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**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of August 18, 2009

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

Members Absent: Andrew Volansky, Paul Griswold

Staff: Mark Leonard (ZA), Bill Rossmassler (LCPC Planner)

Guests: Town Administrator (TA) Dan Lindley, Community Coordinator Heidi Krantz, Select Board members Todd Yando & Dave Yacavone

Chairman Bill Henchey called public meeting to order at 7:00 pm. Kelly moved to recommend the Select Board (SB) appoint Lauren Traister to fill the remainder of her term (through March 2011) on the Planning Commission (PC). John seconded the motion and it passed unanimously.

Following up on discussions at the Select Board's August 10th meeting, the members discussed whether proposed zoning district and setback changes on the CCS property (bounded by VT Route 15, Center Road, Trombley Hill Road, & Frazier Road) might constitute 'spot zoning'. The 44.2-acre parcel (#08-090) is currently split between the Commercial district (approx 3 acres) and Rural Residential with Agriculture (RRA) district (approx 41 acres). The PC's recommended bylaw changes propose to extend the Commercial district boundary to include the entire parcel, eliminating this ambiguity, and to establish an expanding road frontage setback with the intent on providing a buffer between the expanded commercially zoned CCS property and several adjoining residential properties. The ZA referred to emails from the Town's attorney offering the opinion that the proposed district boundary & setback changes would not be considered spot zoning.

Bill H addressed the bylaw provision allowing the DRB to apply the zoning rules of either district to an application on a property located in two districts. He said it was not a foregone conclusion that, under the current bylaws, any application by CCS would be considered under the Commercial district rules, rather than the RRA, especially since the bulk of the CCS parcel lies within the RRA district.

He discussed other options (besides the 'tapered' setback in the current proposal) to achieve the desired protection of residential properties next to the CCS parcel, including requiring screening similar to what is proposed in the BOP/BED district. He suggested amending the proposal to establish a 45-foot property line setback, up from the current 25', along Trombley Hill & Frazier Roads, while retaining the existing 25' property line setback along Route 15 where it borders the CCS property.

TA Lindley urged the PC to consider the unintentional impacts some of the setback proposals might have on currently residential properties which might, in the future, seek to become commercial. He noted that the local DRB review process and Act 250 reviews would provide the Town the tools to control/mitigate curb cut impacts along Frazier & Trombley Hill Roads.

Dave Yacavone said he was satisfied with amending the proposed setbacks to expand the property line setbacks from 25 to 45 feet. He asked how the SB could inform the PC on what changes they wished to see in the proposed bylaw revisions. The ZA suggested a memo from the TA in the SB behalf advising the PC on their desired changes. Under state law (24 VSA 4442.b), the PC is required to amend their original report to reflect the SB's requested changes and a new public hearing by the SB must be warned. The ZA advised that the PC could include an advisory letter with its amended report to the SB explaining its concerns & views on the SB's changes.

PC members and SB members present discussed the process for reviewing and acting on the remaining outstanding issue, the proposed 75,000-square foot limit on retail establishments. TA Lindley also discussed the Growth Center designation process, describing it as very long & arduous and one that few towns thus far have undertaken. He suggested inviting someone from the Planning Coordination

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Group (PCG) staff to a future PC meeting to help the PC better understand the benefits of Growth Center designation and the process for attaining it.

Bill H asked how the PC should proceed with a review of the Route 100 corridor zoning. Bill R provided a timeline for PC meetings through the end of December and will draw up a list of potential interested parties to be invited to PC meetings on Route 100. He also suggested inviting the Stowe planner (Tom Jackman), as Stowe has wrestled with similar issues. Kelly stressed the importance of getting broad public input on any Route 100 zoning change ideas. The ZA suggested reviewing Town Plan policies & recommendations relevant to Route 100 as a starting point for this discussion at the PC's next meeting on Sept 1st.

Bill R advised that due to state budget constraints, the Municipal Planning Grant (MPG) program is on hold. He will hold off preparing any MPG application until such time as the program is re-instated.

The ZA queried the members on recording their meetings for broadcast on the local access cable channel, as is done for SB meetings. TA Lindley reported that while not all Town residents have local cable access, those that do have told him they do watch SB meetings. Broadcasting PC meetings would be one more method of informing & involving the public in the PC's deliberations. Members agreed to begin recording their meetings for broadcast; the ZA will get instruction on the AV system's use.

On a motion by Reeves, seconded by Max, minutes of the August 4, 2009 meeting were reviewed and accepted as presented.

The meeting adjourned at 8:50 PM.

Respectfully submitted:
Mark Leonard

Minutes approved on: 9/11/09