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**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of February 3, 2004

Members Present: Bill Henchy, John Meyer, Kelly Rogers, Bill Bourne (arrived approx 7:30 PM)

Members Absent: Sam Guy, Bruce Tomlinson

Recorder: Mark Leonard, Zoning Administrator (ZA)

Attendees: see attached list

Bill Henchy called the meeting to order at 7:15 PM. This meeting was duly warned as a public hearing to consider proposed amendments to the Morrisville/Morristown Zoning & Subdivision Bylaws, in accordance with 24 VSA section 4404d. The proposed bylaw changes were presented for discussion (a copy of the proposed amendments is included as an attachment to these minutes).

The first proposed bylaw change presented dealt with regulating the placement of storage trailers in residential districts. The bylaw would require such trailers to be parked behind the front line of the principal building (i.e., house) on the site and that such trailers must not be located within applicable setbacks. The ZA noted that these requirements were identical to existing bylaws regulating placement of campers on residential lots. A number of residents of the Pinewood Estates subdivision were present to comment on this proposal as a property in that subdivision, currently occupied by Allen and LeeAnne Godin, has a large commercial-type trailer on its front lawn, immediately adjacent to the sole access point to the subdivision.

Allen Newton stated that he favors the proposed bylaw, noting that the trailer located directly across from his property has been there for some time and is, in his opinion, an eyesore. He asked whether there were any screening requirements and what rules applied to trailers or other similar vehicles placed within the public right-of-way. The ZA responded that there were no screening requirements established by this bylaw and that any vehicles that infringed on the public right-of-way would have to be moved out of it so as not to interfere with the town's road maintenance functions.

Mark Walker asked if there was a time limit for implementing the bylaw. The ZA explained the statutory requirements for adopting or amending the bylaws and said that once they were in effect, persons in violation would be contacted and asked to bring their property into compliance. Persons not doing so would be subject to the enforcement penalties provided for in the bylaws. The ZA said that he would take a 'common sense' approach to trailers placed on properties during construction, allowing them to remain while a project is underway, but contacting the owner should the trailer remain once the project is completed.

Tony Cleveland also referred to the trailer on the Godin property as an eyesore, noting that the subdivision has covenants that are supposed to prevent such vehicles from being parked in this manner. He said that anywhere that the Godins might move the trailer to on the property to comply with the proposed bylaw would still be prominently visible to the adjoining properties. He noted that since trailers are 'movable', using one as a permanent storage facility avoids having it assessed for property taxes.

Dave Campbell asked whether regulations on junk cars apply to this situation and noted that this property has a number of seemingly abandoned/inoperative boats and their trailers in addition to the storage trailer. He asked how the bylaw would apply to renters (rather than property owners), and stated that he is concerned about his property being devalued by having this trailer so prominently located at the only way in and out of the subdivision. He proposed limiting to one the number of storage trailers that could be on a given property, in addition to the restrictions on where such trailers could be placed. The ZA responded that the town's ordinance on outdoor storage of junk and junk vehicles regulates that activity separately from the zoning bylaws. The zoning bylaws can be

enforced against a renter, but the only means to attach a judgment on the property for non-payment of any fines that might be imposed by a court would be to take action against the property owner.

Allen Godin said he felt that this proposal was a 'vendetta' against him. He cited 24 VSA 4302d on the purpose and goals of laws governing land development, which states that 'all plans and regulations ... shall be based on surveys of existing conditions and probable future trends, and shall be made in the light of present and future growth and requirements, and with reasonable consideration for the landowner, to topography, to needs and trends of the municipality, the region, and the state, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas, and with a view to conserving the value of buildings'. He said that there were no surveys indicating a need for this regulation and that he was being singled out by it. He said he had a problem with the way laws are being adopted regarding what people could or couldn't do on their property.

