TOWN OF MORRISTOWN PLANNING COUNCIL
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
43 Portland St. Morrisville, VT 05661
5:00 PM Tuesday, January 24, 2023

This meeting will be held in person only.

CALL TO ORDER

p. 2-3 1. Prior Council meeting minutes

DISCUSS

p. 4-5 1. Smaller lot sizes in LDR Zone to incentivize more single-family homes & extension of MW&L services

p. 6-9 2. 2023 zoning changes from DRB language issues

p. 10-23 3. Letter to Selectboard for 2 short-term rentals, or allow new STR construction, & rental registry

p. 24 4. Town Plan objective (bury utilities downtown)

p. 25-26 5. Candidates for open Planning Council seat

ADJOURN

PLANNING COUNCIL MEETING MINUTES
OF JANUARY 10, 2023

Members: Joshua Goldstein, Etienne Hancock (Chair), John Meyer, and Tom Snipp

Absent:

ADMINISTRATION and STAFF: Zoning Administrator Todd Thomas

PARTICIPANTS/GUESTS:
Conservation Commission Co-Chair Ron Stancliff, Tim Magee, Tom Cloutier, Martin Green, Bob Provost, Dave Hibma, Jim Lovinsky, Damon Lee, and Gary Bourne

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CALL TO ORDER

1. **Prior Council meeting minutes**

   Member Meyer moved to approve the December 14th meeting minutes. A vote of 3-0 affirmed the motion (Member Goldstein arrived after this vote).

DISCUSS

1. **Development & density bonus for all-electric bldgs**

   Jim Lovinsky, the Executive Director of Lamoille Housing Partnership, explained how he recently constructed a 24-unit all-electric apartment building on Hutchins Street. He added the solar panels on the roofs of electric buildings were important to offset the cost of Vermont's higher electric rates. Bob Provost, the developer of the soon-to-be 23-unit Jersey Heights townhouse development, said the current building codes pushed him into doing an all-electric development when he breaks ground in the spring. He encouraged the Council to investigate Williston's point system for energy efficiency, as well as the transfer of development rights (which are often quite attractive to developers). The Council turned its attention to incenting the retrofit of fossil fuel fired buildings to electric. It was agreed that grid capacity conversations at MW&L would be needed before such a policy could be put into place. A town program that traded Selectboard tax stabilization in exchange for all-electric building retrofits was also discussed.

2. **Review of initial 2023 zoning changes from DRB**

   Mr. Thomas led the Council through an initial review of the DRB language interpretation issues from the fall that had to wait to be reviewed until the then pending zoning changes were approved. From these changes, the Council, by consensus, agreed to the proposed §204 Waiver calculation language and the revised §820.5 Street naming process change. Mr. Thomas was directed to make further edits to §206(a) Architectural Repetition, and §§206(d)&(e) regarding the currently ambiguous requirements for front porches and public entrances when a corner lot was under consideration. Mr.

Thomas said that he would make these additional edits for the next Council meeting,

3. **ZBL language issues from Dec 14th DRB meeting**

The Council discussed language interpretation issues from the December 14th DRB meeting. From this discussion, it was agreed that the Dwelling Unit Two-Family use would be regulated under §206 Design Criteria as part of the next zoning change, and §206 Design Criteria regulation would also be expanded into the Medium Density Residential (MDR) Zone. After a lengthy discussion, and citing the current housing crisis, Council Members declined to remove the Dwelling Unit Two-Family use from the MDR Zone. However, it was agreed that Mr. Thomas should further edit §206 to ensure that new garages had to be setback from the front plane of new buildings. Mr. Thomas was also directed to propose alternate front setbacks (minimum and maximum) for the Council to consider in the MDR Zone. Member Goldstein reiterated his preference for having buildings as close to the road as possible in a village or commercial setting. Mr. Thomas also agreed to study revising the §204.5 allowance for multi-family dwellings in the Commercial Zone, and to revise the §510(n) requirement for walking / hiking trails in the dedicated open space of a conservation subdivision, towards the goal of ensuring public access to the open space when the development is accessed by a private road system.

4. Town Plan Implementation Plan 1-year letters

The Council discussed its Town Plan Objective letter that encouraged the Selectboard to create a Housing Committee. Mr. Thomas said the Town Administrator seemed initially opposed to its creation, especially if the committee would be standing and not temporary. Mr. Thomas instructed the Council that they would need to attend the next Selectboard meeting to lobby for the committee's creation if it were to become a reality.

ADJOURN

The meeting adjourned at 7:20 PM, submitted by Todd Thomas, Planning Director

Please note all minutes are in Draft form and are subject to approval at the next Planning Council meeting.

Todd Thomas

From: Todd Thomas
Sent: Thursday, December 15, 2022 10:34 AM
To: Damon Lee
Cc: Brian Hamor; Tyler Mumley
Subject: RE: Thanks
Attachments: Planning Meeting Minutes 12.13.2022.doc

