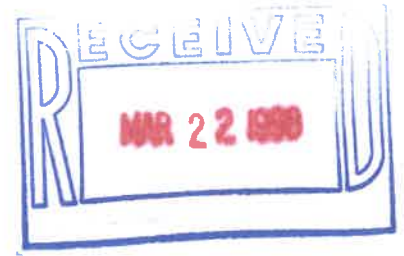


**MORRISTOWN/MORRISVILLE
PLANNING Commission
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Minutes of March 17, 1998

Members Present: Rich Furlong, Dan Demars, Sam Guy and Pat McCulloch.

Members Absent: George Robson.

Guest: Robert Moran, Dorothy Moran, Steve Leach, Don Anderson, Muriel Hill, Richard Hill, Martha Morse, Howard Morse, Francis Cole Ramona Cole, Peter Bertolotti, Chuck Wolff, Leonard Preston, James Rust, Mary Preston, Lana Preston, Tom Bjerke, Brian Greenia, Cynthia Bryer, Douglas Bryer, Virginia Moody, Michael Hendon, Sally Hendon, David Ring, Jennifer Manna, Dayton Wakefield, Irene Facciolo, Soren Pheffer, Jim Mahoney, Mary West, Sharon Green, Joyce Towle, Eldon Towle, Eugene Dambach, Jane Greene, K.C. Colt, and Chris Ransom.

The meeting was called to order at 7:00 PM. by Sam Guy, Chair.

Planning Commission Hearing on Amendments and the Combining of the Zoning and Subdivision Bylaws for Morrisville/Morristown.

Ken Sweetser gave an overview of the changes in the bylaws. The Planning Commission started work on revising the bylaws in 1996. The Planning Commission is proposing amendments to the bylaws, as well as, combining three sets of bylaws into a single document. They have looked at the available land in the three existing Industrial Districts and found that there is very little vacant land, and most of the vacant land has problems that may hinder its development. There is land for existing business to expand. The Planning Commission then looked at the area south of the Village not as an industrial park, but rather an upscaled business/office park that will be in campus style of development. The Planning Commission looked at expanding the Central Business District. The Post Office is felt to be important to the Village to keep the downtown strong and viable. The area affected is between Congress and E. High Street and would allow for properties on the north side of Union Street to have public offices. Home Occupation and Home Industry would still be allowed in the area and Parking Facilities have been separated, from Federal, State, County, or Municipally owned and operated institutions and facilities. So if grant monies become available we will be ready to apply for them. Other changes include changing the setbacks in the Central Business District, to a "build to line" in the front setback, and to the property lines on the sides and rear.

The meeting was open to public comments:

Where will the access for the Business Office Park District be off from? Probably off Bridge Street to begin with and the district can also be accessed off Route 100 South.

Will the Town be putting in the Road to this district? No, it probably would be a private road put in either by the landowners or possible by LEDC if they can obtain control of the area. However there is nothing to say that once it is built, that those in the park could not petition the Selectboard to take over the road.

Can the permitted Bishop Marshall School be expanded? Schools fall under section 4409 of the statute and 436 of our regulations would allow for the school to be expanded.

What does rezoning mean? Currently the area between Congress and E. High Street back 125' from the center line of Main Street is zoned High Density Residential and the Area where the Senior Center, American Legion, the Moran property and the back portion of Cumberland Farms is located in the Medium Density Residential District. Up to the centerline of Union Street will be part of the Central Business District with limited uses.

Parking is a problem already on Union Street, where will offices get their parking as the lots are small? They will have to meet the parking requirements, either off street on their property, private off street lots, or in a municipal parking lot if they are within 400' of the municipal lot.

Is the parking lot at the Union Bank considered a municipal parking lot as the town leases it and maintains it? That will need to be researched to know for sure, but consensus was that it was not.

Traffic will increase with offices more than with apartments. Possibly, but the increase will likely be small.

How will you control cars on Union Street as it is becoming more of a car throughway? Union Street is a public street and it is used by people who need to go through the Village like myself as I can not get out from the parking lot and go left on Main Street. It is felt that when the bypass is built and it still is on schedule for 2002, it will relieve traffic so people will not have to use Union Street as a bypass of village traffic. At last nights Trustee meeting Donna Phelps said that sometimes the police have to go out on Union Street as they can not get out onto Main Street.

The Police should not be using Union Street when they go out on a call. They need to be able to respond to emergencies as soon as possible by the quickest route available.

This is a major problem at rush hour. This is a Selectboard issue not one for the Planning Commission. I do not think this will be that significant, and at rush hour it is locals who use Union Street as a bypass now . When the bypass is built, this will not be a problem.

