

**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of August 3, 2010

Members Present: Paul Griswold, Bill Henchey, Max Paine, Reeves Larson.

Members Absent: John Meyer, Lauren Traister and Andrew Volansky

Staff: Todd Thomas (ZA)

Guests: Graham Mink

Call to Order – Chair Henchey called the meeting to order at 7:05 PM.

Graham Mink for §422 Required Frontage/Access Right-Of-Way Width – Graham Mink appeared before the Commission to discuss Bylaw §422 Required Frontage/Access, which requires that *“No land development may be permitted on lots which do not have either frontage on a public road or frontage on public waters, or with the approval of the Development Review Board, access to such a road or waters by a permanent easement or right-of-way (ROW) at least 50-feet in width.”* Mr. Mink said that he believed requiring a 50-foot wide ROW for a small two or three lot subdivision development seemed quite severe. ZA Thomas noted that The Act requires a minimum 20-foot wide ROW width and other towns allow smaller ROWs for such small developments than Morristown does. Mr. Mink said the Town’s Road Policy defines such short roads as “private drives” but the Zoning Bylaw was silent on private drives. ZA Thomas added that the Bylaw’s definition of Street is *“Any public or private way, or right-of-way, which provides, or is reserved to provide, the principal access to abutting properties.”* Hence, any private ROW, no matter how small, was treated under the bylaw as a Street and therefore needed to meet all dimensional requirements, including setbacks there from. Chair Henchey said that the decision to require 50-foot ROWs predated his time on the Commission. The Commission agreed by consensus to research this and evaluate addressing it in a future round of zoning updates. ZA Thomas said he would speak with Highway Superintendant Melfy and Fire Chief Spear regarding desired ROW width for such developments.

Review Craig Myotte’s letter to VT District Commission #5 written by LCPC – ZA Thomas distributed a letter to the Commission drafted by LCPC on behalf of Craig Myotte, addressed to VT District Commission 5. The Commission reviewed the letter and found it to be satisfactory. ZA Thomas said he would inform Bill Rossmassler at LCPC that the letter could be sent.

Form Based Zoning Presentation Scheduling – ZA Thomas asked the Commission if the scheduled September 7th Form Based Zoning presentation by Paul Dreher should be pushed off until after the current Bylaw update is complete. The Commission agreed that they would like to wait to have this presentation. Member Griswold suggested having this presentation as a joint meeting with the DRB and the Selectboard. ZA Thomas said that he would talk to Mr. Dreher and look to reschedule in late October.

Review NPC's "2011 Potential Work Program Projects" – the Commission reviewed the "2011 Potential Work Program Projects" list. ZA Thomas asked Members to rate the importance/priority of each project and initiative thereon. He said he would take any responses received and compile a weighted list. ZA Thomas also added that he would like to see the Commission evaluate and relax the zoning in the Commercial Business District (CBD). He cited issues with businesses in the CBD having to appear before the DRB for otherwise permissible zoning requests, other than the fact that their average size lot was significantly undersized per district requirements. He also cited the 4,000sf lot area requirement per residential unit as being unnecessarily severe and, in many ways, retarding reinvestment and development in the CBD. The Commission was unsure why the 4,000sf area per residential unit was adopted, but agreed that a much smaller requirement might be beneficial for living arrangements located on upper floors, above ground floor businesses. ZA Thomas agreed and said that the best way to make the village more vibrant was to allow greater residential density directly in the area, which would create more customers for the businesses. The Commission agreed that altering the zoning in this area was worth looking at, especially if the new zoning could make some of the older buildings in the CBD more viable for redevelopment with apartments or condos above the ground floor businesses. ZA Thomas said that he would start to work on this initiative as soon as the current zoning change was finalized.

Letter of Complaint Regarding DRB 325 Cady's Falls Road Decision – the Commission took up Member Traister's request to write an official letter of complaint to the Selectboard regarding the DRB's recent Cady's Falls Road decision. Commission Members expressed concern that the DRB was acting autonomously and not interpreting the bylaws as written. ZA Thomas was instructed to draft a letter asking the Selectboard to review the Cady's Falls Road decision, while expressing that the Commission is concerned that this situation might set precedent for future development in the new Business Enterprise District. ZA Thomas said that he would draft a letter for the Commission to review at its next meeting.

Packages for the August 17th Zoning Hearing – the Commission reviewed the packages for the upcoming public hearing for zoning bylaw changes. ZA Thomas informed the Board that Bill Rossmassler and LCPC staff would be putting together a PowerPoint presentation for this meeting. The Commission also reviewed the boundary descriptions and maps, while ZA Thomas proposed changes in both the existing Lower Village Gateway Commercial boundary description and the proposed Airport Business District boundary description as printed in the August 17th package. The Board reviewed the changes, including a minor change to the sign bylaw, and was comfortable with them. ZA Thomas suggested that at the close of the zoning public hearing, the Commission

forward the amended sign bylaw and boundary descriptions to the Selectboard for approval.

Infrastructure Committee (Max) – Member Paine said that he was unaware if the Infrastructure Committee had met recently. ZA Thomas said that he would look into this for him.

Approve Prior Meeting Minutes – Upon a motion by Member Paine, the minutes of the July 20, 2010 meeting were reviewed and accepted as presented. The motion was affirmed by a vote of 4-0.

The meeting adjourned at 8:45 PM.

Respectfully submitted:
Todd Thomas, ZA