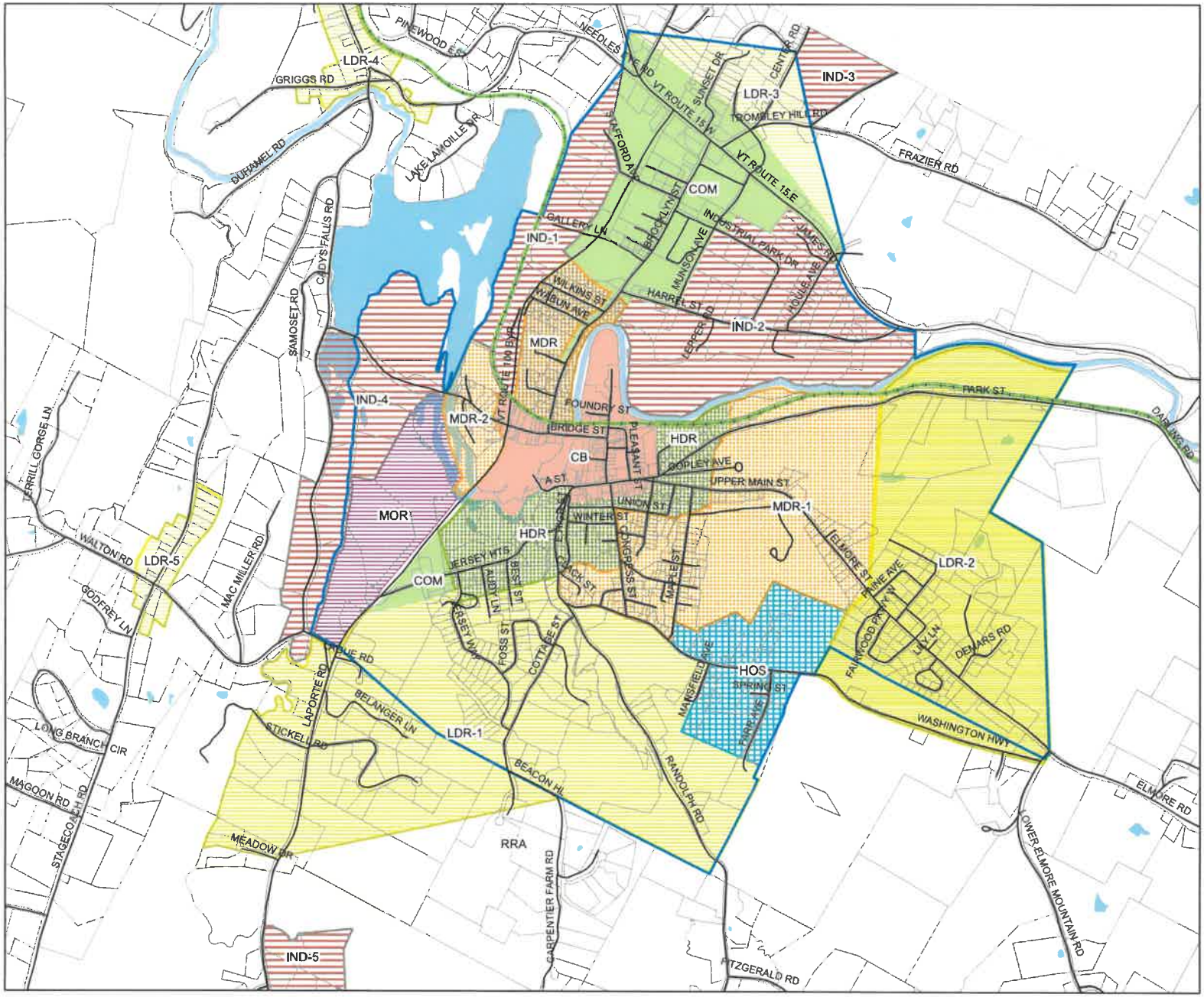
Thanks. I thought the Beacon Hill portion of the meeting went great (or at least a heck of a lot better than the 1st & 4th hearings of the night). Congrats on the approval. I will email out a draft DRB decision for Tyler and you guys you to review before it is finalized next week. Tyler and I have already been talking today about alternatives to having a surveyor blaze the Spaulding property line. We can all figure out that Spaulding property line wording together when I start to draft it next week.

Regarding the Planning Council meeting, the minutes from Tuesday night are attached. The portion of them that talks about you guys and your development is also pasted in beneath this paragraph (and highlighted in yellow fill). Please let me know if you will be able to attend, and what your initial thoughts are. I think this should be a win for you, or it simply may not matter). Thanks!

Public Hearing: Legislative Bodies Zoning change approval votes *– Planning Director Thomas shared that the Selectboard & Village Trustees approved the 2022 zoning changes last week with only two minor edits. These edits included not moving forward with the proposed steep slope regulation portion of the Section 340 Environmental Resource Areas revision, and only deleting the paved road clause of the Section 510 Conservation Subdivision's density bonus. The conversation then turned to the directives provided by the Selectboard for the 2023 zoning changes. Mr. Thomas said that he had already drafted 2 of the 3 Selectboard requested zoning changes, with the unaddressed item being the directive to allow residents to have short-term rentals on 2 properties outside the village (instead of just the 1 property now currently allowed). The Council agreed by consensus to send a reply letter to the Selectboard, which Mr. Thomas would draft for the next Council meeting, that stated the difficulty with allowing additional short-term rentals without better data regarding the actual number of short-term rentals located outside the village. It was also decided that such a request would likely require the creation of an annual short-term rental registry (which would have the added benefit of ensuring building code compliance), but allowing more than one short-term rental property per person could* ***not be handled within the existing regulatory framework.*** *The Council instead centered its discussion on efforts to increase housing stock instead of allowing more short-term rentals, which (net) take away from the available housing stock and compound population already being lost due to the shrinking US household sizes. Incentivizing the development of more single-family homes via smaller minimum lot sizes (with Class 1 Development) was discussed, particularly in the Low Density Residential Zone, while also potentially increasing the minimum lot sizes in this zone for Class 3 Development. Upon request, Mr. Thomas said he would work with MW&L to roughly show areas in the LDR Zone where sewer lines could be extended to facilitate the development of more single-family homes in the Village. It was decided that Damon Lee and Brian Hammer, the developers of the new single-family housing development on Beacon Hill, should be invited to the January 24th Planning Council meeting where these efforts, and short-terms rental regulations, would be discussed in more detail as distinct agenda items.*

From: Damon Lee <damon@165beaconhill.com>
Sent: Wednesday, December 14, 2022 10:31 PM
To: Todd Thomas <tthomas@morristownvt.org>
Cc: Brian Hamor <brian@165beaconhill.com>
Subject: Thanks

4



Morristown Zoning Map
Village Zoning
2021

Legend

Zoning Districts

- CB
- COM
- HDR
- HOS
- LVRT
- IND
- LDR
- MDR
- MOR
- RRA
- Sewer Service Managment Area
- Parcels

CB	Central Business
COM	Commercial
HDR	High Density Residential
HOS	Hospital
IND	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MOR	Mixed Office Residential
RRA	Rural Residential with Agriculture

0 0.25 0.5 Miles

N

Data Sources

Zoning: 2017 Morristown data. Provided by Lamoille County Planning Commission for Planning Purposes. Updated 2019 by Fitzgerald Environmental Associates, LLC

Sewer Service District Boundary: 2015 Morristown data. Provided by Lamoille County Planning Commission for Planning Purposes; Updated 2019 by Fitzgerald Environmental Associates, LLC

Parcels: Morristown data. 2017, by CAI Technologies

Surface Water: VCGI for VHD-USGS, 2001

Political Boundaries: VCGI, 1991

5

204.5b **Dimensional requirements**. Development Class, Minimum lot sizes, areas, frontage and setbacks in each zone are shown in the following table: 6 Additional Requirements.

