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MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
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Minutes of January 20, 2009

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

Members Absent: Steve Berson,

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

Guests: see attached

Chairman Bill Henchey called public meeting to order at 7:00 pm and reviewed the agenda. He recapped the yearlong bylaw revision process, saying that the Town Plan adopted last March provided the framework for changes now being considered. He also described how the separate issue of the Village of Morrisville's Act 250 permit for sewer plant expansion and its associated plans for a designated Sewer Service MarketArea (SSMA) folded into some of the proposed changes. He reviewed the next steps in the process, with the Planning Commission forwarding the proposal to the Select Board for its consideration and action.

Bill Rossmassler reviewed each of the proposed changes as outlined on the Summary of Changes (attached). Various minor corrections or adjustments to the change descriptions were made. The ZA noted that the summary did not mention the adjustment of the LDR/SUD boundary along Mansfield Avenue. That was corrected.

Jennifer Desautels, of Trudell Consulting, spoke on behalf of their client CCS Development Corporation regarding proposed changes to the district boundaries and setback requirements on the CCS (formerly Langdell) property (parcel #08-090) located along VT Route 15, Center Road, Trombley Hill Road, and Frazier Road. The Commission had previously proposed to extend the Commercial District boundary to include the entire 44-acre parcel and to establish a 200-foot minimum road setback along the portion of the District with road frontage on Trombley Hill and Frazier Roads.

At the last meeting, the Commission adopted a compromise position that the setback along Trombley Hill would begin with the 45-foot setback at the Center Road-Trombley Hill intersection and extend on an angle from that point to a point 200' back from the centerline of Trombley Hill Road on the adjoining Lambert property (parcel #08-091). Ms Desautels reviewed a letter to the Commission (copy attached) conveying their clients' view that the proposed tapered setback would unduly restrict development in the portion of the property most suitable for commercial and/or multi-family residential use. They would like the setback to remain 45 feet from any roadway centerline, as is the case in the rest of the Commercial District. After discussion, the Commission confirmed its intention to retain the tapered setback.

Bill reviewed the proposed 75,000-square foot limit on any stand-alone retail structure. He cited the survey conducted during the Town Plan revision which found a majority of respondents in favor of some sort of limit. He noted that the existing grocery stores are in the 50-60K square foot range. He said it was the Commission's intent, backed by community opinion, to preclude "big box" stores.

Proposed landscaping standards for subdivisions and conditional uses, based on Stowe's bylaws, were reviewed. Bill explained the Commission's desire to provide clearer guidance for the DRB on landscaping requirements for these applications, adding that it would help applicants when they began the review process to have specific standards.

Bill Rossmassler went over the background, rationale, and requirements for the SSMA Primary Agricultural Soils (PAS) provisions being added to the Environmental Protection Area (section 340) bylaws. He said the provisions were designed to address Act 250 permit conditions imposed on the Village for its sewer plant expansion in order to prevent loss of PAS and to avoid 'sprawl'.

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Art Sanborn, Lamoille Economic Development Corporation (LEDC) director, spoke about several items in the proposed Business Enterprise (BED), formerly Business Office Park (BOP) district. He said the area was uniquely sited to fall under the provisions of the Governor's recently proposed 'Green Growth Initiative', citing it's access to nearby hydro power facilities and potential for other alternate energy sources. Art expressed concern about existing and proposed prohibitions on 'noise, vibration, odor, smoke, dust, or glare…exceeding that typically found in an office building setting' (section 216.1). He said these prohibitions were not consistent with the allowable Light Industry use in the district and could be used by opponents of any such development to stymie what would otherwise be a suitable use in this district.

The ZA noted that all uses in the BED are conditional uses and existing conditional use standards prohibit 'undue water, noise, or air pollution'. This standard should allow the DRB to evaluate a project in terms of impact on surrounding uses without the specific prohibitions in the BED.

Heather Sargent wondered about the impact on potential residential uses if the existing prohibition were removed. The ZA noted that the primary purpose for the BED was commercial, non-residential.

Leon Whitcomb said he would like the current language to remain, perhaps with some sort of decibel rating used to establish the maximum allowable noise level. The ZA advised this would be extremely difficult to monitor and enforce. Kelly said such a rating might provide guidance to developers without being mandatory.

The Commission decided to change the standard in section 216.1 from 'typically found in an office building setting' to 'typically found in a light industrial setting'.

C.C. Turley asked what the basis was for the Commission's decision to reverse itself and not include retail uses from the BED. Bill said the Commission was not in favor of retail within the BED but had initially acceded to the request of BED property owners. He said the Commission had initially included retail among the new uses proposed within the BED, but was persuaded by MACC's presentation, buttressed by a petition with almost 200 signatures and a letter from the Conservation Commission, that retail in the BED was not consistent with the Town Plan goals dealing with preservation and revitalization of the Village central business district. He stated the Commission's belief that it was the lack of infrastructure within the BED, not the restriction against retail uses, that had stalled development within the district and noted that BED property owners, together with Town and Village officials, were now working together to address this shortcoming.

Leon Whitcomb praised the Commission for its hard work over the last year to produce the proposed revisions and thanked them for their volunteer service.

On a motion by Max, seconded by John, the Commission voted unanimously to forward the proposed changes, with the corrections and amendments noted tonight, to the Select Board for its action.

Minutes of January 6, 2009 were reviewed and accepted as presented.

The meeting adjourned at 8:50 PM.

Respectfully submitted: Minutes approved on: 2/3/09
Mark Leonard