Morristown/Morrisville Planning Council

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Meeting Minutes of Tuesday 10 August 2021

Council Members present: Allen Van Anda (call-in), Steven Foster, Etienne Hancock (Chair), and Tom Snipp
Council Members absent: Joshua Goldstein
Guests present: Selectboard Member Brian Kellogg, Conservation Commission Chair Ron Stancliff, Cristina & Graham Mink
Staff: Planning Director Todd Thomas

Call to Order: Chair Hancock called the meeting to order under the large white tent adjacent to the Copley Country Club Clubhouse at approximately 5:15 P.M.

Prior meeting minutes – Member Snipp moved to approve the July 27th meeting minutes. A vote of 3-0-1 affirmed the motion, with Member Foster abstaining.

Discuss: Mixed use on non-Rte. 12 section of Upper Main Street – Graham and Cristina Mink appeared before Council requesting that the ground floor commercial requirement (§207e) be deleted for the non-Route 12 section of Upper Main Street (between the Green Dragon restaurant and the War Memorial). Mr. Mink explained that this requirement, due to State codes for mixed-use buildings, increased construction costs to the point where it precluded the construction of new buildings, and badly needed new housing, in these areas. Member Van Anda questioned if this zoning change was even needed, as a simple DRB waiver could currently be granted to delete the ground floor commercial space requirement. Member Foster said that may be true, but it did not mean that the Council previously made a good decision to require ground floor commercial space on Upper Main Street to start with. Mr. Thomas directed the Board to review §207 of the Zoning Bylaws, and the Board agreed that Sections A through D should be required on Upper Main St. There was no consensus on §207E regarding ground floor commercial space though. Member Foster made a motion to eliminate requirement E of §207 only for Upper Main St. Chair Hancock asked the Board Members to think about this question over the coming weeks so it could be voted at the next meeting.

Discuss: New regulation to ban private property food trucks and mobile vendors? – Selectboard Member Brian Kellogg appeared before the Council asking them to regulate or ban mobile vendors, including food trucks, that do not have an existing brick-and-mortar presence in the town. Mr. Kellogg clarified that he did not want to ban food trucks at Wednesday night live, or other events on Town property. Mr. Thomas said that the zoning regulated mobile vendors on private property, and mobile vendors on town property were permitted by the Selectboard. Member Van Anda mentioned the Stowe Sandwich Company food truck that frequents Rock Art Brewery on the weekends, and that the proposed ban feels like regulatory overreach. Chair Hancock mentioned that adopting simple zoning rules for mobile vendors may provide an nexus to the zoning office, which would help ensure that fees are paid, and signage and other zoning rules will be complied with. Member Foster asked Mr. Thomas to bring Stowe's zoning rules

for food trucks to the next meeting. Mr. Kellogg stressed that restaurants that already pay taxes in town, should be exempt from any fees.

Discuss: Conservation Commission request for 100' setback to Potash Brook – Conservation Commission Chair Ron Stancliff appeared before the Council asking for a 100 foot setback from the Potash Brook. He added that this proposal is largely directed at the Wilder property off Howard Street. He said that such an increased setback could protect this property from being developed, and protect the main watercourse that runs through the village. Mr. Thomas disclosed for the record that this proposal would make his house non-conforming to zoning. Graham Mink notes that the 100 foot setback proposed is not 50 feet on each side of the centerline of the brook. It is 100 feet from each side of the brook (plus the width of the brook), making it a 200 foot plus ribbon of no structures in the village. Mr. Stancliff responded that the 100 foot setback proposed was an arbitrary number. Member Foster said that the existing 50 foot setback to the Potash Brook mirrors the State's 50 foot wetland buffer, and that he liked it when town and state regulations are in concert. The rest of the Board members agreed with this point and decided to take no action on the requested larger setback. Chair Hancock added that the Conservation Commission may could accomplish the same result as the evening's failed zoning change with conservation easements or land acquisition.

Discuss: Alternate Planning Council Members – The Council members reviewed the State Statute that allowed for alternative Planning Commission members. The Council agreed that alternative members were not needed at the moment, as only one recent meeting had to be cancelled due to a lack or quorum.

Continued Public Hearing: 2020-2030 Town Plan comments – There were no new decisions made regarding the ongoing Town Plan hearing.

The meeting adjourned at 7:30 PM, submitted by Todd Thomas, Planning Director