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MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of October 18, 2005

Members Present: John Meyer, Richard Duda, Bill Henchy, Steve Benson, Andrew Volansky, Bruce Tomlinson, Kelly Rogers

Members Absent: none

Guests: see attached list

Recorder: Mark Leonard, Zoning Administrator (ZA)

Bill called the meeting to order at 7:00 PM. This was a warned public hearing to consider proposed amendments to the Morrisville/Morristown Zoning and Subdivision Bylaws, in accordance with the requirements of 24 VSA section 4441(d).

The ZA read through the proposed changes and reviewed the rationale for each. Bill addressed the reasoning behind the expansion of allowable uses within the Commercial and Industrial districts, explaining that the Commission preferred to allow more commercial uses within areas that were already zoned for non-residential use rather than opening up existing residential areas to new commercial uses.

Fred Bailey, who owns residential property on Route 100 near the airport, addressed his desire to see his property zoned for commercial use. He feels that his property would be more valuable if zoned commercial and cited several nearby commercial uses in what is currently a residential zoned district. The ZA explained that the businesses he cited were pre-existing non-conforming uses; that is, they were grandfathered in from before zoning came into effect. The ZA also explained that individual properties could not be re-zoned; that would constitute 'spot zoning' which is illegal. Any zoning change encompassing Fred's property would apply throughout the whole zoning district; in this case, the Rural Residential with Agriculture district that includes nearly all of the town outside of the village.

Bill said the Planning Commission has reviewed the question of allowing more commercial activity along the Route 100 corridor on several occasions over the years, most recently during this bylaw revision cycle. The Commission has consistently taken the position of opposing any expansion of commercial uses along Route 100. He mentioned that the expansion of allowable commercial uses in the Commercial and Industrial districts is intended to increase the pool of available commercial properties without causing commercial development in residential areas.

Sonny Sanborn expressed concern about development around some of the town cemeteries, specifically mentioning what she perceived to be encroachment onto the cemetery from the adjoining Fred Bailey property. She feels that residential areas should be protected from commercial development.

Dick Sargent asked whether the shoreline setback requirement applied to Joe's Pond. The ZA replied that currently there is no clear criteria as to what water bodies constitute a shoreline. The proposed revisions add a shoreline definition which does not include Joe's Pond. The ZA noted that Joe's Pond lies within both a wetland and a flood zone, effectively preventing the shoreline from being developed.

Roy Marble asked why retail was not among the uses allowed within the Business Office Park (BOP). Bill answered that the Planning Commission envisioned that district as containing offices and clean, high-tech businesses that would generate well-paying jobs for the local economy. Additionally, he was aware of concerns from the state Agency of Transportation about 'sprawl' being created along the proposed bypass route through the Business Office Park. He added that the BOP lies within the Commission's recommended areas for an expanded sewer service area and hoped that the combination of sewer service and access to the bypass would soon result in the kind of development envisioned for this district.

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Dick Sargent expressed his desire to preserve the visual qualities of the BOP as a gateway to the village.

Ed Debor said he had made a number of inquiries about what could or should be allowed within the BOP. He owns the former Union Carbide property in the BOP and had considered whether allowing small-scale retail in that area would benefit the town and the village. He had spoken with Town Administrator Dave Crawford and now had a better understanding of the potential for 'retail sprawl' that might occur if the zoning were changed. He agrees that the gateway to the village that the BOP represents should be appropriate to the community's vision of the area.

Bill advised all that the Select Board has asked the Planning Commission to review the zoning for the BOP. He recognizes that there is pressure for commercial development along Route 100 and that that may increase with the completion of the bypass. The Planning Commission will work with the Select Board, BOP property owners, and other interested parties in conducting their review in order to determine if there could be more flexibility with the uses allowed within the district.

Steve Rae, Conservation Commission chair, commended the Planning Commission on its work to infill existing commercial areas rather than expanding commercial uses into residential areas. With regard to the proposed change of approval authority for lot line changes, from the DRB to the ZA, he was concerned that such changes on properties bordering more than one zoning district might result in unintended, perhaps inappropriate development on the adjoining district. Given that possibility, he wondered whether the review and approval authority for such applications should not be the DRB. The Commissioners agreed and directed the ZA to re-write that proposed change so that when more than one zoning district is involved in a lot line change the DRB must approve the application.

Hazel Bowen, who lives on Houle Avenue, asked about the potential impact on her property taxes with the Industrial District being opened up to non-industrial commercial uses. The ZA advised that the listers will continue to assess her property on its residential value so long as it is used for residential purposes. Roy Marble offered that as commercially-zoned property, the value of her property would likely increase.

Kelly thanked those who came to the hearing and offered comments for their input to the process. At this point, the public hearing was concluded.

Bill suggested refraining from formally sending the proposed bylaw amendments to the Select Board until the Planning Commission meets with the Select Board, in case there are any significant changes resulting from that meeting. The meeting is scheduled on November 2, 2005.

Mike Miller of LCPC presented a map depicting the airport hazard areas identified in section 310 of the zoning bylaws. Currently, the airport hazard area restricts development based on height of structures. However, section 314.6 precludes any height restrictions on structures less than fifty (50) above ground level. He suggested that the Planning Commission consider additional restrictions around the airport based on noise levels to inhibit residential development in that area.

Steve moved to approve the minutes of October 4, 2005. John seconded the motion and it passed unanimously. On a motion by John, seconded by Andrew, the meeting adjourned at 9:00 PM.

Respectfully submitted,
Mark Leonard, recorder

Minutes approved on: 11/15 KR/AV