Dimension Table	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Development Class	1	1	1	1,2*&3*	1	1	1	1,2**&3**	3
Minimum Lot Size	1,500	10,000	4,000	40,000	8,000	2,000	4,000	10,000**	80,000
Minimum Area Single-Family	750	10,000	4,000	-	8,000	2,000	4,000	10,000**	80,000
Minimum Area Two-Family	1,500	10,000	10,000	-	16,000	4,000	10,000	-	-
Minimum Area Multi-Family (per unit)	No limit	2,000***	-	-	-	2,000****	-	-	-
Minimum Lot Frontage	20	50	50	50	50	20	50	50	50
Maximum Front Setback	~~58~~	-	-	-	-	-	-	-	-
Minimum Front Setback	-	30	35	50	35	- / 8^	~~35~~25	35	45
Minimum Side Setback	-	5	5	10	10	-	5	10	15
Minimum Rear Setback	-	5	10	10	10	10	10	15	15
Minimum Shoreline Setback	50	50	50	50	50	50	50	50	50

Correction per 207.3(e)

Front setback maximums here HDR + MDR

new MDR front setback minimum

* = IND Zone Class 2&3 Development allowed in IND#2 (Houle Ave.. frontage to the east), IND#3, IND#4 (west of Ryder Brook only), & IND#5

** = Areas of LDR Zone with Class 2 Development require a 15,000 ft2 minimum lot size per family, and areas of the LDR Zone relying on Class 3 Development require a 25,000 ft2 minimum lot size per family

*** = The Dwelling Multi-Family use is only allowed ~~in when at least 51% of the residential use is located on upper floors~~ when a Business Services, Restaurant, or Retail Sales of Goods & Services use, or a combination thereof, is provided on 50% of the ground / first floor of the building.

**** = 4,000 ft2 of land area per Dwelling Unit is required on Brooklyn St (not 2,000 ft2 as required elsewhere in the HDR Zone)

^ = An 8 foot minimum front setback is required only in the HDR section of Brooklyn Street

Section 205. General zoning requirements. In addition to the use and dimensional tables found above in §204a and §204b, all zoning application shall comply with Article III Special Protection Areas, the General Regulations found in §400-§499 of these Bylaws, and §500 Site Plan Approval.

Section 206. Design Criteria. The Zoning Administrator or DRB may require the submission of a proposed building rendering to ensure that the below design criteria requirements are met for Dwelling Unit Multi-Family ~~uses~~, Dwelling Unit Two-Family, and business uses in the following zones: CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, ~~&~~ HDR, & MDR.

new garage rule

a. Accessory structures. Accessory structures such as garages, barns, and sheds shall be located at least 10 feet behind the primary structure in relation to the all road frontage.

More specific architecture repitition rule

~~a.~~b. Architectural repetition: Each ~~architectural building~~ Dwelling Unit proposed shall be architecturally different than the adjacent ~~building~~ Dwelling Unit. Building articulation of 2 feet or more or the use of a different roof design (ex. flat, gable, gambrel, hip, shed) are minimum requirements to avoid "architectural repetition" between otherwise identical dwelling units.

~~b.~~c. Blank walls: Blank walls shall not face any Street on which the property has frontage. A blank wall is a building wall that has an expanse of 30 feet in length or greater without fenestration, building articulation or ground level doorways.

new cladding rule

d. Cladding: The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.

~~c.~~e. Exterior Access: To encourage townhouse style development in the HDR Zone, all Dwelling Units shall provide a private entry/exit door that accesses at ground level.

revised front porch rule for corner lots

~~d.~~f. Front porch~~es~~: All ~~new multi-family~~ residential construction must include a front porch~~, front deck, or front patio equivalent,~~ with a minimum size of 8 feet by 6 feet, located on the ~~portion~~side(s) of the building that parallels ~~any~~ existing or new public sidewalk(s) (as required by the Morristown Sidewalk Policy).

revised public entrance rule for corner lots

~~e.~~g. Public entrance~~s~~: ~~Structures~~All Dwelling Units shall include at least one ~~active~~functional public entrance ~~along~~ that faces the parcel's Street frontage. In the case of a corner lot, additional public entrances are only required if a sidewalk is present along the additional frontages.

~~f.~~h. Loading docks & garbage storage: All loading docks and garbage storage and pick-up areas shall be located in the rear of Buildings and away from public right-of-way, and then residential uses. When said location is not possible, screening shall be used to obscure these areas from view of the public right-of-way.

~~g.~~i. Outside space: All new dwelling unit multi-family uses shall include 24 ft2 of exterior outdoor space per unit that may be comprised of any combination of the following: a common roof-deck, a common area deck or porch, a common lawn area (5% grade or less), or a private deck, porch, or patio that is attached or adjacent to the dwelling unit.

~~h.~~j. Rooflines: Rooftop mounted mechanicals and flat roofs shall be screened by extended parapets or projecting cornices, or located so they are not visible from any Street. Space enclosed by parapet walls, including head-house access to a rooftop, shall not count towards the Building Height measurement, nor §207b.

~~i.~~k. Parking: In addition to the parking requirements found in §450, other than handicapped parking, parking shall be located to the sides or rear of buildings. No Parking Space Off-Street shall be located between the building and the road where it derives its frontage.

~~j.~~l. Pedestrian and bicycle infrastructure: If called for by the Morristown Sidewalk Policy, development shall include sidewalks along the parcel's Street frontage to ensure pedestrian connectivity to adjacent parcels. This frontage sidewalk shall be physically connected to the walkway to the Building's main entrance. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.

~~k.~~m. Lighting: A lighting plan that demonstrates compliance with Section 490 of the Bylaws.

~~l.~~n. Utilities: Utilities shall be underground.

~~m.~~o. Waiver. The DRB may grant a Waiver for any and all design requirement of this section along said Streets if doing so meets at least two of the goals specified in §204.4.

Section 207. Historic Preservation Criteria.

207.1 Goals: The goals of the §207 Historic Preservation Criteria are to (1) protect the built character of the Morrisville Historic District (referred to hereafter as the MHD), (2) ensure that the built forms of the remaining "Contributing Structures" that are protected by this Bylaw remain in perpetuity, (3) protect the unique and rich late 19th Century architecture found on the main commercial thoroughfares in the MHD), and (4) provide a minimum set of prescriptive requirements to ensure that the front and side facades of new buildings constructed within the MHD reasonably match the architectural features commonly found on nearby Contributing Structures.

