



**TOWN OF MORRISTOWN PLANNING COUNCIL
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
43 Portland St. Morrisville, VT 05661
5:00 PM Tuesday, April 11, 2023**

This meeting will be held in person only.

CALL TO ORDER

- p. 2-3 1. Prior Council meeting minutes
- p. 4-5 2. Annual reorganization of Planning Council

DISCUSS

- p. 6 1. Town Plan implementation letter (bury downtown powerlines & utilities)
- p. 7 2. Jersey Heights sidewalk infill Town Meeting vote
- p. 8 3. Allow townhouses in LDR Zone with Conservation Subdivision Class 1 Development
- p. 8 4. Conservation subdivision density bonus for single-family homes on small lots
- p. 9 5. HDR multi-family use size permit differentiation (adaptive reuse)
- p. 10-11 6. Development & density bonus for all-electric buildings

ADJOURN

Morristown/Morrisville Planning Council
PO Box 748 / Morrisville, VT 05661
Phone (802) 888-6373

Meeting Minutes of Tuesday 14 March 2023

Council Members present: Joshua Goldstein, Etienne Hancock (Chair), and John Meyer

Council Members absent: Tim Magee

Guests: Jamie Brewster, Tom Cloutier, Martin Green, and Wally Reeve.

Staff: Planning Director Todd Thomas

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. The Council discussed adding reorganization to the agenda, but it was decided to wait until all the Planning Council Members could be present to reorganize.

Meeting Minutes: Member Goldstein moved to approve the February 14th meeting minutes. A vote of 3-0 affirmed the motion.

Discussion: Jersey Heights sidewalk infill sections for town vote – Council Members were informed that the advertised vote to fund the construction to fill the gaps between developer-built sidewalks on Jersey Heights may not take place at the Special Town Meeting on April 18th at 6:00 P.M. in the Peoples Academy Auditorium. Council Members who were concerned about this schedule change were instructed to attend the special Selectboard meeting regarding the Jersey heights sidewalk tomorrow night. It was decided that Members Goldstein and Meyer would attend this meeting, supporting the Council's sidewalk infill initiative. Mr. Thomas recommended against petitioning a vote on this sidewalk infill project due to the estimated \$15,000 cost for holding an election.

Discussion: Short-term housing regulations after VTSTRA talk – Council Members discussed the presentation from Julie Marks of the Vermont Short-Term Rental Alliance (VTSTRA) at the previous Council meeting regarding the Town's new short-term housing regulations, and statewide short-term rental trends. It was discussed that Ms. Marks suggestions for allowing the conversion of existing commercial or industrial buildings into short-term rentals could not be practicably accomplished without the Town creating a rental registry. The Council decided to leave their relatively new short-term rental regulations unchanged, other than the owner-occupied clarification by former Member Steve Foster, until there was willingness expressed from the Selectboard and Trustees to explore and potentially move forward with creating a rental registry.

Discussion: §206 Design Criteria revisions for garages & outdoor space – Council Members discussed §206 Design Criteria Zoning Bylaw interpretation issues from recent Development Review Board (DRB) meetings regarding required outdoor space per dwelling unit and garage sizing in relation to the primary road frontage. From this discussion, it was agreed that the evening's proposed revisions to §206 Design Criteria would be included as part of the 2023 zoning changes.

Discussion: Town Plan implementation letter (bury powerlines) – Mr. Thomas noted that the Town Plan initiative to bury the overhead utilities in downtown Morrisville would be discussed at tomorrow's Village Trustee meeting. The specific request to the Trustees was for them to appoint a committee to study burying or diverting the overhead power and utility lines within the heart of downtown Morrisville, and to allow a qualified MW&L staff-person to serve on said committee for up to 2 hours per month. Mr. Thomas reiterated for the audience that this was effort was very much a long-term project.

Discussion: Development & density bonus for all-electric buildings – Mr. Thomas noted that the Town Plan initiative for electrifying buildings would also be discussed at tomorrow evening's Village Trustee meeting. Chair Hancock said that he thought this discussion was more of a formality since MW&L staff had already confirmed that such a program would not foreseeably cause any issues with the local power grid (other than transformer or transmission line upgrades on certain streets).

Discussion: Interviews for open Planning Council seat & recommendation – Wally Reeve interviewed for the open Planning Council seat. Mr. Reeve spoke to his previous years of community service, which included the Fire Department (Chief), and a 7-year stint as a Village Trustee. It was noted that Mr. Reeve was the only candidate applying for the open seat, but he was more than qualified. Member Goldstein moved to recommend Wally Reeve for the open Planning Council seat to the Selectboard and Trustees for approval. A vote of 3-0 affirmed the motion.

