MORRISVILLE / MORRISTOWN PLANNING COUNCIL AGENDA

Tuesday 14 February 2023 at 5:00 P.M.
Morristown Municipal Offices, 43 Portland Street
Community meeting room of the Old Tegu Theatre

p. 2-3 1. Vote: Prior Council meeting minutes

p. 4-5 2. Discuss: Julie Marks from VT Short-Term Rental Alliance

p. 6 3. Discuss: §206 Design Criteria edits DRB interpretation issues

p. 7-9 4. Discuss: Tools to incentivize development of single-family homes in LDR Zone that use MW&L services

PLANNING COUNCIL MEETING MINUTES
OF JANUARY 24, 2023

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

Absent:

ADMINISTRATION and STAFF: Planning Director Todd Thomas

PARTICIPANTS/GUESTS: Conservation Commission Co-Chair Ron Stancliff, Tim Magee, Tom Cloutier, Martin Green, Brian Hamor, Damon Lee, Barry Russo, Laura Streets, Bob Bortree, David Ring, Scott Thompson, Seth Costa, and Wally Reeve

---

CALL TO ORDER

Chair Hancock called the meeting to order in the Community Meeting Room of the Old Tegu Theatre at 43 Portland Street at approximately 5:00 P.M.

1. **Prior Council meeting minutes**

   Member Meyer moved to approve the January 10th meeting minutes. A vote of 4-0 affirmed the motion.

DISCUSS

1. **Smaller lot sizes in LDR Zone to incentivize more single-family homes & extension of MW&L services**
   Brian Hamor and Damon Lee joined the Planning Council to discuss their recently approved conservation subdivision on Beacon Hill. Zoning Administrator Thomas, using this Beacon Hill development as an example, spoke about how incentives such as direct infrastructure funding, tax stabilization, allowing townhouse style development, or smaller lot sizes could spur the development of more single-family homes town-wide in the portions of the Low Density Residential (LDR) Zones that can be reached by Village water and sewer services. Mr. Hamor and Mr. Lee said that they will break ground in the spring with smaller missing-middle houses on ¼ acre lots, but employing some of the aforementioned incentives could alter what a second or third phase of their development might look like. Member Goldstein expressed a desire to allow smaller lot sizes in the serviceable areas of the LDR Zone as part of the conservation subdivision bonus language. The Council agreed to discuss this item in more detail at a future meeting. Mr. Thomas was instructed to create a chart for that meeting that listed possible incentives sorted by items that included, and did not include, taxpayer funding.

2. **2023 zoning changes from DRB language issues**
   The Council discussed language interpretation issues from recent Development Review Board (DRB) meetings. From this discussion, it was agreed that the following revisions to §206 Design Criteria of the

Zoning Bylaws would be included as part of the fall 2023 zoning changes: Dwelling Unit Two-Family uses and the Medium Density Residential (MDR) Zone would be newly regulated, a new cladding rule would be created to hide J-channel joints, and the existing front porch and public entrance requirements would be revised to accommodate corner lot scenarios. Furthermore, it was agreed that zoning changes for minimum front setback in the MDR Zone (from 35 to 25 feet), a revision of the ground floor commercial space requirement in the Commercial Zone, guaranteeing access to public trail systems over private roads within conservation subdivisions, and a new definition for Public Entrance would also be proposed for the zoning change update in the fall 2023. Mr. Thomas was also instructed to re-revise proposed §206 Design Criteria rules for setbacks for road facing garage doors, and architectural repetition between dwelling units.

3. **Letter to Selectboard for 2 short-term rentals, or allow new STR construction, & rental registry**
   Mr. Thomas presented a draft response letter to Selectboard regarding their request during the 2022 zoning change approval process to allow a 2nd short-term rental opportunity that was not tied to the owner's primary property. The Council, by consensus, agreed that such a policy change would lead to the conversion of more of the town's existing housing stock into STRs, which would undercut the new STR zoning rules meant to preserve the availability and affordability of the town's housings stock. After a lengthy discussion, Mr. Thomas was directed to revise the draft letter to also emphasize the difficulty regulating the Selectboard proposal that would allow off-site STRs.

4. **Town Plan objective (bury utilities downtown)**
   Mr. Thomas and Member Goldstein spoke about their recent meeting with the Village Trustees where the Town Plan Objective of burying the utilities downtown was discussed. It was reported that the Trustees seemed open to creating such a standing committee and may provide some staff time and resulting expertise towards this effort. Mr. Thomas shared with the Council that they would need to have an initial meeting with Scott Johnstone, the Village Manager, in the coming weeks if the committee's creation was to become a reality.

5. **Candidates for open Planning Council seat**
   Tim Magee and Wally Reeve interviewed before the Planning Council regarding the open seat thereon. Mr. Reeve said that he would wait his turn and look to fill the next open seat after learning that Mr. Magee has attended nearly every Council meeting since May as a prospective board member. Upon a motion made by Member Meyer, the Planning Council unanimously recommended that Tim Magee be appointed to the open Planning Council seat. Mr. Thomas said that he would try to schedule both Legislative Bodies to vote on Mr. Magee's candidacy as soon as possible (hopefully before the next Council meeting on Valentine's Day).

ADJOURN

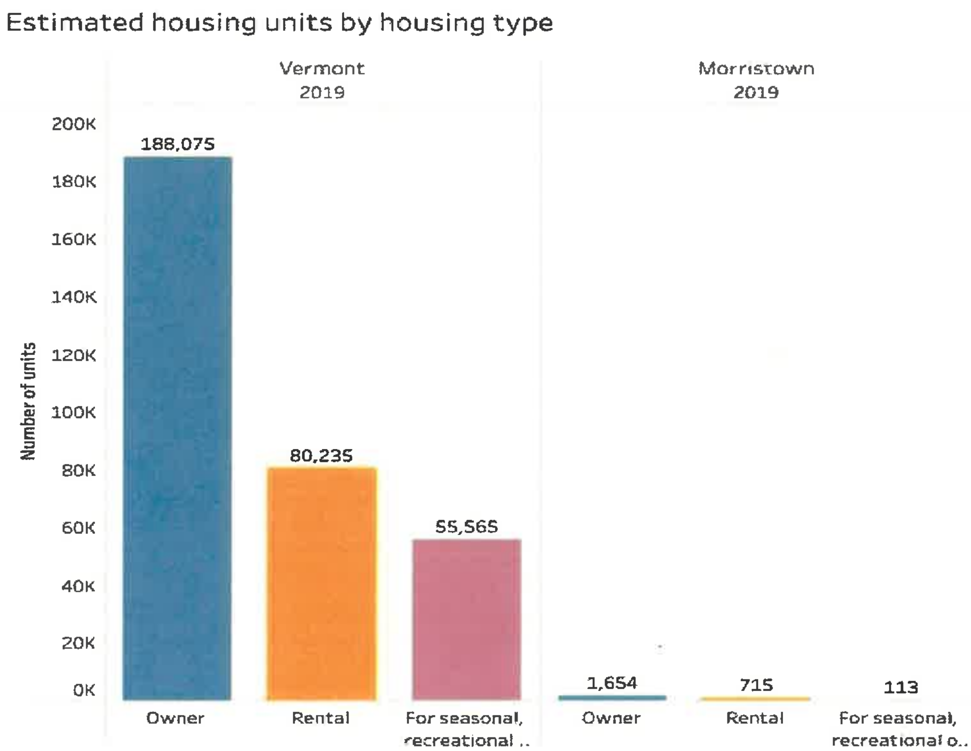
The meeting adjourned at 7:35 PM, submitted by Todd Thomas, Planning Director