207.2 Applicability: The following Historic Preservation Criteria are required for Dwelling Unit Multi-Family

f. Disturbed Areas within Open Space: These aforementioned "acceptable uses of the open space" in §6e shall not disturb more than ½ of dedicated open space from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place (ex. the regrading & replanting of a gravel pit).
g. Open space shall not include land set aside for the road's right-of-way.
h. Dedicated open space may be used for sewerage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.
i. Stormwater drainage systems may be allowed in the open space if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.
j. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime ag area.
k. The ownership of the Open Space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Village, Town of or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
l. A maintenance easement shall be granted to the Town ~~if the open space is to be retained in private ownership or to be owned by the homeowner's association. Said easement over such land shall~~ to ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment of such maintenance.
m. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for construction within the subdivision. When no visual distinction exists along the boundary of a subdivision lot and the protected open space (ex. in an open field setting), the use of boulders unearthed during construction, blasted ledge, split-rail fence, street trees (per §505 d&e of the Bylaws), tree blazing, signage, or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment, or by abutting landowners.
n. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths. 1. To foster connectivity between neighborhoods, the trail system must also provide direct access to the public or private road that the proposed conservation subdivision is accessed from. 2. Public access to any trail system in the dedicated open space shall not be restricted via the private status of the streets within the development.

Chose #1 or #2 for the trail access guarantee on private development roads

8

Permitted Use - A use that is specifically allowed in the district for which it is proposed. After determining that an application conforms to district regulations established by this Bylaw, the Zoning Administrator may issue a permit without public hearing or notice.

Planning Commission (a/k/a Municipal Planning Commission) - The Morristown-Morrisville Joint Municipal Planning Commission established in accordance with 24 VSA, Chapter 117, §4321 & §4327.

Plat - A map or representation on paper, or mylar of a piece of land subdivided into lots and streets, drawn to scale.

Prime Ag Soils – Land designated on the Vermont Agency of Natural Resources "Natural Resource Atlas" website as "Prime" or "Statewide." Any other designated agricultural land on said website, such as "Prime (b), Statewide (a) or Local, shall not be considered Prime.

Primitive Camp – A dwelling unit allowed in all zones, whose occupancy, per the Vermont Wasterwater System and Portable Water Supply Rules, shall not exceed 3 people, and whose use shall not exceed 3 consecutive weeks per calendar year, nor exceed a total of 60 days per calendar year, that has no interior plumbing except for one sink with water. Primitive camps may contain a composting or incinerating toilet that does not yield a liquid provided its contents are disposed of in compliance with said VT Rules.

Professional Office - Rooms used for conducting the affairs of a business, profession, service, industry generally furnished with desks, tables, files and communication equipment. New definition to define what a Public Entrance is per Section 206 Design Criteria

Public Entrance – An exterior door that provides public access to an interior common area or hallway with 2 or more private doorways to residential apartments, commercial units, or communal storage space.

Public Water System - Any water system owned by the same person that supplies water for public, domestic, commercial or industrial use to ten or more households by pipe connection or by containers.\

Reasonable Modification - A structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable Modifications include structural changes to interiors and exteriors of dwellings and common and public area uses. Any request for Reasonable Modification shall be reasonable and demonstrate an identifiable relationship between the requested modification and the disability.

Recreation Facility - Includes bowling alley, theater, pool hall, skating rink, gymnasium, swimming pool, hobby workshop, golf course, golf driving range, shooting/archery range, tennis court, riding stable, park, beach, recreation stadium, ski trails, and other places of outdoor public or commercial recreation.

Recreational Vehicle – A vehicle built on a single chassis, 400 ft2 or less in size (measured at the largest horizontal position), designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreation or seasonal use. This use includes "campers."

Residential Use - Dwelling Unit, Single-Family, Dwelling Unit, Two-Family, Dwelling Unit, Multi-Family, group homes serving no more than eight qualifying persons.

State of Vermont Chartered in 1781
MORRISTOWN

Planning Council
PO Box 748
Morrisville, VT 05661

Phone: (802) 888-6373
Fax: (802) 888-6377

24 January 2023

Dear Members of the Selectboard,

At the conclusion of the 2022 Zoning Bylaw approval process, the Selectboard directed the Planning Council to further study the newly expanded zoning restrictions on Short-Term Housing[1]. These new restrictions, which allow the Short-Term Housing use as either Permitted or Conditional in all zones, limit said use to properties that are Owner Occupied[2]. Under these rules, all properties owners in our town can short-term rent a combination of their primary home, accessory apartment, or tiny house (if those accessory dwellings exist). The Zoning Administrator interprets this regulation to mean that 2 of the possible 3 dwellings allowed on each Owner Occupied property can be short-term rented at any one time. Contrary to public discourse, our new zoning rules do not prohibit short-term rentals. They simply prohibit people or companies from buying multiple houses across our town for the purpose of running a commercial lodging business (typically in residential zoned areas). The Planning Council believes the new town-wide owner occupancy requirement ensures that the owners of short-term rentals are more accountable to their directly adjacent neighbors for their guests' behavior, while also curbing the accelerating rate that much needed local housing stock was being converted into short-term rentals.

The Selectboard's request, as the Council understands it, would allow Town Residents to short-term rent two separate properties (an owner occupied property and a non-owner occupied property). This proposal effectively allows every property owner in town to have a 3rd short-term rental (which is in addition to the 2 short-term rentals already allowed). The Council is dubious as to the public benefit of allowing a 3rd short-term rental if that additional rental unit could be located far from where the owner lives and/or further subtract from the availability of our existing housing stock. Without certain safeguards, such a policy will undermine the two main goals of the new zoning regulations that attempt to make the owners of short-term rentals accountable to their immediately adjacent neighbors while curbing the conversion of existing homes (that are needed by people who actually want to live and work in our town full-time) into short-term rentals. However, if desired, the Council could attempt to craft a new regulation that allows all owner occupied property owners a 4th dwelling unit provided said unit was purpose built as a short-term rental (thereby again discouraging the conversion of existing housing). The Council firmly

[1] **Short-Term Housing** is defined by the Zoning Bylaws as follows: "A Structure or combination of structures on the same lot that is required to be Owner Occupied, renting Bedrooms to persons for a period of fewer than 30 consecutive days. Short-term Housing containing 8 or less Bedrooms (maximum occupancy 16 people), must be approved by the Division of Fire Safety, and have a valid State waste-water permit. Short-Term Housing with 4 Bedrooms or less (maximum occupancy 8 people) is exempt from the above local permit requirements. The Short-Term Housing use is not a Hotel, Inn or Motel use, with said use regulating 9 or more bedrooms for 17 or more people.

[2] **Owner Occupied** is defined by the Zoning Bylaws as follows: "Where owner occupancy is required by the Bylaws, Owner Occupied shall mean occupancy of the premises by the property owner, where the subject property is the owner's primary Vermont residence."

believes that this newly constructed short-term rental unit must still be located on an owner occupied property. This key provision ensures that the owner of this short-term rental will still be accountable to his or her directly adjacent neighbors (and share any disruption caused by his or her short-term rental guests equally with said neighbors).