Why shouldn't you be the ones who have control over this? The Selectboard has control of the Streets.

Why isn't this up to the Trustees? The Town now controls the Village streets since they merged the highway department and street department.

Maybe someone can go the Selectboard and have Union Street become a one way street? Steve (Leach) how would one go about this? They would have to get a petition to the Selectboard, probably with 5% of the voter in the Town. Why the Town voters and not just the Village voters? The Town now controls the streets.

I feel that the Zoning Board should have control over this, as it they will be increasing the traffic? The Planning Commission does not have control over the streets, it is a Selectboard issue and they will likely approve the changes to the bylaws.

Springer- Miller in Stowe has a regular house and they now have 50 people working out of cubicles and they have 40 cars and we could have the same thing here. The lots are small and they will have to meet the parking requirements. This would not allow offices like Springer-Miller to go in here. A business like that would be what we are looking for in the Business Office Park District.

As far as expanding the Post Office, I do not know where you are expanding it to? By zoning the area behind it and beside it, it would allow the Post Office or owner of it to expand the building and parking lot, and this would give them more room that they need if they are going to stay in the Village.

Would the access be off Union Street?. Possibly, that would be up to the Selectboard.

The intersection (Portland, Main, and Congress Streets) is dangerous with people crossing the street who are jay walking, why isn't something done about this? You can't do this? All you have to do is look at the intersection and the Post Office should be moved. Where would you like the Post Office? I do not know a lot about Post Offices but I think down on Route 100 before you get to the Village. I do not think the lose of the Post Office would hurt any business. There have been several studies both economic, and downtown viability, done instate and around the country about how important keeping the Post Office in the Village is keeping downtown business.

If you allow the Post Office to expand you are making a big change in a residential area and a strong downtown is about it neighborhoods not its businesses. I certainly would have to move.

I wonder if you considered what it would do to the downtown if the Post Office was not in the Village . I mean the outskirts are already killing us and if you loose the Post Office it will be one more nail in the coffin. There are a lot of people who walk to the Post Office everyday. There

are a lot of businesses that would not be here if it was not in the Village.

I feel that the Post Office will continue to have to expand as the area continues to grow, so it should be out of the area. You do not feel that the Post Office is important to the Village? It maybe a bit of an inconvenience but, it should not come at the expense of a neighborhood, I think it is a mistake. All I can say is that studies have shown that when a post office leaves a village that it hurts the viability of the downtown as there are 1500 to 1600 (post office) boxes and traffic to the downtown business is very important in their survival. There are a lot of people who go by the stores to get to the post office and it serve as a place where you meet other people from different parts of the town and village.

Is there no other place in the downtown where it can go? We have looked at taking down the wooden buildings behind Barrows, Merchant and Rollins, but that gives the Post Office its space but no room for parking. We have looked at Jerry Sutton's lot but it is a ways from the center of downtown and is not for sale. We have briefly looked at the red building on the Water & Lights property, but the site is too small and too steep. There just aren't many good sites in the center of the Village.

It seems to me that there are plenty of empty sites and buildings in the downtown where it could go. There are huge parking lots that are never filled, it could go there. I do not see that the Post Office in that location is sacred. I do not see that letting it expand into a residential area is the answer. I mean you are sacrificing one thing for another. I agree, to every change something is benefitted and something else is hurt.

I do not want to start trouble but I know that Sonny Demars owns the Leach house and therefore he will take it down and put in a parking lot and that will drop the value of my folks house. If that happens the parking lot will be screened and should not effect property values.

That will drop the value of their house to nil, as no one wants to live with a parking lot across the road that accesses on Union Street. I can not tell you that the house would not be taken down. The PC and DRB have talked and the parking lot would have to be screened. The Selectboard would have to decide if they would allow an access over there as well as looking at the traffic . At the Trustees meeting last night they discussed the changes and Sonny said he would try to come up with parking and work it out with neighboring parking and would like to leave the house there. The Post Office would only sign a two year lease and they need to be looking at a way to get the space they need. If not they may go the north side of town.

I can not see destroying a nice neighborhood, so that one businessman can expand his business and make money. That is not an accurate statement. Its not one businessman, it is the downtown as a whole. The Planning Commission looked at this because we are concerned about the Post Office and the downtown. You can go up that (north) side of the street and there are three house for sale and you can tell me what the value of those house are and none of them look very nice.

Have you looked at the houses on the other side of the (Union) street. Yes, but if we can clean up the other side of the (north) street it may increase their value. I live next door to a dental office (Kollar's Family Dentistry) and across from a lawyers office (Williams and Green) and a dump of an apartment house, that has not increased the value. Nobody on any of these boards will help.