John Meyer advised Mr Godin that the Planning Commission relies on the ZA's input when drafting proposed bylaw amendments to address valid concerns that are brought to his attention by members of the community. Bill Bourne, referring to the cited statute, said that the Commission must consider character of the area, suitability for particular uses in relationship to surrounding areas, and the impact of various land uses on the property values of those who are affected by those uses, along with reasonable consideration for the landowner. The ZA stated that the proposed bylaw would apply to all residential zoning districts and that he knew of several other trailers in other parts of town being similarly used as storage structures that would be subject to the proposed restrictions. Kelly Rogers added that the proposal would also regulate future uses, not just those existing today. Select Board chairman Brian Greenia stated that citizen concerns and objections about such trailers at various locations around town had been brought to the Select Board's attention on many previous occasions. Bill Henchey noted that the Planning Commission is sensitive to concerns about becoming the 'design police' by imposing rules on the appearance of structures and has avoided doing so.

Mary Collins said that this issue had polarized her neighbors in Pinewood Estates and hoped that they could work together to help resolve it. She said the Godins were a nice family and that this issue shouldn't cause problems, especially for the children involved. LeeAnne Godin said that they had asked for their neighbors' help on various unrelated issues, such as dogs running loose in the area, but had received none.

The remaining proposals were reviewed. Those dealing with height restrictions, permit exemptions, conditional use fences, temporary signs, and review of subdivision access plans on state-maintained roads were accepted without comment. Julia Compagna voiced support for the proposed permit requirements for ponds. Roy Marble questioned the need for them, expressing concerns about the town's technical expertise to regulate pond design and construction, any liability the town might incur by doing so, and noted that the state already regulates ponds above a certain size. Brian Kellogg opined that requiring pond permits would provide adjoining property owners the opportunity to weigh in on such projects before they are created. Bill Henchey, who has installed numerous ponds, said that he's seen more and more poorly designed and constructed ponds that can have very destructive impacts on down-stream properties. He explained that the Commission had sought out and reviewed pond regulations from other towns and had heard from pond construction experts in drafting the proposed permit requirements. He agreed that the town attorney should examine what, if any, liability the town might incur by issuing permits. Bill Bourne said requiring permits would raise awareness of the risks and liabilities for property owners who want to put in a pond.

Jim Pease, a member of the Morristown Conservation Commission and employee of the Agency of Natural Resources, explained how the proposed stormwater treatment review criteria for conditional uses would cover only those relatively few projects that would not otherwise be subject to state stormwater permit requirements. He said the review criteria would be relatively easy and inexpensive to comply with, given the soils in the town's commercial and industrial districts where the standards would mostly apply. Meeting the standards in those rare conditional use applications in residential districts should be easy as the capacity of the land in those areas to disperse stormwater runoff is far greater than in the more densely developed commercial and industrial areas.

Roy Marble echoed his earlier views on ponds, saying that stormwater standards are beyond the town's ability to effectively monitor, are already well-regulated by various state agencies, and would create additional burdens on property owners seeking to develop their land. He felt that the town should be moving toward less regulation, rather than more.

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Kevin Lane expressed his opinion, both as a former Planning Commission member and current Conservation Commission member, that the Planning Commission tends to take a conservative view of landowner rights, preferring fewer restrictions when appropriate.

Bill Henchey said that he wanted the absent members to have the opportunity to review the minutes from this evening's meeting before voting on whether to make any changes in the proposed amendments or forwarding them on to the Select Board.

The next planning commission meeting will be on February 17, 2004 at the Tegu Building on Portland Street. The consultants hired by Lamoille County Planning Commission to study access management and land use issues along Route 100 will present the results of their work to date and solicit comments and local concerns from the public.

John Meyer moved to accept the minutes of the January 6, 2004 meeting. Kelly Rogers seconded the motion and it passed unanimously. Bill Henchey moved to adjourn; Bill Bourne seconded that motion and it passed unanimously. The meeting adjourned at 9:15 PM.

Respectfully Submitted,

Mark Leonard, Recorder

Minutes approved on: 3/16/04

BB/BK