

**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of May 17, 2011

Members Present: Paul Griswold, Bill Henchey, Reeves Larson, John Meyer, Max Paine, Lauren Traister & Andrew Volansky

Members Absent: None

Staff: Todd Thomas, Zoning Administrator (ZA)

Guests: Steve Rae & Dana Wilde (Village Trustee)

Call to Order: Chair Henchey called the meeting to order at 7:00 P.M.

Discussion: Update on pending zoning (CB, Food & Signs) – ZA Thomas informed the Commission that the revised zoning for the Central Business district, food uses and signs was formally adopted by the Selectboard on May 2, 2011 and that the appeal period on the changes expires on May 23, 2011. ZA Thomas noted that he had just spent twenty minutes processing a new permit for an apartment on Portland Street under the new downtown zoning, where that same permit would have required a Conditional Use hearing and multiple waivers and variances under the previous zoning.

Discussion: Zoning Map update (AB, LVGC & Dana Wilde) – ZA Thomas showed the Commission the new zoning map drawn by LCPC that depicted the Lower Village Gateway Commercial zoning district and Airport Business zoning district for the first time. The Commission asked ZA Thomas to go through the zoning map, district by district, to ensure its accuracy. ZA Thomas responded that he already questioned the accuracy of the zoning map based on its depiction of the Village boundary line at the Sugarwoods Development. Village Trustee Dana Wilde addressed the Commission regarding a mapping error with the Village boundary line that affected this property. ZA Thomas distributed a letter and corresponding maps from Charles McArthur, Listing Coordinator, which said that Mr. Wilde's Sugarwoods parcel 08-023 was fully inside the Village boundary and was only partially depicted outside the boundary due to a mapping error when Cartographics was hired for a previous tax map update. ZA Thomas noted that the Village boundary line controls zoning districts and the Sewer Service Market Area. He added that a change in the Village line at Sugarwoods would require a Bylaw revision by the Planning Commission, as the district description in §1102 therein refers to individual parcel boundaries, and not the Village line. Chair Henchey asked ZA Thomas to draft a letter to the Listers asking them to corroborate the Village boundary line discrepancy based on deed research, with particular emphasis given to the examination of

Dr. Blower's deed. Chair Henchey also asked ZA Thomas to draft a letter to the Selectboard inquiring if the sewer plant's ACT 250 permit would need to be amended due to the Village boundary line change. The Commission decided that this letter should also ask how the Commission should respond to the boundary line change situation. Resident Steve Rae said that he disagrees that the zoning needs to be changed if the Village boundary line changes. ZA Thomas said that if the district description was not amended with the boundary line change, then a more significant zoning change would be taking place, in effect including an RRA zone within the Village for the first time. Member Volansky pointed out that the underlying zoning is not really changing due to the boundary line adjustment, but the Commission would just be fixing the §1102 district description due to a mapping error.

At the conclusion of the zoning map discussion, Mr. Wilde also asked the Commission to revisit the setbacks on Langdell Road in the Commercial zoning district. He claimed that the larger setbacks on Langdell Road were too severe. ZA Thomas said that he would add this setback discussion to his list of zoning issues that need to be reviewed.

Discussion: Prime Ag Soil Zoning Letter from Selectboard – ZA Thomas said that this agenda item should be tabled until the next meeting, as the expected letter from the Selectboard regarding zoning for prime ag soils did not arrive as expected. Steve Rae said that he could provide a brief update as to what had recently transpired since he sat on the prime ag soil fee committee with ZA Thomas. Mr. Rae added that his committee failed to recommend the required fee amount for prime ag soil mitigation, as they learned throughout the course of their meetings that the Town lacked the statutory authority to impose such a mitigation fee. ZA Thomas said that he met with Ed Stanak from the District Commission regarding this fee and also discussed more lawful ways in which the Town could ensure that prime ag soils are avoided during development that does not trigger ACT 250 review. ZA Thomas suggested requiring that all subdivisions be Planned Unit Developments, with one of the primary requirements of the PUD be that prime ag soils be avoided during development. The Commission agrees to add this suggestion to the zoning issues list, along with the removal of prime ag mitigation fee language.

Discussion: Fit & Healthy Council for Town Plan update – ZA Thomas asked the Commission Members if they wished to move forward with amending the Town Plan to include the Wellness section that was presented at the last meeting. Commission Members said that they thought the new Wellness section was worth amending the Town Plan for. Chair Henchey said that he would like a larger public process on the proposed Wellness section before warning a hearing. ZA Thomas said that he would add another discussion on the Wellness section to the June 7th meeting.

Discussion: Commission review of "Zoning Change List" – ZA Thomas led the Commission through his running list of needed and suggested zoning changes. The Commission discussed various zoning change proposals and what kind of public process would be needed for the changes. The Commission asked ZA Thomas to refine the list

into technical and non-technical fixes, as well as to prioritize the list from most to least pressing.

Discussion: Health Care Facility Use / CB Zoning District – ZA Thomas asked the Commission how it would like to pursue zoning for medical uses in the CB zoning district now that the revised downtown zoning was approved. He added that the Commission assured representatives from Copley hospital that this issue would be addressed after the downtown zoning update. The Commission discussed potentially regulating the Health Care Facility use by office size in the downtown. Ultimately, the Commission decided to table this discussion until the time when larger Health Care Facility uses were being proposed in the downtown.

Approve prior meeting minutes – Upon a motion made by Member Traister, the March 15, 2011 meeting minutes were accepted. The motion was affirmed by a vote of 7-0.

Respectfully submitted: Todd Thomas, ZA