As a family view I would like to say something about the Post Office. I have lived on Union Street for ten years and I have enjoyed the convenience of walking to the Post Office. I visit the Post Office and walk to the Union Bank as my usual stops. Although I like walking to the Post Office the obvious danger of crossing to the bank, is because of the location of the Post Office with the bank. I am amazed at the jay walking mothers carrying babies, children and elderly that have crossed this street as a routine. This is considered a public highway by the State of Vermont local ordinance 0807-1 and subject to rules of the road and speed limits set forth by the State of Vermont and the legislative body of the town of Morristown Chapter 13 § 1007. It's set up is pre destined for tragedy, that we now have the opportunity to change. We can set the stage for short sided resolve or thoughtful planning for the future of our town and residents. Lamoille County at this point is the second fastest growing county in Vermont. Look around us and see the type of businesses come in around us recently. At best the new zoning proposal can be looked at as a temporary band aid fix. Ten years ago the traffic on Union Street avoiding the intersection could be recognized, and with a petition started by the residents of Union Street, we asked the Town to post "Caution Children Playing" signs at both ends of the street. This is a family neighborhood, with about 13 children, that ride bicycles or play in small front yards. We can't move the highway. But, we can relocate one of the most sensitive and dangerous things in our town and discuss the many locations for the Post Office.

I have one question since we are listed as the only single family dwelling on that (north side of Union Street) side of the street, will this change raise my taxes? It is something I can not honestly answer as I do not know. Don (Anderson) do you know? I would say yes as it is in the business district category. My taxes go up and I get to look at another building right on the property line. The size that Post Office is looking for, I do not think would come back that far, but I can not speak for 20 years from now.

Would you possibly agree that if the setback is zero you could have a three story building beside it? That is the way that the Planning Commission is proposing the setbacks now. That does not make sense, you just can't change the setbacks to zero unless you think that they will all be torn down and that is not a very good assumption. I do not think that they will all be torn down. Then this does not make sense you wouldn't want the setbacks for the downtown to go into the residential district. That's a good point. You can change the uses but not the setbacks. I think we can do that. That is an excellent point.

What is meant as matching the facade line? It is the average setback from the street to the buildings on that street. I think it should be to the building that is back the furthest. I think it might be prudent to put everything that is proposed as a conditional use along that street. Where

the DRB would hear it and have no permitted uses except home occupations and single and two family residents. So that the Board and the general public has an opportunity to see precisely what is being proposed and you could leave the setbacks as they are. As this gentleman said and not create a facade line that is bumper to bumper buildings. Something else that could be implemented is making buildings be back as far as the furthest building, not the average as I have looked down the street and they (front of the houses) are at different distances. I would also suggest if someone takes down a house that they have to be back as far as New England Tel, if they want to put up a new structure, as some houses are close to the street and they should be back further. If everything is a conditional use rather than a permitted use it would go a long way in appeasing a lot of the neighbors. If you go back as far as the phone company three lots would not be useable.

That makes sense, as this is a narrow street (Union Street) already. I think it is narrower than other streets and there is only a side walk on one side of the street in the summer and none in the winter. You should allow for a sidewalk that will be maintained and take that into consideration before changing anything on that side of the street (northern side of Union Street).

The side walk on the other side from your house Eldon, is private isn't it? I don't think its the towns?

I think that you could make everything on the north side of Union Street a conditional use, except single and two family dwelling and home occupation, as they are now in the High Density Residential District as permitted uses. I think that we can do that.

I think you should go to the back property lines and build a high fence so that we can't see the parking area, their trash and noise, then tear down the gas stations and put you post office there. It would be a nice boom to the town to have a nice building there without gas stations in town. I don't think anybody would disagree with you, but they are here and we can not kick them out. Well you are kicking us out of our properties in a way. You should make the Post Office buy the gas station and all of our houses if they want to stay.

There are some things that might be done to parking and traffic. The first thing is not to allow the Post Office to have access on Union Street. If they are going to expand do it so that they have better parking and a nicer access onto the street going out that same way. It does not seem that they should have an access on Union Street. I think allowing any business to use a municipal parking lot is a bad idea. They (business) should all have to have there own parking wherever they are located. One way to do this is to monitor the cars on the street, and most don't have very big lots around the building. If they only have two spaces, then you limit the people there to the same number. The use of municipal parking is in our regulations and I believe it in the state law, but don't hold me to that, I would need to check it to be sure. The problem is that our villages were not built for cars and now most families have two cars, so parking is tight in a downtown area. But I think that the any business should only be allowed to park on their own property.

Why is it when I came to people and said I wanted to put in a business in my home they said no, they did not say anything about using a municipal lot. I can not say what took place before I came here but we have not talked about it. Then you can allow parking in a municipal lot. The Development Review Board can allow any and all parking to be in the municipal lot if you are within 400 feet. It comes before that board and they make the decision. That is if it is municipal parking. Is the parking lot by the bank? We know that there is in the agreement. What it is exactly, I could not tell you. Is there a limit on the number of cars in that lot? Probably. The front row is two hour parking, but that lot is usually full.

In traveling around the country I see Post Offices being built in shopping center all over the country and they leave a small village branch for the village residents. As their (Post Office) requirements for parking and truck access as such that they can't be done in a village. They usually leave a small office at the old location rather than close it.

I can't see what your doing in Morrisville the way it is growing is anything more than a stop gap action. They will be going through the same thing all over again in eight to ten years. It looks like you are planning for something like this or light industry south of town. It almost seems logical from what you are saying to have a building there that would meet their regulations there. I think they are looking for an office over there, and an office still here, this what I have been seeing all over county.

In regards to the postal situation I haven't heard any thing about what they are needing for an expansion and parking figures, could you give us that? We are not sure. In my talking with them, it is another two to three thousand feet. They currently have about three thousand feet and would like around twenty cars. The only thing that I can tell you is from talking with Sonny Demars is that his lease is only for two years and time is ticking, I don't know how much time is left. Something needs to be done before it runs out. That does not mean that in two years they are still not going to say that they will stay, but that doesn't mean that they won't leave either. They are looking for a total of five to six thousand feet with good parking and traffic circulation. I do not know if they can do that and have the space they need for parking, strictly on the lot they have. I am not sure a lengthy narrow building will meet their needs, if they decide that is what they need. They need to function economically in the building. I know that they are looking and try to find the answers but I don't know exactly what they will decide.

It looks to me that to get the numbers that they need that they will be tearing down the Leach house and the blue one beside it. I don,t know. Well, that would be conjuncture on my part and I wouldn't go there. What else can you think of to get the space.

Some thing has to be done. I have seen them (Post Office trucks) having a hard time getting backed around and then it takes two or three times to get out. I believe they have big boxes that are fifty-three feet long.

Can you tell us as a Board how you go about approving or disapproving these regulations? And,

what the public can do with them. Everything you guys say here tonight we are going to take under consideration. This is a warned hearing to help us make the right decision. It will go through two more warned hearings before the Trustees and Selectboard. The Planning Commission will take your comments and decide from here to make changes or whether to go forward and pass them onto the Selectboard and Trustees who will each hold a hearing and they have to approve them or they can vote the changes down. If we decide that we need to do more revisions. Then it will start the thirty day warning process all over again. Once the Planning Commission has decided to pass them on to the Trustees and Selectmen they can not hold a hearing for thirty days and must hold a hearing within 120 days. During the 21 days after their decision anyone can get up a petition to have a vote with 5% of the voters. Is that in the town or village? It would be the village if it is only about the village if it is the town or both then it would require 5% of the town. That is voters isn't it. Yes. You (the voters) have all the control. We want your input and thats why we are here tonight.

I have a couple of questions about the rezoning of Union Street and the combination of the bylaws themselves. Can I ask them now or do you want to wait? You have the floor. The first part my information to you, it looks like the setback line is zero, so that you can build right to the line? Yes. Ken Sweetser stated in his letter that the only new use would be offices, is that correct. Home occupation and home industry and government offices and facilities are allowed in all the districts. We broke out parking facilities from government office facilities. We have broke out parking garages in case there are grant monies that become available that we will stand a better chance of getting them when we apply for grants. If it is determined that there is a need for a parking garage. We know if a parking garage is going to be built, it will have to be municipally built, as the businesses in the downtown are not big enough to do one on their own. Are parking lots a permitted use or conditional use? That's a good question since we haven't had anyone apply for one since I have been here. Right now? I guess it would depend on the size of the business if under 3,500 square feet, it would be a permitted use and get site plan review and over that it be a conditional use, but I would have to check it out. David are you thinking of a municipal parking lot or more parking lots for a existing business. An existing business. Ok. If the land becomes more valuable than the houses on it? Possibly. In that area you allow 4,000 square feet per family in going from High Density Residential to CBD that are proposed what are your intension for the second floor of these supposed offices? Now there is nothing? Right. A pretty large change in the list of conditional use to permitted uses. As Tom Bjerke said, you increased the permitted uses and decreased the conditional uses. In addition to that you have changed section 501 from no permits shall be issued by the Zoning Administrator for any use except single and two family dwelling , agriculture and forestry until the Planning Commission grants site plan review approval. To any permitted use, in any district, can be issued by the Zoning Administrator without a public hearing, if the site plan requirements are met. It seems to me that is giving an awful lot of power to the Zoning Administrator and his ability to review projects. That doesn't give the public at large much of a say at any hearing they would have to go to the appeal process. Right. That was something the Planning Commission decided on. It wasn't something that I asked for . It was something that I did not know was legal and we had to do some checking to see if it was, but the statutes does allow for it. If it is going before the

