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**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of March 17, 2009

Members Present: Bill Henchey, Kelly Rogers, Max Paine, Andrew Volansky, Reeves Larson, John Meyer

Members Absent: none (one vacancy)

Staff: Mark Leonard (Morristown ZA), Bill Rossmassler (LCPC Planner)

Guests: Morristown Select Board members Shaun Bryer, Bob Beeman, Todd Yando, Dave Yacavone; Village Trustees Dana Wildes & Ed Debor; Town Administrator Dan Lindley (see attached sign-in sheet for others)

Prior to the start of the public meeting, the Planning Commissioners met with prospective PC members Paul Griswold and Ryan Romano.

Chairman Bill Henchey called public meeting to order at 7:00 pm. He reviewed the zoning revision process to date, noting it as a follow-on to the revised Town Plan adopted a year ago.

Bill Rossmassler presented a briefing on the proposed zoning revisions, accompanied by a handout with each specific change identified. The presentation highlighted major changes being proposed, including adoption of landscaping standards for Conditional Uses, changes to the boundaries of the Low Density Residential (LDR) and Commercial (COM) zoning districts, establishment of Primary Agricultural Soils (PAS) protections within the Sewer Service Market Area (SSMA), and expansion of and changes in allowable uses within the Business Enterprise District (BED), which was previously called the Business Office Park (BOP).

Bill H stated the most difficult task had been reaching an agreement among the PC, Select Board, and Village Trustees on the boundaries and restrictions within the SSMA. He said these three groups had wrestled with this issue for several years and he was satisfied with the results.

Dave Yacavone asked for clarification on the 'accessory retail' and 'direct sale of goods produced on-site' uses proposed for the BED. The ZA reviewed the definitions for each of these and explained how they differed from other retail uses.

Dave Y asked what the maximum residential capacity, as part of a Planned Unit Development (PUD) was in the BED. Without having specific figures available, the ZA offered that the available land area and priority for non-residential uses in the BED made residential use limited within this area.

Dave Y asked where the proposed retail store size cap of 75,000 square feet would apply. Bill H said it was applied to the Commercial district. Any such structure would also be subject to all other Conditional Use review criteria. Bill explained the Board had sought a middle ground between those who wanted a more restrictive cap to preclude 'superstores' and the view that anything great than 75,000 square feet might prevent a medium size retailer from coming to town, which many people seemed to want.

Dave Y asked if the PC had a sense of a minimum size threshold among major retailers. John M responded that he had seen information indicating the big national retail chains had been using 125,000 square feet, but that that model is changing as the national economy seems to be changing. Andrew V noted that the Walmart superstore in Williston is 125,000 square feet. He believes the Morristown community does not want such a superstore in this town. Dave asked if market research might favor a size limit greater than 75,000 square feet. Bill said public input was clear that anything larger than that was not desired by most in the community.

Shaun Bryer commented on the demographics of those who participated in the March 2007 Town Survey, noting that there appeared to be limited participation by some sectors of the community. He asked if the survey results drove the bylaw changes. Bill H replied that the survey results influenced the PC in crafting the proposed changes, but did not drive them. Bill said other forums and methods of obtaining

public input, including over a year of Planning Commission meetings attended by many community members, ensured a cross section of community views were incorporated in the proposed changes. Bill R said he would condense the survey findings in the presentation before it is given at the Select Board's warned hearing on the bylaw changes so that the survey results are not over-emphasized.

Bob Beeman commented that the presentation was a good summary of the work done so far by the Planning Commission.

Shaun asked how the PC settled on allowing accessory retail only, rather than more general retail use, within the BED. Bill H said the PC had initially included retail use in the BED, albeit reluctantly, in response to input from BED property owners seeking more flexibility in developing their property. After MACC (Morristown Alliance for Culture & Commerce) weighed in with a petition signed by nearly 200 people and supported by various downtown business owners, both opposing retail in the BED, the PC unanimously reversed their initial inclusion of retail in the BED.

Andrew said the PC included 'direct sale of goods produced on-site' in the BED to support businesses that might be established there, providing more flexibility without opening the entire district to unrestricted retail use. Kelly added that one of the PC's objectives for the BED is to encourage businesses that would bring better paying jobs than retail typically does.

Bill H said the PC doesn't want to squander the Town's best opportunity for economic development, the BED, by allowing retail use there. He expressed the PC's view that development in the BOP/BED has been stymied by the lack of utility & road infrastructure. He doesn't want eventual development in the BED to endanger existing retail businesses in the Village core, the preservation and revitalization of which the Town Plan and numerous surveys have said is a key goal. Kelly said there is more than enough space for retail uses and expansion within existing structures within the Village, if they are efficiently used. Andrew added that several recent retail store vacancies in the core commercial Village area highlighted the need to protect this area.

Shaun said he is concerned about limiting business opportunities due to overly restrictive zoning requirements. He asked if the concerns and inputs from the Bishop Marshall School (a major landholder in the BED) were listened to. Bill H assured him that their inputs, along with everyone else's, were heard. Andrew felt that the end result addresses the property owners' request for more flexibility over current BOP use restrictions while also recognizing the concerns of other interested parties.