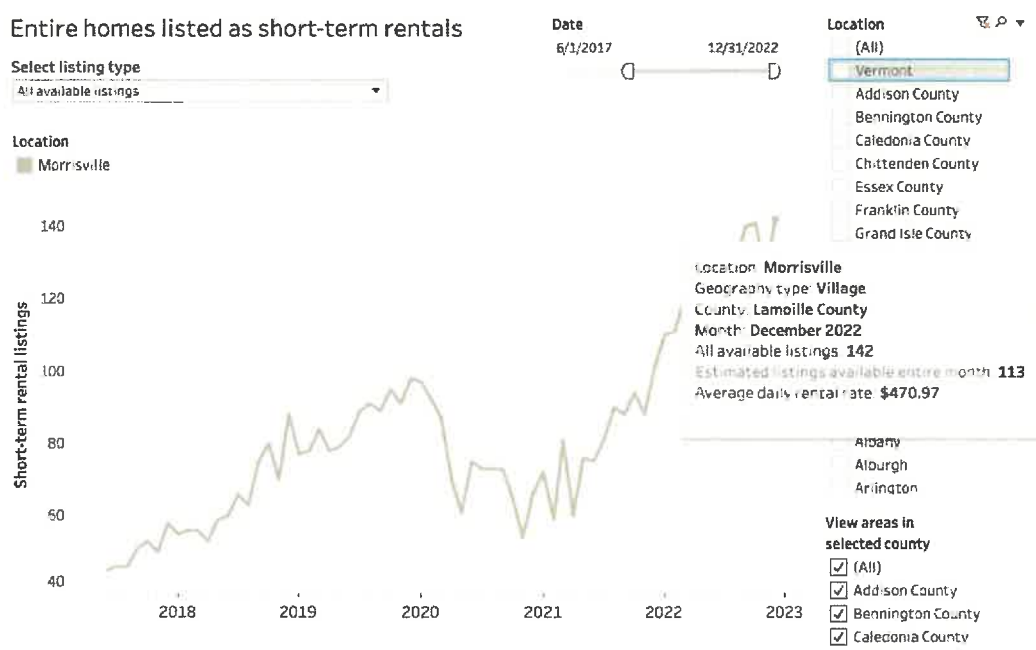
Please note all minutes are in Draft form and are subject to approval at the next Planning Council meeting.

Prepared by Julie Marks, Director of the Vermont Short Term Rental Alliance, Inc.
director@vtstra.org | 802-829-4024 | PO Box 282, Richmond VT 05477

Morrisville Vacation Rental Data

In December 2022, 142 of the ~2,500 total housing units in Morristown/Morrisville were being advertised online as a short-term rental (~5% of all housing units).





Vermont Vacation Rental Industry Data & Trends

- 20% of all reservations made through the Airbnb platform are for month-long or multi-month housing.[1]
    - Demand for "medium-term" furnished housing (1- to 6-month rentals) has increased steadily since 2020 with the expansion of remote working opportunities, traveling nurse/physician needs, and an unprecedented influx of new residents moving to the region.
- Vermont's largest professional vacation rental management companies claim that >90% of the homes they manage are occupied by their owners for personal use every year.[2]
- Distribution of STR ownership in Vermont is high. ~80% of STR owners operate 1 or 2 STR units.[3]
- On average, one STR accommodates 5-7 people, and one hotel room accommodates 2-3 people on average.[4]
    - Larger vacation rental homes make work and leisure travel more accessible to families and multi-generational households.
- STR occupancy rates in New England decreased in 2022 compared to 2021.[5]
    - Decreasing occupancy rates suggest the supply of STRs has begun pacing with demand, which is likely to cause the supply to naturally diminish in a response to more competitive market conditions.
- STRs accommodated 325,157 people in Vermont in 2021; and the average time people stayed in Vermont increased from 3.0 days in 2019 to 6.7 days in 2022.[6]
- 3% of Vermont's total housing stock is a whole-home short-term rental (STR) for some part of the year.[7]
- >$36.1M and $48.4M in Meals and Room Tax came from STR revenue in 2021 & 2022, respectively.[8]
- 17% of VT's total housing stock is being used as a seasonal camp or vacation home.[9]
    - This figure is independent from use as a short-term rental. Our data suggests roughly half of all STRs own by Vermont residents.
- Second homeowners represent more than 40% of Vermont's overall tourism spending at local businesses.[10]

---

[1] Source: Internal data reported by Airbnb (2021)
[2] Source: Intel disclosed directly to VTSTRA by Vermont's largest vacation rental management companies: Vacasa, Killington Vacation Rentals, and Stowe Country Homes; representing ~1,500 vacation rental properties combined.
[3] Source: Industry data provided by Transparent.
[4] Source: Internal data disclosed to VTSTRA by Airbnb; similar findings reported in a 2021 STR economic impact analysis for Conway, NH
[5] Source: Industry intel provided by Expedia Group at the 2022 Rent Responsibly Virtual Summit (www.rentresponsibly.org)
[6] Source: Industry data provided by Transparent.
[7] Source: VHFA website: https://www.housingdata.org/profile/housing-stock/short-term-rentals
[8] Industry analytics provided by Keydata Dashboard
[9] Source: VHFA website: https://www.housingdata.org/profile/housing-stock
[10] Source: https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/TM/VDTM-Research-2017BenchmarkStudyExecutiveSummary.pdf

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 revision *

a. Architectural repetition: Each ~~architectural~~ building proposed shall be architecturally different than any directly adjacent building (regardless of parcel or property lines). In a townhouse style or similar development, the prohibition on architectural repetition shall be evaluated between the individual townhomes, and not between the adjacent larger building pods (with a building pod being defined as containing 3 or more townhomes on a common foundation). 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 the architectural repetition prohibition between otherwise identical buildings.

b. 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.

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

~~c.~~d. 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.

~~d.~~e. 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).

* new revision *

~~e.~~f. Garages. Attached and detached garages shall be located at least 10 feet further from the primary road frontage than the front line of the home or business that the garage will be accessory to, and at least 20 feet from the closest edge of sidewalk or road pavement. The doors or bays of garages that face a primary road frontage shall be limited in size to no more than 50% of the length of the primary structure (accessory structures are not included in this length measurement). Interpretation of primary road frontage, in case of a property with multiple frontages, or building length, shall be made by the DRB or ZA.

~~f.~~g. Public entrances: ~~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.

Tools to Incentivize Development of Single-Family Homes in Serviceable Areas of LDR Zone			
Incentive	**Tax $**	**No Tax $**	**Notes**
Conservation Subdivision Waiver Revision		X	Waiver could be deepened & any revision should tie it to serviceable areas of LDR Zone instead of Village boundary
Direct infrastructure funding	X		Village & Town funds recently mixed with developer funds to extend sewer lines on Industrial Park Drive
Loan from Morristown Development Fund		X	Can be a profit center, only taxpayer $ if loan defaults. Bylaws would need to be revised to allow loans for infrastructure
Local TIFF		X	Recently used for utility and sidewalk upgrades on Bridge Street by Truck Route
Smaller Lot Sizes		X	2023 Zoning Change needed
Side Setback Deletion (Allow Townhouses)		X	2023 Zoning Change needed
Special Tax District	X		Recently used to connect Cadys Falls neighborhood to MW&L water system
Tax Stabilization	X		Recently used by Selectboard for downtown projects only (10 Railroad, 74 Portland St, etc.)
Tranfer of Development Rights		X	This would be a new tool for our toolbox and it would require a zoning change to adopt

The Vermont Statutes Online

Title 24 : Municipal And County Government

Chapter 117 : Municipal And Regional Planning And Development

Subchapter 007 : Bylaws

(Cite as: 24 V.S.A. § 4423)

§ 4423. Transfer of development rights

(a) In order to accomplish the purposes of 10 V.S.A. § 6301, bylaws may contain provisions for the transfer of development rights. The bylaws shall do all the following:

(1) Specify one or more sending areas for which development rights may be acquired.

(2) Specify one or more receiving areas in which those development rights may be used.

(3) Define the amount of the density increase allowable in receiving areas, and the quantity of development rights necessary to obtain those increases.

(4) Define "density increase" in terms of an allowable percentage decrease in lot size or increase in building bulk, lot coverage, or ratio of floor area to lot size, or any combination.

(5) Define "development rights," which at minimum shall include a conservation easement, created by deed for a specified period of not less than 30 years, granted to the municipality under 10 V.S.A. chapter 155, limiting land uses in the sending area solely to specified purposes, but including, at a minimum, agriculture and forestry.

(b) Upon approval by the appropriate municipal panel, a zoning permit may be granted for land development based in part upon a density increase, provided there is compliance with all the following:

(1) The area subject to the application is a receiving area, and the density increase is allowed by the provisions relating to transfer of development rights.

(2) The applicant has obtained development rights from a sending area that are sufficient under the regulations for the density increase sought.

(3) The development rights are evidenced by a deed that recites that it is a conveyance under this subdivision and recites the number of acres affected in the sending area.

(4) The sending area from which development rights have been severed has been surveyed and suitably monumented.

8

(c) The municipality shall maintain a map of areas from which development rights have been severed. Following issuance of a zoning permit under this section, the municipality shall effect all the following:

(1) Ensure that the instruments transferring the conservation easements and the development rights are recorded.

(2) Mark the development rights map showing the area from which development rights have been severed and indicating the book and page in the land records where the easement is recorded.

(d) Failure to record an instrument or mark a map does not invalidate a transfer of development rights. Development rights transferred under this section shall be valid notwithstanding any subsequent failure to file a notice of claim under the Marketable Record Title Act. (Added 2003, No. 115 (Adj. Sess.), § 95.)

9