Board as a conditional they will do the site plan review. If I think it will be controversial or think it will be any problems I can kick it to the Development Review Board. The way we left it was at the least, I was going to talk to the DRB chair, before I would say it meets the site plan review criteria. It doesn't say that in here. I believe it says that either the applicant or myself can have the right to have it go to the DRB. But in another section it says you have to do it.

If I can interject here it is sort of vague, 501 says that any permitted use within any zoning district if the site plan requirements in 502 and 503 are met and the only way to satisfy 503 is to have a hearing as stated in here. It says that the Development Review Board may impose the following blah, blah, blah, so the Development Review Board must hear it. I will go back to what I said any of these new permitted uses, should be conditional uses, so it can be heard by the DRB and conditioned by the DRB. And I think that is the key right there. I agree.

I have a problem with that arbitrary 125 foot line. I wonder why you continue to use something that hasn't worked well in the past or hasn't worked very well or causes problems? Why do you perpetuate that? You have tax maps down stairs that show where the property lines are for certain properties which are designated for certain uses. Why don't you follow the property lines they're affected and rezone that way rather than striking off in another 125 feet going through Moran's property with two different zones. It just doesn't make sense? Well it came from when Michael Munson was working with the Planning Commission on two different zoning changes to the Neighborhood Commercial District and to the hospital's Special Use District. He's a profession planner whose suggestion was rather than trying to follow property lines that could be changed or have problems that we were better off to pick a number they (the Planning Commission and Dr. Munson) came up with, the 125' for Main Street for the Central Business District and the Mixed Mercantile/Residential District. Look at the Neighborhood Commercial District along Brooklyn Street that is 250 feet back and that was his recommendation and the Board approved it at that time. I know that the Hyde Park Village had the same situation and they went with property lines. They did really. Maybe it would be helpful to say what bisecting a lot means? Right, it means that the property owner can ask the development Review Board to call the whole lot either as one district or the other. Like the Moran's can go in and ask that their property be Medium Residential or Central Business District. This way they could have their property for either offices or put in a couple of apartments if they wanted to. This is common through out the state.

One solution is that you could move the line back so it bisects all the properties on the north side of Union Street then the owners could decide if they wanted their properties to be offices or residential. I believe that anyone who owns a home there would chose to keep it that way. So with all the other new regulations that they couldn't be anything that has potential of becoming part of Central Business District. Most of the properties on Union Street would be partially in the CBD if the line comes back say 250 feet. They could have been done that way, but the Planning Commission thought it was better to come to the centerline of Union Street and fairer to the neighborhood. It may make better planning sense but, does it allow the owners to decide what they want to do.

Have you considered spot zoning those area? You can't do that David, it violates state law to spot zone. We would get ourselves into law suits and all kinds of trouble. You just can't do it, if we could that would be the easiest. What that means is that you can't just change one lot in the middle of a district. Spot zoning is trying to expand one business over another without changing it for an area. But you could move the line back couldn't you? Yes.

Some specific questions that I had about section 400. It says in your proposed zoning bylaws that all work must be started in the first year and completed in the second year. What happens if the applicant doesn't start the project in the first year and finish it in the second. The permit is not valid if they do not start in the first year, but if they do not finish it in the second year there isn't much we can do. That is in there hoping that they will do it, but the courts have said basically if they did not finish it they did not finish it. As our attorney says its hard to force someone to finish a project, if they are meeting all the conditions of their approval. If they didn't meet the conditions then, that is a violation.

In section 401 it says that the Board of Selectmen will set the fees and in the Village bylaws says the Trustees will set the fees, have you worked it out, so that they get the fees. What has been going on before I came here, was that the Town administers the zoning. When they were talking about changing the fees from the dollar value of your construction to square foot charges. The Trustees said what about the fees? As I recall, it was said that if the Village was going to get the Village fee and the Town the Town fees if the Trustees wanted to pay for half of the cost for operating the zoning and planning office. It was decided that the Town would continue administer the zoning and get the fees. Is that correct Steve? Right on the nail.