Shaun addressed concerns that had been raised to him about the PC's removal of retail from proposed BED uses, after initially being included, without this action being on the PC's agenda for the meeting when this took place. Bill H said all PC meetings are open to the public and anyone can speak on a topic which might not be on the agenda. This was the case for the meeting following MACC's presentation opposing retail use in the BED. He added that the BED property owners had been given several opportunities throughout the year-long process to state their opinions and request to the PC. Shaun noted that MACC had made a similar presentation to the Select Board at their most recent meeting.

Dana Wildes asked if there were any height restrictions (i.e., number of stories allowed) within the BED. The ZA said anything over 35 feet is a Conditional Use, due primarily to public safety (fire dept) accessibility concerns but also for aesthetic reasons. There are no specific height limitations, but required parking and setbacks would limit the amount of total floor space a given lot could accommodate. Dana asked if a mix of commercial & residential, such as first floor commercial and second or third floor residential would be allowed. Subject to parking & setback requirements, the ZA said yes, they would.

Bryce Simon commented that expansion of the Commercial and BED districts was a good step that would allow more businesses to grow here. He felt due regard was given to flexibility in allowable uses in both districts. He noted that the BED will be at the southern gateway to Morrisville and said he wouldn't want to see a bunch of gas stations, convenience stores, or fast food establishments as you arrive in town. He expressed some concern that the proposed 75Ksf retail cap might be too limiting for most major retailers. He was not sure that allowing retail in the BED would necessarily come at the expense of existing stores in the Village. He felt there needed to be a more concerted effort to improve retail opportunities in the Village.

Bill H responded that the public input the PC received throughout this process and the preceding Town Plan revision favored development that would enhance economic opportunity while retaining the rural character of the Town and the existing businesses in the Village. Reflecting the public input they had received, the PC does not want to invite or encourage national chains to establish retail stores beyond the scale currently proposed.

Orah Moore asked if the 75Ksf retail cap would apply in the BED. Bill H said it did not since retail is not an allowable use within that district. She said 'big box' stores have a bigger impact on municipal services, such as police and highways, than smaller scale retail businesses. She recommended the PC look at a study done by the Town of Brattleboro backing up this assertion. She asked if MACC was concerned about accessory retail or direct sale of goods produced on site in the BED. Speaking on behalf of MACC, Heather Sargent said they had no objections to these uses.

Karen Loh said that at the last Select Board meeting Shaun Bryer had said the Town's ability to attract businesses might be limited by zoning restrictions. She wondered who drives the size of a given business or use, the Town, through its zoning bylaws, or the developer. She is concerned about the impact of 'big box' stores that, after eliminating any local competitors, eventually themselves close.

Kevin Lane said there is a strong theme in the Town Plan to keep the Town's 'feel'. He said Morrisville has already absorbed the impacts of being the retail and service hub for the rest of the county and doesn't think we should add to that burden.

Leon Whitcomb said that if the Bypass is ever built (insert laughter here) retail stores in the BED would create a traffic bottleneck at the southern end of the Bypass.

Heather Sargent said many different forums have been used to develop the community goals found in the Town Plan and reflected in the proposed zoning changes. The consistent message has been the desire to maintain the Town's rural character and prevent 'sprawl'. She said she did not want to see Morristown become just like so many other towns.

Karen Loh commented that there are too many empty stores and buildings in the Village commercial area; shouldn't these be redeveloped before considering new commercial areas? Todd Yando replied that it is often too expensive to redevelop existing older commercial buildings to meet today's code requirements and commercial standards. Money from state or federal agencies to do so, already limited, is likely to dry up in today's economic environment.

Ed Debor expressed concern about the PC's actions in deciding to reverse its position allowing retail in the BED after MACC's presentation when that was not on the PC's agenda the evening they did so. He disputed some characterizations of BOP/BED property owners being motivated solely by self-interest. He said as a resident of the Town, he shares the same concerns as others about economic development, jobs, and preserving the character of the Town. He believes development in the BED would complement existing shops and food establishments in the Village commercial area.

Ed felt the PC gave too much weight to the March 2007 Town survey and not enough to the September 2007 Community Forum. As a property owner and businessman, he seeks greater flexibility in being able to site new businesses in Morristown, noting several instances of businesses going to other nearby towns after being unable to find suitably zoned areas to set up shop here. He asked if the proposed zoning revisions fixes this problem.

Bill R went on to describe the statutory process for adopting the proposed revisions. Shaun said the select Board is not prepared to schedule a hearing at this time, but anticipates doing so by the end of April.

Bill R handed out a progress report on LCPC's work under its contract with the Town for planning services, to be reviewed at the next meeting.

On a motion by Max, seconded by Reeves, minutes of March 3, 2009 meeting were reviewed and accepted as presented.

Owing to the length of the meeting, the PC members said they were not prepared make a recommendation on filling the vacancy on the Commission and would take it up at their next meeting (April 7).

The meeting adjourned at 9:00 PM.

Respectfully submitted:
Mark Leonard

Minutes approved on: