

MORRISVILLE / MORRISTOWN **PLANNING COUNCIL AGENDA**

Tuesday 14 March 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: Jersey Heights sidewalk infill sections for town vote
- p. 6 3. Discuss: Section 206 revisions for garages & outdoor space
- p. 7 4. Discuss: Short-term housing regulations after VTSTRA talk
- p. 8 5. Discuss: Town Plan implementation letter (bury powerlines)
- 6. Discuss: Development & density bonus for all-electric bldgs
- 7. Discuss: Interviews for open Council seat & recommendation



PLANNING COUNCIL MEETING MINUTES OF FEBRUARY 14, 2023

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

Absent:

ADMINISTRATION and STAFF: Zoning Administrator Todd Thomas

PARTICIPANTS/GUESTS: Selectboard Member Judy Bickford, Zeph Bryant, Tom Cloutier, Mary Goderwis, Laura & Martin Green, Mike Krancer, Damon Lee, Jeff Manosh, Julie Marks of the VT Short-Term Rental Alliance (VTSTRA), Brook Scatchard, Laura Streets, and Grant Wieler.

CALL TO ORDER

Chair Hancock called the meeting to order in the Community Meeting Room of the Old Tegu Theatre at 43 Portland St at approximately 5:00 P.M. A discussion about the Jersey Heights sidewalk project, via consensus, was added to the agenda.

1. Approve prior Planning Council meeting minutes

Member Goldstein moved to approve the January 24th meeting minutes. A vote of 4-0-1 affirmed the motion with Member Magee abstaining.

DISCUSS

1. Julie Marks from VT Short-Term Rental Alliance

Julie Marks of the Vermont Short-Term Rental Alliance (VTSTRA) appeared before the Council to discuss the Town's new short-term housing regulations, and statewide trends regarding short-term rentals. Her data, as of December 2022, showed that approximately 5% of the Town's total housing stock (142 units) was being used as short-term rental. Ms. Marks said that her organization, VTSTRA, did not object to the concept of short-term rental registries, and noted that Killington has what appears to be a reasonable registry in operation. Chair Hancock asked Ms. Marks if she had any recommendations regarding the town's short-term housing regulations. Ms. Marks suggested allowing purpose built short-term rentals, as well as the conversion of existing commercial or industrial buildings into short-term rentals, as both options would bring more tourists and additional economic activity to Morrisville without detracting from the supply of existing housing stock. Mike Krancer objected to the first proposal to allow purpose-built short-term rentals because many of the building lots they would be sited on would reduce opportunities to build badly needed non-short-term housing. Planning Director Thomas cited the letter delivered earlier in the day from Selectboard Member McDowell regarding his previously requested +1 off-site short-term rental allowance. The Council discussed its clear preference for keeping short-term rentals on-site to keep the landlord accessible

and accountable to his or her neighbors for any bad guest behavior. Zeph Bryant spoke in support of the +1 off-site rental allowance. Mary Goderwis said she supported only allowing owner occupied rentals. Laura Streets said she supported creating a rental registry. Zeph Bryant agreed. The Council thanked everyone for their participation and commentary and said they would continue to study the ideas discussed this evening.

2. §206 Design Criteria edits DRB interpretation issues

The Council discussed language interpretation issues from recent Development Review Board (DRB) meetings. Upon a question from Member Snipp, former DRB Member Laura Streets expressed the importance of eliminating subjectivity in the zoning language. From this discussion, it was agreed that the revised architectural repetition portion of §206, Design Criteria, of the Zoning Bylaws would be included as part of the fall 2023 zoning changes. Mr. Thomas was also instructed to re-revise the proposed §206 Design Criteria rules for setbacks for garages and road-facing garage doors.

3. Tools to incentivize development of single-family homes in LDR Zone that use MW&L services

Mr. Thomas submitted a list of tools the Town could offer (sorted between no cost items and items with a tax cost) to incentivize development of new single-family homes in the portions of the Low Density Residential (LDR) Zone that could be accessed by MW&L water and sewer services. After a lengthy discussion, the Council directed Mr. Thomas to add a new provision to the existing waiver within the Conservation Subdivision Bylaw that allows smaller lot sizes and density if the proposed development will be hooked onto MW&L water and sewer services (as opposing to tying up what little land remains undeveloped in the village with septic systems).