Fences, what about fences, existing fences and natural fences like trees it doesn't say about that in your bylaws. By the way fence zoning is new in the Village it never existed before this. Fences were considered structures and if look under structures they have had to meet the setbacks. Now we are allowing fences depending which district you are in the setback are from 15 feet to 25 feet in the rear and 10 to 15 feet on the sides. Instead of putting the fence on a property line, the fence had to meet the setbacks so you and your neighbor could each put up a fence with 10 to 25 feet back from the property lines and you end up with a 20 to 50 foot wide section of no mans land down the middle and that make absolutely no sense. So, what the Board did was to change the fences section, with numerous request so that the fence can go on the property lines. Depending on their size and if they are open or closed as to which is a permitted use or a conditional use. The difference between open and closed is a wire fence is open as where a closed would be like a stockade fence. But if it depends on the amount a fence is open. What about like my cedar hedge. There are no regulations propose, in the past put on trees or vegetation.

As long as we are on fences Sam the Selectboard would like you guys to entertain something so that nothing goes in the right of way, fences or hedges. We don't have controls over hedges but fences and alike are required to be out of the right of ways and on narrow streets less than three rods they I believe have to be back ten feet from the road surface and this came from my talk with Bill Moulton. If you look at the illustrations on page 50 in the bylaw you will see that we cover it

whether you own to the right of way or to the centerline.

One thing that we have found is that they (ANR) have been allowed to put some wells in the right of way. I know the one you are speaking about of but, it was an Act 250 permit with a state engineer, I know I tried to stop it but, it was a state permit. Can we have something in the bylaws that prevent things from going in the highway right of way? I don't know it is something that I will have to researched. I know the situation that you are talking about. So your saying that nothing can go in the highway right of way. It should be up to the legislative body. I know that you have been trying to stop the big rocks out of the right of way. I will do some checking out, its the best I can tell you Steve.

I think one thing that's cause of most of the interest is the Post Office and I think that there might be a conflict of interest or appearance, and I would ask that he (Dan Demars) refrain from voting on anything that would effect the passing or not passing of the Post Office area. Not a problem.

I would like to speak from one perspective as to one property on the corner of Congress Street and Union Street and understand your concerns on the north side of the street (Union Street) and the possible changes. On the corner of Congress and Union, the house we have, we feel it makes sense for our house to be an office. In fact I have had someone look at the house as an office, we actually had an offer and agreed to it, before the deal fell through as Ken said there was no we could do that, and he didn't say that these changes were coming. Right, and the client has called me. I do not know if you or who it was that got the word to him. He has called and wanted to know what the status was, and he did feel it was right to attend or have someone attend for him as he doesn't live here. The couple that is looking at the house, would like to move their business from the Washington D.C. area to here. They proof reads and edit medical text books and journals. They would like to hire one or two people to work in the office. Without it, it hasn't sold for a variety of reasons including not having much land around, it there is a garage roof that actually hangs two feet over the property line. Some of the properties like ours fit better with businesses than with the houses. I feel that if these changes do not go through, that there are some things that could be fixed by adjusting the line that would not be considered spot zoning, as Brooks Drugs is obviously not residential, and there have been businesses there for a long time. The telephone company is another story. We have no idea what Bell Atlantic will do but, they do not utilize the entire building only a small portion. What used to take up the whole building now can be done with new computers that are much, much smaller. We know that other phone companies are liquidation properties and building that are not used much, as it cost a lot for taxes, upkeep and overhead.

The difference between having an office and an apartment in a neighborhood, it is hard with apartments as you do not know who you are going to rent to. You do not know what they are going to be like unless they are your friends. Definitely. Although there is a possibility of increased traffic they will have a limited effect on the neighborhood and you are getting people out of the neighborhood who may have detrimental effect on the neighborhood. Either by screaming at three in the morning or having the police stopping by regularly. It actually might be

a plus for low impact offices but, it is a delicate line on how you control it. You are right that is the delicate line the Board has been trying to walk it for quite some time. No matter what we do, we are not going to please everybody. That why you are here to give us input from this hearing so everybody can think about these issues and try to come up with a fair resolution to all concerned if we can.

I would just like to say that you if you think you are better off with an office than with a house, it breaks up the viability of the neighborhood, and has an effect on the children and depletes the vitality of the neighborhood. I think that depends on the nature of the offices as it would the nature of the apartments. You can deplete the vitality of a neighborhood by erecting permanent apartments as quickly as certain offices can. I think if everything is screened, and parking is monitored the development will not deplete the neighborhood. It does not provide the neighborhood with neighbors and children.

