

MORRISTOWN/MORRISVILLE PLANNING COMMISSION

MEETING MINUTES OF SEPTEMBER 9, 1997



Members Present: Rich Furlong, Jane Greene,
Sam Guy, Pat McCulloch and George Robson.

Members Absent: Dan Demars

Guests: Ken Gibbons, Union Bank President
Hal Stevens, Legal Counsel for Union Bank
Ken Sweetser, Zoning Administrator



The meeting was called to order at 7:00 p.m. by Sam Guy, Chairman. This meeting was conducted for the specific purpose of discussing the doctrine of merger as it applies to undersized lots held in common ownership. This meeting was not considered a formal hearing, but rather an informed discussion on what provisions could be made in the Town/Village Bylaws to accommodate a Mortgagor's interests when non-conforming lots merge with a Mortgagee's property.

Ken Gibbons and Hal Stevens presented some valid concerns on behalf of the Mortgagor. They would like to see the Bylaws contain language such as:

- * On land transactions where a non-conforming lot could merge with a Mortgagee's property, the merger cannot occur until the Mortgage is satisfied.
- * The Mortgagor would like to review and sign off before the Development Review Board would approve such a merger.

According to the existing Zoning Bylaw (415.3 Adjacent, Non-conforming and Affiliated Lots), no division of a parcel may be made which creates a non-conforming parcel. This creates some legal issues and Bylaw violations when a Mortgagor forecloses on that part of a parcel on which it holds a mortgage.

Ken Sweetser has been directed to research this matter and determine if there can be a resolution to this issue which is fair to all concerned parties. Ken plans to contact the Department of Housing and Community Affairs, the Vermont League of Cities and Towns, and the Lincoln Land Institute in Cambridge, MA.

This matter will be discussed again in the near future when the research is completed.

After Ken Gibbons and Hal Stevens departed from the meeting, the Planning Commission discussed some additional items:

- * Town Plan Update - Ken advised that the old plan is all on the computer. We can now begin the review and update process. George Robson would like to see an "Economic Aspect" included in the updated Town Plan.

- * Antennas - We should include a new section in our Bylaws covering this subject.
- * The Planning Commission meeting minutes of September 2, 1997 were reviewed and approved as written.
- * The Planning Commission decided not to conduct a meeting on September 16, 1997.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Richard J. Furlong
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