4. Discussion (agenda addendum): Jersey Heights sidewalk project

Mr. Thomas alerted Council Members that their Jersey Heights sidewalk completion project was warned incorrectly on the printed ballot for Town Meeting Day. Mr. Thomas added that Town Counsel said the ballot could not be legally corrected, and the result of the vote would be non-binding because the ballot was asking voters to fund a sidewalk on Jersey Way instead of Jersey Heights. The Council Members were instead informed that the vote to fund the construction to fill the gaps between developer-built sidewalks on Jersey Heights would now take place as a floor vote at a Special Town Meeting on April 18th at 6:00 P.M. in the Peoples Academy Auditorium. Mr. Thomas asked Council Members to allow Town Administration to spread the word about the ballot mistake and the Special Town Meeting vote in April when the sidewalk expenditure would be legally decided.

ADJOURN

The meeting adjourned at 7:05 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.



ATTENTION VOTERS TOWN MEETING WARNING ARTICLE 5

It has been brought to our attention the wording in Article 5 of the Town Meeting Warning is incorrect.

The Article speaks to funding a sidewalk project in Jersey 'Way'. In actuality, the project is in Jersey 'Heights'.

Following legal advice, the Selectboard has opted to take the following action to resolve this matter according to law.

All votes cast for, or against Article 5 on the Australian Ballot will be disregarded.

Article 5 with the corrected street name, will be brought to the voters for consideration at the special floor meeting scheduled for April 18, 2023.

STATE OF VERMONT
-Lamoille County

We the undersigned legal voters of the Town of Morristown, hereby petition the Selectboard of the Town of Morristown, Vermont to call a special meeting to have the voters vote on the following article:

ARTICLE: Shall the voters authorize the construction of sidewalks on Jersey Heights, any remaining balance should be used for sidewalk operating expenses in an amount not to exceed Two-Hundred Thousand Dollars (\$200,000) to be financed over a period not to exceed five years?

SIGNATURE (Your signature will not count if the Town or City Clerk cannot read your name.)	Please PRINT name here	STREET ADDRESS	Leave this Space Blank

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.

- 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.
- e.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 porches: 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 ~~portionside(s)~~ of the building that parallels ~~any~~ existing or new public sidewalk(s) (as required by the Morristown Sidewalk Policy). * $\rightarrow$ change from 10' per Tim
- e.f. Garages. Attached and detached garages shall be located at least 5 feet further from the primary road frontage than the foundation of the home or business that the garage is accessory to, and at least 20 feet from the closest edge of sidewalk or road pavement. Garages shall not be more than twice the length of said home or business, with both lengths measured along the primary road frontage. Interpretation of primary road frontage, when a property has multiple frontages, shall be made by the DRB or ZA.
- * Revised language limiting length of garage to 2/3 of structure (was 50%)
- f.g. Public entrances: StructuresAll Dwelling-Units shall include at least one ~~activefunctional~~ 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.
- g.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.
- h.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 front lawn area located outside required setbacks(5% grade or less), or a private deck, porch, or patio that is attached or adjacent to the dwelling unit.
- * Revision per John to allow for front lawns to meet new outdoor space requirement. My new "outside required setbacks" will help to ensure this provision is not abused.

ZBL definitions that drive our short-term housing regulations

Short-Term Housing - 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, but not the Owner Occupied provision. 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. *Pending Clarification per Steve Foster*

Owner Occupied - 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.

Occupancy per Bedroom - Occupancy is limited to 2 people per bedroom (with children less than 5 years old not counted towards occupancy). The Zoning Administrator, per published HUD guidelines, may allow additional people per bedroom when there are unusually large bedrooms and or living spaces.

** The Council should also decide if the VTSTRA presentation was compelling enough to augment this definition to allow the conversion of commercial or industrial properties into 1 or more short-term rentals. I personally would not favor this in the IND Zone, but I don't have an issue with allowing this in the COM Zone if the residential use is prohibited on the ground/main floor of the building.*

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-metering⁴. **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.