Please be advised that the Planning Council will be meeting with Julie Marks from Vermont's Short-Term Rental Alliance advocacy group on February 14th. If additional edits to the Town's existing zoning for Short-Term Housing is still desired after reading this letter, Selectboard Members are cordially invited to attend and participate in this conversation. Ms. Marks will likely argue that the Town's newly expanded zoning for Short-Term Housing is too strict, so we are expecting a lively back-and-forth discussion that evening. Thank you again for your attention regarding this very important topic.

Sincerely,

Etienne Hancock, Chair
Morrisville/Morristown Planning Council

Showing Josh's suggestion as proposed edits on document

VTSTRA

POLICY GUIDE FOR VERMONT MUNICIPALITIES

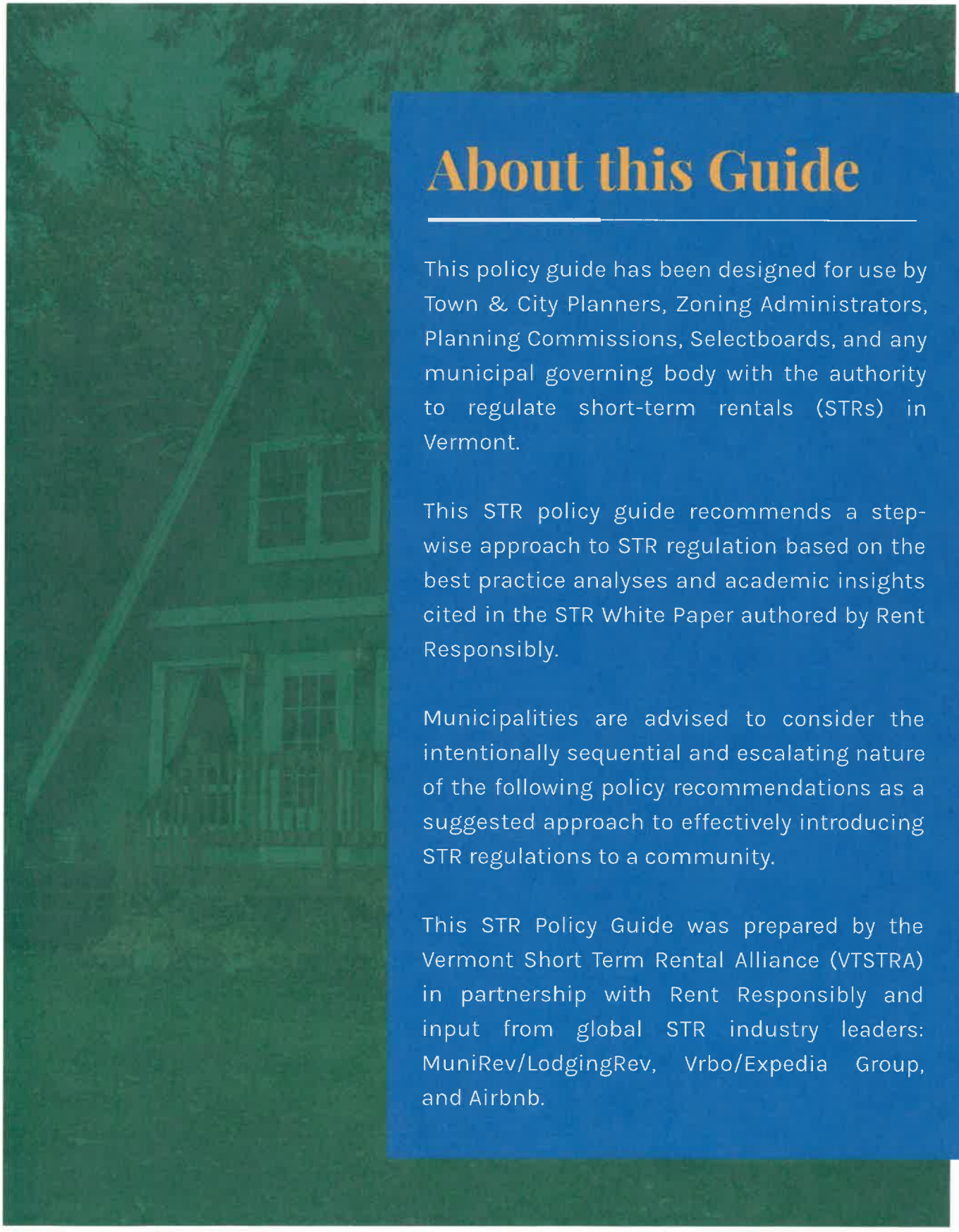
REGULATING SHORT-TERM RENTALS

Prepared by:

Vermont Short-Term Rental Alliance, Inc.
(802) 829-4024 | info@vtstra.org
www.vtstra.org

July 2021

12



About this Guide

This policy guide has been designed for use by Town & City Planners, Zoning Administrators, Planning Commissions, Selectboards, and any municipal governing body with the authority to regulate short-term rentals (STRs) in Vermont.

This STR policy guide recommends a step-wise approach to STR regulation based on the best practice analyses and academic insights cited in the STR White Paper authored by Rent Responsibly.

Municipalities are advised to consider the intentionally sequential and escalating nature of the following policy recommendations as a suggested approach to effectively introducing STR regulations to a community.

This STR Policy Guide was prepared by the Vermont Short Term Rental Alliance (VTSTRA) in partnership with Rent Responsibly and input from global STR industry leaders: MuniRev/LodgingRev, Vrbo/Expedia Group, and Airbnb.

Vermont Short Term Rental Alliance, Inc.

VTSTRA
VERMONT SHORT TERM RENTAL ALLIANCE

Learn More

To learn more about the short-term rental industry in Vermont and the latest best practice policy solutions for regulating STRs, please visit:

www.vtstra.org/gov-resources

Contact

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P.O. Box 282
Richmond, VT 05477
www.vtstra.org

About VTSTRA

Vision
To be the voice for the vacation home and short-term rental industry in Vermont.

Mission
The mission of our nonprofit advocacy group is to represent and advance the interests of short-term rental operators and vacation rental owners in Vermont; while providing members with the educational, networking, and other resources they need to run responsible and profitable businesses.

