

The ZA reviewed a response (see attached email) from the VLCT Law Center on questions he had posed regarding two of the proposed bylaw changes. The first had to do with the proposal to allow, as a conditional use, the change of one non-conforming use to another that "in the view of the DRB is more compatible with the surrounding area than the existing non-conforming use". VLCT agreed there seemed to be some subjectivity to that review standard and suggested additional wording that, in effect, repeats the conditional use general standards found in section 632 of the bylaws. Rather than repeat those provisions and possibly create discrepancies between those standards and the proposed language, the commissioners agreed to leave the proposed language as is.

The second question dealt with new restrictions on existing illuminated signs. VLCT feels that any signs approved under previous versions of the bylaws are 'grandfathered' and new restrictions on their use could not be enforced. The ZA noted that many existing signs did not have specific hours of illumination listed on their permit approval or are in violation of existing use restrictions. He believes that if faced with vigorous enforcement of the existing rules or accepting the new, less restrictive and more standardized rules, businesses will find it in their interests to accept the changes.

Kelly noted how sign restrictions in Montpelier create the kind of visual impression she would like to see here and suggested the ZA contact the Montpelier zoning office to see how their bylaws are written. She sees the need to both allow businesses to advertise themselves and to preserve or create a certain visual atmosphere, especially in the downtown village area.

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Andrew agreed that we should work to remove or restrict illuminated signs that detract from the traditional village atmosphere many in the community are trying to maintain.

On a motion by Jim, seconded by Richard, the meeting adjourned at 8:30PM.

Respectfully submitted,
Mark Leonard, recorder

Minutes approved on: _____