I can say that having an apartment house next to our house has certainly not improved the neighborhood. If I had a choice offices would be there.

They are all valid concerns and we will have to consider them all and come up with a solution that everybody is going to love, if possible.

We meet on every other Tuesday and there are two vacancies, so come on the board.

Why haven't we known about this? We have published our agenda, our schedule in the new paper, as well as, that we are looking for members every month.

My concerns are the taxes and setbacks. Ok.

One of the things I (Don Anderson) am here at the meeting for, is as a representative for the American Legion. We are interested in the setbacks as our building is only two feet from the line. If somebody could remove the brick building and put a building within two feet of our building. With our metal roofing on that big of a building there is a lot of snow that comes off the roof and where the snow going to go. The Town should be interested in this to, as they gave us the American Legion building and if we go out the building goes back to the town. I do not know what the town will do. If something is built there they will have to take care of their stormwater which includes the snow that comes off the roof and parking lot and those criteria would have to be met. So zero setbacks does not mean, that they will actually be able to build on the line as they will have to find some way to deal with stuff like that.

What does the Planning Commission do with historic buildings at this time. We do not have any regulations at this time. I do know that Tom Bjerke and Paul Trudell from the Development Review Board have talk about different design criteria and the idea has been floated around but, has not caught on, as to telling people what they can do with their buildings. Some of the houses on Union Street may be some of the oldest houses in the Village. Our is 1828 and it used to be

where this building is now, it was where the bank is, and where it is now. Yes, they used to move a lot of them around they didn't waste anything. The building where the Post Office is was moved when I was kid.

One thing I think has to be addressed is the lines, living here in the Village is the setbacks by the time I meet the setbacks. To build a shed its right in the middle of my property. You are going to have to come up with something that is going to appease everybody but I do not know how are going to do it. So you are saying that with your lot that you can't do any thing with the setbacks where they are? Right, 15 feet on the sides and 25 feet in the rear. One of the things that the Planning Commission did was cut the setbacks in the Low Density District from 35 feet to 25 feet as it was felt that they should not be greater then the 25 feet in the town.

You can allow for the setbacks. Talking about the character of the neighborhood, you can allow for the different uses without changing the setbacks. This would allow you to keep the character of the neighborhood physically, much more so than with no setbacks. You definitely can't go to zero setbacks just picture this in your mind. Your right it is a good point. As that is what they were designed for, I don't know they probably have changed a lot over the years.

The DRB can grant a variance right? Well variances are very difficult if not impossible to meet the requirements by state law. In the Village they can ask for a waiver and possible in the Town if the regs go through. Because there are some instances when it is needed and makes sense. Variances are extremely rare, for someone to be able to meet the criteria. But Rich correct me if I am wrong but, if I want to put a shed in the setbacks. I would have to go before the DRB and pay that expense. That is correct and it is a \$ 35.00 for a residential use. On top of building my shed I would have to pay \$ 35.00 . That is correct. I do think this needs to be addressed to answer my concerns as well as Don's (Anderson) concerns. You have to do something, becauseo we are paying taxes on that land and it would be nice if we could use it.

Do you know if I am considered fronting on Union Street or Congress Street according to your setbacks, I know but do you. Let me ask you where is your front door. On Union Street. Then I would say Union Street but the drive is on Congress Street. Bob (Moran) you and Don (Anderson) want to figure this out and come back to us. It is Union Street for E-911. Yes, but it is a corner lots so it has two front setbacks. But, their drive is off Congress Street. No. they have a drive off Union Street as well.

In the new proposed bylaws you have addressed exterior lighting. Do they cover the street lights. No. I know that back when Jim Fox was here he tried sodium lights for streetlight in the Village. When we asked him if they were more efficient, and then he metered them they used more power than, the mercury vapor lights. So he went back to the mercury vapor lights. How in the future how are you going control the street lights and are you going to go around with a light meter as you have pretty strict codes. I will try to answer those questions, they do not cover residential uses, and street light. They are for commercial and industrial uses and like a lighted ball field. There were concerns and these are same as what the Boards have been imposing for conditions

for years without having the regulations. What we were doing is reviewing them under section 637 other conditions a Board may place on a permit. If we were challenged I do not know how we would have turned out. The regulations were drafted by Mike Munson who has worked with the Planning Commission in the past, on zoning changes. They were put in that way so we would have the regulations, if we ever get challenged. Gas station islands? Right and light around the building and parking lot lights. Entrance door lights? Yes. The street lights are up to the Water and Light then? Yes, we do not have control over them. So, do the sodium lights use less electricity? I can't tell you for sure because we are not electrical engineers, but that is what they tell us. I don't like them personally, as some people including myself, have a hard time seeing under them. At the Trustees meeting Scott Course, of the Water and Light said that they were going to try to shading their street lights and they have a couple shades on order. They will experiment with those. While we do not have control over the street lights, Scott is looking at coming in line with our lighting standards, if it is practical and makes sense. He has been good to work with.