Values
We value a thriving vacation home and short-term rental industry in Vermont that:

1. *Strengthens the Vermont economy*
2. *Prioritizes guest safety*
3. *Offers exceptional hospitality*
4. *Promotes the best of Vermont*
5. *Respects neighbors*
6. *Cares for our communities and environment*

About Rent Responsibly

Rent Responsibly *is the community building and education platform for local short-term rental alliances. Their tools and alliance management services equip local leaders to build successful, self-sustaining organizations of short-term rental hosts, managers and all other stakeholders. They make it easy for leaders and members to connect, collaborate, solve common challenges, work in partnership with their local governments, advocate for themselves, steward their communities, and rent responsibly. Learn more at RentResponsibly.org.*

Approach to Regulating STRs

Define 'Short-Term Rental' and their Allowable Use in Town Regulations

Create a foundation for regulating STRs

Identify & Monitor the STR Activity in Your Town

Measure beneficial and adverse impacts of STRs to design data-driven regulations that address identified issues and deliver desired impacts

Set Standards for STR Safety & Community Well-being

Ensure fair competition in the marketplace and mitigate negative environmental, economical, and social impacts to your community

Mitigate Loss of Long-Term Rental (LTR) Housing

Preserve housing stock while enabling sustainable growth of nontraditional and transitional housing options, increasing tourist capacity, and providing economic opportunity for residents

Encourage Equitable Access to Homeownership & STR Opportunity

Address wealth and income inequality and impacts of historic and ongoing racism by ensuring equitable access to the income generation, financial stability, and asset growth opportunities that STRs offer

Define 'Short-Term Rental' and Allowable Use in Town Regulations

Solution A

Amend zoning regulations to include official definition of "short-term rental" and STR as a defined use:

1. An STR is an allowed use; OR

2. An STR is a permitted use, whereas the permit does not run with the land. A change of ownership shall require a new STR permit; OR

3. An STR is a conditional use, subject to review & approval.

Solution B

Create an STR Ordinance with an official definition of STR.

Select criteria for STR license eligibility.

(See Appendix for template)

Definition

A "short-term rental" is defined under Act 10 (2018) as:

"a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year"

Additional Conditions:

- Short-term rentals are subject to Vermont's 9% Meals and Rooms Tax (MRT)
- Short-term rentals may be subject to 1% Local Option Tax
- Short-term rentals are prohibited from providing food service without a license from the Vermont Department of Health
- Short-term rentals are not a licensed lodging establishment as defined under VT Law

Create a Registry to Identify & Monitor STR Activity in Your Town

Solution A

Create in-house STR registry and assign management to staff person.

Mandatory annual registry, with penalty for noncompliance.

Registration fee paid by owner at a flat rate:

- *i.e. $100/year/rental unit*

Solution B

Hire third-party STR compliance service to manage and enforce registry.

Mandatory annual registry, with penalty for noncompliance.

Registration fee paid by owner on a sliding scale:

- *i.e. 2x highest nightly rate*

Solution C

Defer to state requirements for short-term rental registration; do not require municipal STR registration.

Sample STR Registration Form

- Property owner, name, mailing address & contact information
- Property manager (if different), name, mailing address & contact information
- STR property address
- Other rentals on property?
  1. Yes (seperate registration required)
  2. No
- Expected STR activity this year
  1. 180+ rentable nights
  2. 61-179 rentable nights
  3. 15-60 rentable nights
  4. fewer than 15 rentable nights (exempt from STR registration)
- Type of structure
  1. ADU
  2. Apartment building
  3. Condo/townhouse
  4. Single-family home
  5. Duplex or triplex
  6. Room within a home
  7. 3-season structure
- Size of rental
  1. Number of bedrooms
  2. Number of baths
  3. Number of guests
  4. ADA accessibility
- Number of designated off-street parking spaces
- Safety
  1. Number of smoke alarms
  2. Number of CO alarms
  3. Date of last fire safety inspection
- Type of STR Insurance
  1. Homeowners insurance with rental/business activity endorsement
  2. Landlord insurance plus liability umbrella policy
  3. Commercial STR insurance
  4. Other
- Type of waste management
  1. Municipal sewer system
  2. Private septic tank
  3. Composting toilet / outhouse
  4. Other
- Acknowledgment of signed STR Obligations Form required by the Vermont Department of Public Safety displayed in rental

Set Standards for STR Safety & Community Well-being

Solution A

Draft STR memorandum of understanding (MOU) that outlines what it means to be in good standing with the municipality and/or community.

Require signature on MOU with any STR license, permit, or registration.

Solution B

Set standards for STR permitting and/or STR licensing approval (see below for recommendations).

Include minimum standards in your STR Ordinance and require compliance with any STR license, permit, or registration.

Suggested Standards

- Property manager or owner must submit one type of rental safety certification to regulating town office:
  1. Self-certification (STR Obligations Form)
  2. Self-certification verified by third party
  3. Private inspection by home inspector
  4. State or city inspection
- Property manager or owner must be be available to respond in person to emergencies within ___ hour(s)
- Property manager or owner must inform in writing all adjacent neighbors of expected STR use
- Advertised minimum night stay must be equal to or greater than 2 nights
  Note: Higher minimum night stay reduces likelihood of parties
- Advertised occupancy does not exceed number of bedrooms x 2 plus 2 (excluding children under 2 years old), whereas bedrooms are defined according to wastewater permit or rental housing code standards
- Property manager or owner who receives a noise complaint will be required to install noise monitoring system and post designated quiet hours
- Property manager or owner must submit proof of suitable waste disposal services
- Property manager or owner must submit proof of insurance appropriate to business activity:
  1. Homeowners insurance with rental/business activity endorsement
  2. Landlord insurance plus liability umbrella policy
  3. Commercial STR insurance

Mitigate the Loss of Long-Term Rental Housing

Solution A

Modernize zoning regulations to remove disincentivizes or restrictions that inhibit new housing production and replace them with zoning provisions that encourage the creation of new housing.

Solution B

Include ONE of the below STR restrictions to control STR growth.

STR Use Restrictions

1. Prohibit STR use within 2-3 years of a property sale; or

2. Prohibit STR use for more than 6-months of a calendar year; or

3. Prohibit STR use of more than 50% of units in a multi-unit building; or

4. Limit the absolute number of STR permits or licenses issued to off-site managers per year
   Note: Set quota just above current STR use to preserve the current stock and inhibit uncontrolled growth

Exempt when STR use does not result from the conversion of a pre-existing long-term rental housing unit.

