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MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of August 5, 2008

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

Members Absent: Andrew Volansky, Steve Berson

Staff: Mark Leonard (Morristown ZA), Chip Sawyer (LCPC Planner)

Also Attending: Dana Wildes, Ron Stancliff, Amy Walker, Rhoda Bedell, Steve Rae, Kevin Lane, Lee LaBier, Mary Ellen Stocks, and Lois McGee

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

Village Trustee Dana Wildes reviewed the goals for addressing restrictions imposed on the Village in its Land Use (Act 250) permit for expanding the sewer plant. Those restrictions limit the ability to extend sewer service outside the Village boundaries until the Village & Town present revised zoning bylaws that address the Environmental Commission's (EC) concerns about development impacts that might result from extending sewer service into areas beyond the Village boundaries. Dana said Village Trustees and their attorney felt that the scope of the restrictions could very likely be challenged in court, but that they have opted instead to try to satisfy the EC's concerns. Rather than drag out the process in court.

Chip Sawyer reviewed the permit restrictions and highlighted the EC's concerns. The permit indicates that the EC is primarily concerned about the impact on prime agricultural soils (PAS) and on low density development outside the traditional Village center. He presented a draft interim zoning bylaw and reviewed the process for adoption of interim zoning regulations. Under interim zoning, he explained, the Planning Commission would still draft the proposed interim regulations, but would not be obliged to hold public hearings. Instead, the draft would be forwarded directly to the Select Board, who would hold at least one public hearing before acting on the proposal. He suggested that any draft interim bylaws be fully coordinated between the PC, Village Trustees, and the District 5 Environmental Commission staff before they are adopted to ensure that they, in fact, address the EC's concerns and would likely result in the removal of the permit restrictions once adopted. Dana said the proposed Sewer Service Management Area (SSMA), as present in the Act 250 permit application, include parts of the Rural Residential with Agriculture (RRA zoning district on the east, south, and west of the Village, along with portions of the Commercial and Industrial districts north of the Village. He indicated that the Trustees were amenable to amending the SSMA boundaries to relieve some of the EC's concerns about development on PAS (in particular, the Greaves Farm along Washington Highway, to the east of the Special Use District). Chip noted that the draft bylaw would allow higher density residential development within those portions of the SSMA Overlay District that include the RRA than are allowed in the remainder of the RRA. He explained this was intended to show that the Overlay district would encourage higher density development, rather than the relatively low density allowed within the RRA, thus alleviating 'sprawl'.

Bill said he felt there was an immediate need to sit down with the Select Board, Trustees, and Water & Light Dept to get preliminary agreement on the proposed bylaws so as to proceed on the right path. Dana said the Village hoped to get further clarification from the District 5 Commission staff on what zoning changes would satisfy their concerns.

Amy Walker suggested developing an inventory of lots containing greater than 10 acres of PAS as these would be impacted by specific zoning requirements under the draft bylaws. She said this inventory should focus on those parcels within the SSMA, not necessarily the entire Town.

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The ZA clarified the status of interim zoning bylaws; the intent is that any interim bylaws be incorporated whole into the next regular bylaw revision. He cautioned against thinking that interim bylaws that resulted in removal of the Act 250 permit restrictions could be deleted or significantly changed in the regular bylaw revision without sparking objections from the EC.

Amy Walker, speaking as a representative of Mud City Loop (MCL) residents, gave an overview of a new zoning district they wished to create in that area. She noted that the geographic boundaries of such a district would correspond to the potential MCL district as shown on the Future Land Use Map in the Town Plan. She said the purpose of this district would be to maintain the area's 'character, rural functions, and natural resources. Larger minimum lot size (than the current two acres), setbacks, and restrictions on permitted and conditional uses would be designed to meet these goals.

Bill asked what objections or concerns had come up in discussions among MCL residents as this proposal was developed. Amy could not cite any. Lee LaBier, who lives in the area, said he had not been informed of any meetings of area residents and had not had the opportunity to review the proposed plan.

John asked how many individual parcels, as well as total acres, would be included in the MCL district. Amy didn't know; Chip said he could research the answer.

Bill asked how uses and dimensional requirements in the MCL district would differ from what are currently allowed as part of the RRA. Amy said a specific bylaw proposal would be presented at the next meeting (August 19th).

Turning to the review of the existing RRA district, the ZA recapped currently allowable permitted and conditional uses and lot sizes. Bill remarked that 'hotels', as part of the broader 'Bed & Breakfast, Motels, & Hotels' conditional use, could open the door to large-scale hotel/resort development within the RRA that might not be compatible with the rural, residential character of much of the district. The ZA observed that this would likely be an obstacle to DRB approval of such a project under the Conditional Use standards, as well as the lack of adequate water & wastewater facilities for any large hotel development.

The ZA observed that federal, state, or municipal government facilities were not included among the allowable uses within the RRA and suggested they should be added. He noted that the Town's ability to restrict such facilities is limited by state statute (24 VSA 4413.a.1). Commission members agreed to include such facilities in the bylaw revision.

Given the possibility of changes to the overall RRA boundaries, including consideration of new MCL and Route 100 corridor districts, the members agreed to defer action on including child care facilities in the RRA, as well as any changes to RRA minimum lot sizes, until decisions on the boundaries and uses of those districts were made.

Bill suggested applying for a Municipal Planning Grant (MPG) to help devise a comprehensive development plan for the Business Office Park (or 'Mixed Use Park' as it may be re-named). Chip said he would bring a grant proposal to the next meeting.

Minutes of the July 15, 2008 meeting were accepted as presented.

The meeting adjourned at 9:15 PM.

Respectfully submitted:
Mark Leonard

Minutes approved on: 9/2/08