

FILE COPY

**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6377**

Minutes of November 4, 2008

Members Present: Bill Henchey, Kelly Rogers, John Meyer, Max Paine

Members Absent: Andrew Volansky, Steve Berson

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

Guests: Selectman Bob Beeman, Village Trustee Dana Wildes, Conservation Commission chairman Steve Rae, William & Sharon Rowell

Chairman Bill Henchey called meeting to order at 7:00 pm and reviewed the agenda.

Chip presented information addressing mitigation of impacts on prime agricultural soils (PAS) from development within the Sewer Service Management Area, explaining that this was necessary in order to meet one of the conditions of the sewer plant expansion's Act 250 permit. He reviewed the agreed-upon SSMA boundaries and identified undeveloped parcels of at least five acres within the SSMA that contained prime ag soils. He noted that there were only a handful of 10+ acre parcels within the SSMA that could be developed, with most of the larger parcels already in non-agricultural use (e.g., the school property, Copley Country Club) or undevelopable because they lie within a flood zone.

Chip presented draft zoning language (copy attached) requiring that development of any parcel within the SSMA containing ten or more acres of PAS, as depicted on an official map of such parcels, must undergo review and approval as a Planned Unit Development (PUD). This would enable the developer to cluster the proposed development outside of the PAS portion of the parcel. Alternatively, the developer would have the option to use off-site mitigation to pay for the value of any PAS that might be developed, with the proceeds going into a local conservation fund to be administered by the Morristown Conservation Commission.

Chip explained the rationale for this plan, saying that the Act 250 permit conditions clearly seek to avoid rural development as a result of the sewer plant's expansion and eventual service line extensions. By clustering any development in the relatively few developable parcels within the SSMA that contain PAS and allowing off-site mitigation, funds are made available to preserve prime ag parcels outside the SSMA.

The ZA asked how projects with PAS in the SSMA which require both local and Act 250 permits would be handled. Chip said Act 250's jurisdiction would likely override the Town's, at least in regard to PAS and off-site mitigation fees.

Sharon Rowell said it didn't make sense for the state to say that they want to protect and preserve PAS and then let developers buy their way out of that requirement through off-site mitigation fees. Chip and Bill explained that within designated growth centers, where the state and Town agree that development is desirable, the PAS preservation ratio is 1:1; that is, for each acre of PAS developed, one acre elsewhere must be preserved. Outside of growth centers, in predominantly rural areas, the ratio is much higher; for each acre of PAS developed, far more acreage elsewhere must be preserved.

Sharon said she was concerned that the restrictions the Town is considering on PAS within the SSMA might eventually be extended to other areas of Town outside the SSMA. Bill said that is not proposed in the zoning revision and would only apply to development that fell under Act 250, as it has ever since Act 250 was enacted.

Bill asked if the members were satisfied with the ten-acre threshold for PAS development within the SSMA or would some other threshold apply. Bill Rossmassler said anything higher might be met with some skepticism/concern by the Act 250 District Commission. All members present agreed to the proposed ten-acre threshold and the draft language presented.

FILE COPY

Chip reviewed each of the proposed zoning bylaw revisions and identified those which had been finalized by the PC. Proposed changes that no decision had been reached were reviewed, with a number accepted at this time; the remainder were deferred for further consideration (see attached status sheet).

The ZA provided letters from three individuals interested in serving on the Planning Commission. Bill asked the ZA to set up interviews with these individuals during the half-hour prior to the start of the Nov 18 meeting. Selectman Bob Beeman would sit in on the interviews and, together with the Planning Commission, decide on a nominee to submit to the Select Board.

On a motion by Kelly, seconded by Max, minutes of the October 21, 2008 meeting were approved.

The meeting adjourned at 8:50 PM.

Respectfully submitted:
Mark Leonard

Minutes approved on:

11/18/08