EXEMPT STRs from restrictions when the:

1. STR is new construction;

2. STR is converted from nonhousing space;

3. STR is a rehabilitated dwelling unit that was unoccupied for the previous 2 years; and

4. STR manager lives onsite

Encourage Equitable Access to Homeownership & STR Opportunity

Partner

Policy meant to improve equitable access cannot be developed without BIPOC voices at the table. Work with community partners to support BIPOC community members in conversations about local STR policies, programs and resources.

Promote

Make local STR resources available in multiple languages, based on census bureau data and distribute to community resource centers for ethnic minorities and first-time homebuyers.

Reinvest

Use STR registration fees and/or STR conversion fees to support community reinvestment in housing projects that support BIPOC communities and first-time homebuyers.

Enable

If regulations cap or restrict STRs, allow exemptions for applicants that can demonstrate economic hardship in retaining their existing, or entering into, primary home ownership without access to STR income.

Enforcing STR Policy Solutions

VTSTRA

Work with local organizations to connect with STR operators and develop outreach and engagement strategies to encourage high compliance.

Vrbo and Airbnb

Work with short-term rental platforms like Vrbo and Airbnb to advertise and require compliance obligations to short-term rental owners and managers.

GovOS/MuniRevs

Hire a third-party STR compliance service provider to build, implement, track, monitor and enforce STR policies and engage directly with STR owners without additional work for your staff.

Collaboration Makes it Easy

Enforcement of STR regulations is difficult and often unsuccessful, but municipalities are not alone when it comes to enforcing new STR regulations:

- The Vermont Short Term Rental Alliance (VTSTRA) is building a community of vacation home and short-term rental operators in Vermont who care about running safe, responsible, and profitable businesses. As a liaison to STR hosts and STR industry experts, VTSTRA is a resource for towns and cities seeking guidance and education on creating reasonable and enforceable regulations for STRs.
- Policy Affairs Specialists at STR platforms, such as Airbnb and Vrbo/Expedia Group, are available to help municipalities enforce regulations through their platform listing requirements and direct host communications.
- STR compliance software and services are available through a number of vendors, including Muni/LodgingRev, and can alleviate the burden to your town without compromising on outcomes.

Evaluating STR Policy Solutions

Compliance

Compliance with registration, licensing, and permitting may be assessed by cross-checking registered property addresses against aggregate online STR listings analyzed and enforced by third party service providers for a fee. Fewer restrictive policies often lead to higher compliance.

Trends & Impacts

Tracking changes in the number and type of STRs over time will reveal actual prevalence and use. Comparing STR data to other factors will enable analysis that can determine beneficial and adverse impacts of STR trends. Third-party compliance service providers can further analyze data related to complaint frequency, ordinance violation incidents, and more.

Safety & Community Standards

Establishing a dedicated Complaint Hotline for STRs will help identify recurring problems, enable your town to remove repeat violators from the STR marketplace, and ease residents' concerns over accountability and disturbance.

Housing Market

Tracking new construction permits and certificates of occupancy along with your STR activity will help maintain diverse yet balanced housing options in your town. Though STRs have not been shown to significantly impact housing affordability in Vermont, changes in vacancy rates, rental rates, and home prices will indicate the health of your housing market overtime.

Equity

Census data can provide insights on homeownership by race and ethnicity, and cost burdened households by race, however policy makers should seek insights from community leaders to address and correct for bias in data sources often used to determine investment and resource allocation.

Appendix: Model STR Ordinance

Town of [City Name]
Short-Term Rental Ordinance

Section 1: Authority

a. This ordinance is enacted pursuant to the authority granted to the Town under 20 V.S.A. 2736 & 24 V.S.A. Chapter 59.

Section 2: Definitions

a. Short-Term Rental: "Short term rental" means a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Section 3: STR Requirements

a. Short Term Rental (STR) of a property in all Districts is a permitted use in all zoning districts and requires a zoning permit. An STR permit does not run with the land. A change of ownership shall require a new STR permit.

why doesn't the use run with the land?

b. The contact information required by 18 V.S.A. 4467 shall be displayed in plain sight within the STR.

c. The owner of the STR or the owner's designated manager must be geographically proximate and available and on call 24 hours a day, seven days a week to respond in the event of an incident.

d. The Vermont Short-Term Rental Safety, Health and Financial Obligations Form, as required by 18 V.S.A. 4468(b), shall be completed and displayed in plain sight within the STR.

e. The owner shall obtain the educational information packet regarding Short-Term Rentals provided by the Vermont Division of Fire Safety, as required by 18 V.S.A. 4468(a).

f. Accurate occupancy limits shall be included in all advertisements of the STR.

g. The owner of the STR is responsible for the collection and payment of applicable Vermont Taxes.

h. All vehicles associated with the STR of a property, including guests of the short-term renter(s), shall have designated off-road parking and not use shared private driveways, private roads, or public highways, unless public parking is readily available.

i. Provisions must be in place for timely trash removal after each rental.

Section 4: Permit Application Requirements

a. Submission of Vermont Short Term Rental Safety, Health and Financial Obligations Form, as required by 18 V.S.A. 4468(b).

b. Declaration of occupancy based on the number of approved bedrooms as determined by a Wastewater Permit or Lister Card shall not exceed 2x the number of bedrooms, plus 2 (excluding children under the age of 2).

c. An accurate drawing of the subject property that depicts and identifies the following information: location of proposed STR on lot; location of all other buildings; location of the septic system; number and location of all parking spaces, including designated off-site parking.

d. Meals and Rooms Tax ID Number from the Vermont Department of Taxes as required by 32 V.S.A. 9282.

Effective date of this ordinance: [Date]

than 15 kilowatts in size. While this plan supports cost effective solar, it should be mentioned that the recent proliferation of solar power through Vermont's net metering program puts upward pressure on our electric rates, as solar power from this program is more expensive than other power sources in MW&L's portfolio of purchased power. This plan supports efforts to bring rates paid to customers through net metering into alignment with the value provided to the utility from this generation source in order to minimize cost-shifting among customers.