Is there a municipal parking lot within 400 feet of that street (Union)? If the parking lot at the bank is not municipal then the answer is no.

If I don't speak now will I be able to speak when Cumberland Farms, does their new building. You can speak now or at the hearing because being an adjoiner you will get notified by mail. Can I speak now or at the hearing. You can make comments at tonight's hearing, before either this Board or the DRB anytime as anybody can. I am not against Cumberland Farms, but I have concerns.

The DRB issues written decision that have all the condition in them and they are enforceable.

Just remember it is our neighborhood and they are very narrow streets and people use that street all the time. If this is about the Post Office I think there are other sites. Ok.

The Business Office Park, I do not know how you are going to address that. I do know where the industrial park is was all open fields. How do you hope to achieve this and under whose guidance is that Lamoille County Economic Company. Under the Morrisville/Morristown Development Review Board. How many acres is it? About 73 acres but, some of it is where the bypass will go and the steep banks will take some of that land. We probably will end up to be less than 60 acres. Are there any drawing of what it will look like? No, just descriptions and the Development Review Board will interpreted it. Paul Trudell and I (Tom Bjerke) have been working on that and have talked with the Planning Commission. Yes, they will be out there by themselves and highly visible and it is the entrance to the town. We are working on physical design requirements, towns usually do not do that but, we have an opportunity to do that with this new district by implementing these design standards. This will be specific criteria as to what will be allowed, no vertical siding and no high rises allowed. We are looking for a campus style that will fit in with the residential buildings. It will be paved roads, well landscaped, pitched roofs and things of that magnitude. We are hoping to incorporate these into the bylaws at some point, we

can do it under these regulations. Ten to fifteen years ago developers would have fought you over lighting and landscape, but not today they are considered standard requirements, no matter where they go. If you look at the new Price Chopper and Grand Union they are landscaped and lighted better than in the past. We have improved the old parking lots make them look better and improving safety. We have standard conditions that deal with lighting and landscaping. With subdivisions the Planning Commission has been concerned about these things, and the color of the roofs and things like that. It has given us quite a bit of local control.

A few years ago I went to the Trustees to see about making Village streets one way and they didn't want to hear about it. Maybe its time we went to the Selectboard and see if they want to deal with it. Since Steve is here, I would like to know what the process is to consider one way streets. David I don't know for sure, I assume you would have to get a petition up by 5% of the voters of Town. Why the Town when its a Village Streets? Well the Town controls the streets. I don't know how it would work. I think it might congest it. I don't see that. I would think that it should be so that you could go down Union Street from Congress Street to High Street and alleviate people using Congress and Union Streets. I know at the Trustees meeting last night Donna Phelps said that there are time when the police have to go that way out because they can not get out onto Main Street because of the traffic. That's my point they shouldn't. That is one reason that I would think the police would want traffic going the other way on Union Street, because when traffic is bumper to bumper they can not get out. It does not matter if they have the lights and sirens on, if the traffic has no place to go. They don't need to go up village streets. It does not sound very fair to us. If we want to petition this to make it a one way street to keep people off our streets that we have to sell this to a whole bunch of towns' people, where half of them may feel the other way. We really got us sell this and I know you are listening but, is there any way we can start the process sooner. Is there any way to stop this. Well they are two different things. I know. I am talking about any zoning changes. It has been warned, the meeting are open and you are welcome to come to any of those. Like right now only a few of us have spoken and others won't say how they feel, you don't have a sense of how everybody feels. The ones who won't speak up or won't come to meeting, I don't know what we can do as a Planning Commission if they don't.

To take this issue to the voters you have to have 5% of the town. No, 5% of the Village on the Village Bylaw sections and 5% of the Town and Village if it is about the Town Bylaws. Is it the total population or the voters? The voters.

What is the Village Population? Around 1900 and something in 1990.

Sam thanked everyone for coming.

The hearing adjourned at 9:10 PM.

Other Business:

Rich made a motion to approve the minutes of February 17, 1998 as written.
Dan seconded the motion and it passed unanimously.

Rich said that he could not make the next meeting so it was decided to meet the third and fourth Tuesday in April rather than the first and third.

The meeting adjourned at 9:30 PM.

Respectfully submitted,

Kenneth J. Sweetser, Scribe.