

Morristown/Morrisville Planning Council

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Meeting Minutes of April 7, 2015

Planning Council Members Present: Andrea Beeman, Paul Griswold (Chair), Etienne Hancock, Yvette Mason, Max Paine, Tom Snipp & Mark Struhsacker

Planning Council Members Absent: None

Staff: Planning Director Todd Thomas

Guests: Terry Hirschak, Tyler Hirschak, Toby Hirschak, John Hollar, Judy Nephew, Dave Stevens, Gil LeBlanc, Bob Beeman, Agnes Berger, Ed Loewenton, Angus Gurder, Dawn LeFavre, Paul Dubie and children (identified on sign-in sheet **only** as “hockey players”).

Call to Order: The meeting was called to order in the Community Meeting Room of the Tegu Building at 43 Portland Street at approximately 7:00 P.M.

PUBLIC HEARING: Green Mtn Arena Town Plan Public Hearing – Chair Griswold opened the public hearing for the Hirschak Town Plan petition, which consisted of a revised Land Use Chapter, a new Flood Resiliency Chapter and the required State “Reporting Form” which detailed said changes. Planning Director Thomas explained that the Flood Resiliency Chapter is now required by state statute. Mr. Thomas explained that the Hirschak petition simply inserted language into the existing Town Plan’s Land Use Chapter that directed a zoning change for the Green Mountain Arena Parcels, with the zoning change being from residential to commercial. Dawn LeFavre of Johnson said that the Green Mountain Arena Parcels should remain as a recreational use. She said that she is very concerned about providing the area’s children with healthy and active lifestyle options. Tyler Hirschak said that an opportunity to lease the rink was declined by the Selectboard. He said that the hockey rink could still be available to the community if the Selectboard showed any interest in it. Resident Ed Loewenton said that he recently walked the Green Mountain Arena Parcels and that he believes this land to be unique and irreplaceable. Mr. Loewenton suggested that the Hirschak family offer a compromise that would allow them run their business out of the arena, but also make their property open and available to public recreation. Judy Nepveu said that she has known Tom Hirschak for many years and seen that he takes great care of his buildings and that anyone who takes good care of his buildings like this should be allowed to do what he wants with them. Gil LeBlanc said that he would like to see the hockey rink remain open, but doubts its financial viability given the sale of the equipment. Sarah Thomas said that she is concerned about what will happen to the Green Mountain Arena Parcels if they are rezoned after the Hirschak family no longer owns this area. She said that even if the Hirschacks do not plan to develop this property further, this area could be commercially developed extensively by whomever they sell the property to. She suggested splitting the zoning between residential and commercial and only zoning a small open area of the arena’s land as commercial. Terry Hirschak reminded the audience that 20 of the 34 acres were already subject to a conservation easement. It was clarified that the petition rezoned the entire 34 acres, but that development within the 20 acre conservation easement was very unlikely. Paul Dubie, accompanied hockey playing children under his care, said that

he wanted the ring to be saved. He said that it was a hardship for the hockey families in the community to have to drive their children to Essex for ice time and that the Green Mountain Arena was the only recreational amenity in the county for his children. With no additional public comments being offered, Chair Griswold closed the public hearing with the unanimous consent of the Council. Mr. Thomas spoke to a proposed public hearing schedule once the Town Plan petition was forwarded to the Legislative Bodies by the end of the week. A five minutes recess was called before resuming the regular meeting.

Discussion: Timeline & Town Plan recommendation vote – The regular Planning Council meeting resumed and Chair Griswold said that the Selectboard asked the Council for a recommendation regarding the Town Plan petition. Mr. Thomas reminded the Council that their vote had no formal role in a petition process and that it was advisory only. Chair Griswold polled the Council Members as to if the Town Plan should be reopened for the Hirschak petition to rezone the Green Mountain Arena Parcels from residential to commercial. Member Beeman noted no. Member Mason voted no. Member Hancock voted no. Member Struhsacker voted yes and said that he was unhappy that the Hirschaks purchased the Green Mountain Arena Parcels anyway after being told during the 2013 Town Plan process that the area would not be rezoned so a business could operate thereon. Member Snipp echoed these sentiments and voted yes. Member Paine voted yes. Chair Griswold voted no. The vote was 3 to 4. Mr. Thomas said that a Planning Council recommendation that the Town Plan should not be reopened and that the Green Mountain Arena Parcels should not be rezoned from residential to commercial would be sent to the Selectboard and Trustees. Mr. Thomas said that he would forward this recommendation with the Town Plan to the Selectboard and Trustees by the end of the week. Planning Director Thomas asked if Chair Griswold's report detailing the timeline for the Green Mountain Arena Town Plan issue over the last two years should also be included with the Town Plan submission to the Selectboard and Trustees. The Council unanimously agreed and Mr. Thomas said he would include it with the formal Town Plan submission.

Discussion: Design review landscaping standards – Mr. Thomas led the Council through the revised landscaping language that would be applicable in all zones with design review requirements. Council members agreed that the proposed language included in their meeting packages matched what was requested at the prior meeting. Council members also unanimously agreed to amend existing §639.3d to remove a reference to the Town's Street tree planting plan since one did not exist. Mr. Thomas said that the revised design review landscaping requirements would be included within the next zoning change proposal.

Approve prior meeting minutes – Member Paine moved to approve the February 3rd meeting minutes. The motion was affirmed by a vote of 4-0-3 with Members Hancock, Snipp & Struhsacker abstaining. Member Mason moved to approve the March 3rd meeting minutes. The motion was affirmed by a vote of 5-0-2 with Members Beeman & Snipp abstaining. Member Hancock moved to approve the March 17th meeting minutes. The motion was affirmed by a vote of 5-0-2 with Members Griswold & Snipp abstaining.

Discussion: Council reorganization – Mr. Thomas explained that the appointment procedures for the Council required a reorganization vote at the next meeting after Town Meeting. Member Beeman moved to appoint Member Griswold as Chair. The motion was affirmed by vote of 7 to 0. Member Struhsacker moved to appoint Member Paine as Vice Chair. The motion was affirmed by vote of 7 to 0. It was decided that the secretary role need not be filled.

The meeting adjourned at 8:15 PM – submitted by Todd Thomas, Planning Director