Other potential sources of local renewable electricity include wind, alternative treatment strategies at the sewer plant, and cogeneration (wood burning). Tackling cogeneration first, large tracts of forested town and village owned land exists that could provide a wood heat resource for community members, especially those with limited incomes. **This plan supports examining if sustainable logging could take place on these municipally owned lands to provide a firewood resource for town residents, especially those residents that struggle to afford heat in the winter.** Regarding wind, the Planning Council believes that our town does not have sufficient locations with enough reliable wind to generate wind energy in a profitable manner, but locations may exist in town where homeowners may be able to generate enough wind power for personal use or net-metering[4]. **This plan supports the generation of community wind power using residential or small commercial scale (ie. less than 100kW each), but is opposed to wind power that is not net-metered, which often referred to as "utility scale" wind. If wind power facilities are constructed elsewhere in more favorable locations in the state, this plan supports MW&L negotiating a power purchase contract therefrom to contribute to MW&L's portfolio of renewable and locally purchased power. This plan also supports private entities proposing alternative treatment strategies that can help divert high strength waste away from the sewer plant, while generating electricity locally (provided the existing electric grid can handle the new generation).**

While not a cost savings initiative, the desire remains to further divert or bury the electric and other utility lines in downtown Morrisville, specifically on Portland Street and the Route 100 sections of Main and Bridge Streets (and potentially Upper Main from the War Memorial west towards Portland Street). Such an initiative would come at a cost of nearly $2,000,000, so **this plan supports the search and acquisition of any grants funds that would help fund such a project. This plan also supports the use of a special tax district, or a village, or town, tax that, if funded over the course of many years, would accrue the funds necessary to bury the overhead wires in downtown Morrisville the next time these roads were repaved. This plan also supports the creation of a committee charged with having the plans and funding ready to bury the overhead utilities in the aforementioned sections of downtown Morrisville the next time these roads are repaved by the State of Vermont.**

Heating & Cooling

[4] Vermont law defines net metering as measuring the difference between the electricity supplied to a customer and the electricity fed back by a net metering system (which is a small generating system that meets certain specified criteria) during the customer's billing period. In practice, net metering allows the owners of certain small electric generating systems to receive credit for the electricity produced by those systems, above what the owners consume on the premises.

Rules of Procedure for Jointly Appointed Subordinate Boards

1. Source of Authority
   All jointly appointed subordinate boards of the Morristown Selectboard and the Morrisville Village Trustees shall be governed by the provisions of all applicable Vermont State Statutes (specifically including the Vermont Open Meeting Law – 1 VSA §310-314), Municipal Bylaws, and these Rules of Procedure.
2. Purpose
   All jointly appointed subordinate boards shall be subject to these "Rules of Procedure" to ensure that all meetings are timely, efficient and transparent to and for the public, and to ensure consistency of procedures for all joint boards.
3. Application
   This policy setting forth these Rules of Procedure for all meetings of all jointly appointed subordinate boards shall apply to all regular, special and emergency meetings of these boards. These Rules of Procedure for jointly appointed subordinate boards shall be made available by the Town & Village Clerk upon request. These Rules of Procedure may only be amended by a successful majority vote of each Legislative Body.
4. Appointment
   All jointly appointed subordinate boards shall be appointed by a majority vote of each Legislative Body. Upon receiving notice of a board vacancy per #9 of these rules, the Legislative Bodies, to ensure the continuity of the subordinate board or committee, shall first look to fill any vacancy with an existing board alternate that desires to become a full-time member of their respective board. If no such alternate exists, the Town's Administrative Assistant shall notice the vacancy on jointly appointed boards on the Town's website, and post a link regarding this vacancy on Front Porch Forum. Only Village or Town residents who appear on the current voter checklist shall be eligible to serve on jointly appointed boards[1]. However, if no Village or Town residents on the voter checklist step forward to serve within a month of a vacancy being posted, the Legislative Bodies may appoint a non-Town or non-Village resident to fill the vacancy. Village and Town residents interested in serving on a jointly appointed subordinate board shall email the Town's Administrative Assistant (Admin@MorristownVT.org) regarding interest in filling said vacancy. The Town's Administrative Assistant shall keep an ongoing list of all emails received from eligible residents wishing to serve on a jointly appointed board during the current calendar year. The Administrative Assistant shall provide all emails received (from candidates that responded to the vacancy posting, and from candidates that previously applied within the calendar year), to each Legislative Body. Candidates for any vacancy on a jointly appointed board shall interview with the board that they are interested in, and said board shall furnish an appointment recommendation to each Legislative Body at the conclusion of the interview process.
5. Election of Officers
   All jointly appointed subordinate boards shall elect annually a Chair & Vice Chair. Said election shall take place at the board's first meeting after appointments are made by the respective Legislative Bodies.

[1] All existing members of jointly appointed subordinate boards as of 4 May 2022 are grandfathered from this new residency requirement. Said members, regardless of existing or future residency, may continue to serve on said boards, and shall remain eligible to be reappointed thereto upon the expiration of their current term.

6. Chair
   The Chair shall set the agenda, preside over the meeting, call it to order, maintain order, decide all questions of order and procedure, and shall appoint any sub-committees found necessary to carry out the business of the respective board or commission.
7. Vice Chair
   The Vice Chair shall assume all duties and authorities in the absence of the Chair.
8. Meeting Minutes
   Meeting minutes shall include all meeting actions and proceedings, showing the vote of each board member upon every question, or if absent, disqualified, or failing to vote, shall so indicate. Meeting minutes shall include the names of all board members in attendance, a summary of the facts on which the decisions are based and the decisions rendered. All meeting minutes must be kept in accordance with 1 VSA §312(b)(2).
9. Vacancies
   The Chair of all jointly appointed subordinate boards shall notify the Morristown Selectboard and the Morrisville Village Trustees of any vacancy on their board within one week from said vacancy taking place. Said vacant seat shall be filled via the #4-appointment process for the remainder of the term.
10. Quorum
    A quorum must be present for any meeting, vote or official action of all jointly appointed subordinate boards. A quorum shall consist of a majority of the jointly appointed respective board, regardless of any vacancies or disqualification, in order for the respective board to act. If a quorum of the members of the respective board or commission is not present, no action shall be taken and/or conducted.
11. Recess of Meeting or Hearing
    All jointly appointed subordinate boards may recess a meeting or hearing if all business cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time and place of the recessed meeting shall be announced before adjournment.
12. Majority Vote Required
    Determinations on any matter before all jointly appointed subordinate boards shall require the concurrence of a majority of the respective board or commission regardless of any vacancies or disqualifications.
13. Attendance
    Members of all jointly appointed subordinate boards are strongly encouraged to resign if total absences exceed fifty percent of the total meetings in a calendar year. Attendance of all jointly appointed subordinate boards can be reviewed by the Morristown Selectboard and the Morrisville Village Trustees annually and shall be a consideration during the reappointment decision-making process.
14. Conflict of Interest
    All jointly appointed subordinate boards are strongly encouraged to adopt their own conflict of interest policy until such time that a blanket policy is adopted by the Morristown Selectboard and/or the Morrisville Village Trustees.

For the Village of Morrisville:

5/24/22

Village Trustees Chair & Date

For the Town of Morristown:

6/6/22

Selectboard Chair & Date