The meeting adjourned at 5:45 PM, submitted by Todd Thomas, Planning Director

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 boards¹. 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:

For the Town of Morristown:


Village Trustees Chair & Date 5/24/22


Selectboard Chair & Date 9/10/22



DRAFT

Planning Council
PO Box 748
Morrisville, VT 05661

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

11 April 2023

Dear Members of the Selectboard,

With last fall's major Zoning Bylaw update in the rearview mirror, the Planning Council has turned its attention to the Community Priorities (i.e. the **bolded** statements) in the 2022-2030 Morrisville/Morristown Town Plan. At its recent meetings, Council members have focused on the Community Priority of burying the overhead utility lines within the commercial core of the Morrisville Historic District. As you may all be aware, the Town of Stowe was able to complete their downtown utility burying project approximately 2-years ago. Our very similar Community Priority, which was approved by both Legislative Bodies last spring, is as follows within the Town Plan:

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 St). Such an initiative could cost 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.**

The above Community Priority is very long-term project that may take a decade or more to complete. To begin what may be a generational project, the Council asks the Selectboard to create an "Underground Utility 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." Planning Council members have met twice with the Village Trustees in recent months, and the Trustees have agreed to allow the General Manager of Morrisville Water & Light to allocate 2 hours of his staff time per month to help this committee with technical needs. At these meetings, both the Village Trustees and the Planning Council agreed that such a committee should be a town and not a village appointment. As such, the Planning Council would be very appreciative if the Selectboard could kindly create this committee at their next meeting and fill it, as candidates apply, with interested residents or other qualified individuals as upcoming Selectboard meetings. This committee has years of work ahead if it, so beginning this work sooner rather than later is a prudent way towards accomplishing this agreed upon Community Priority. Thank you for your consideration.

Sincerely,

Etienne Hancock, Chair
Morrisville/Morristown Planning Council

WARNING
TOWN OF MORRISTOWN, VERMONT SPECIAL MEETING
APRIL 18, 2023

The legal voters of the Town of Morristown are hereby warned and notified to meet in the auditorium of Peoples Academy High School, 202 Copley Ave in said Town on April 18, 2023, at 6:00 p.m. to transact the following business from the floor:

→ is \$44,000 per year for 5 years, slightly more than 1/2 penny on Grand List

ARTICLE 1: 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?

ARTICLE 2: Shall the Town of Morristown adopt all budget articles by Australian ballot pursuant to 17 V.S.A. § 2680(c)?

ARTICLE 3: Shall the Town of Morristown elect its town officers by Australian ballot pursuant to 17 V.S.A. § 2680(b)?

ARTICLE 4: Shall the Town of Morristown vote on all public questions by Australian ballot pursuant to 17 V.S.A. § 2680(d)?

Dated this 15th day of March 2023

By the Selectboard members of the Town of Morristown:

Judy Bickford

Travis Sabatase

Donald McDowell

Laura Streets

(Vacant)

Entire page is part of the Conservation Subdivision Bylaw

Step 2. Identify the potential development areas outside of the natural resource areas.

Step 3. Within the potential development areas, identify potential development sites.

Step 4. Lay out roads, driveways and utility corridors for the proposed lots.

Step 5. Draw in the Lot Lines.

5. **Dimensional Requirements of Conservation Subdivisions.** The applicant shall submit a formal subdivision plan that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:

a. **Preliminary Plat Information:** The plan detail requirements found in §770 of the Bylaws.

b. **Reduction of Dimensional Requirements for Conservation Subdivisions.** The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the proposed development area is to be permanently protected as open space:

1. The total footprint of the development may be reduced by up to 50% (i.e. ten acres of land that would normally yield 5 two-acre lots, can become a conservation subdivision with the same five lots on 5 acres with another 5 acres of open space).
2. Lot frontage shall not be less than 20 feet.
3. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed. However, side setbacks shall not be required for townhouse style Class 1 Development located in the Village
4. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the bylaw's purposes.
5. The DRB may allow the reduction of the Minimum Lot Size to no less than one-quarter of the required lot size specified by the zone in which the subdivision is proposed if any one of the following criteria can be met:

a. When 75% of the subject property is to be permanently protected as open space; ~~or~~

b. When the subject property is located within the village limits;

b.c. When Class 2 Development is proposed in the Low Density Residential Zone.

6. **Open Space Requirements.**

- a. A minimum of 50% on the proposed development area shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots.
- b. The open space lot must abut at least half of the proposed lots, and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a Street separates it. The DRB may waive this requirement during when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.
- c. To achieve this Bylaw's long-term goal of forming large unified open space areas, when there is adjacent public lands, or an adjacent conservation subdivision open space lot that was previously protected, the proposed open space lot should be physically connected to these existing protected public lands. Said adjacent protected public lands shall also be considered "adjacent" if they are only separated from the proposed conservation development by a Street.
- d. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review and all of the prime ag area located inside SSMA.
- e. Acceptable uses of the dedicated open space include: agriculture and forestry. Additional uses of the dedicated open space may include recreation fields, walking trails, bike paths, view vistas and parklands. The Board may allow open space uses not specified in this section if it finds the

This change *
allows town-
houses in
LDR Zone
(Village portions)
only

This change *
allows small
single-family home lots as part of a Conservation subdivision in LDR Zones outside the Village,
but it does not allow townhouses in these areas.

204.5a **Uses Allowances.** The use definitions allowed in each zone are shown in the following table:

USE TABLE	CB	COM	MOR	IND	HOS	HDR	MDR	LDR	RRA
Accessory Retail & Food	P	P	P	P	P				
Acc. Use / Acc. Apartment	P	P	P	P	P	P	P	P	P
Bar	C	C							
Brewery	P	P		P					
Bulk Storage of Fuels				C					
Business Services	P	P		P					
Clubs, Private	P	P	C			C	C	C	
Commercial Use	C	C		P					
Community Facility	P	C	C	C		C	C		
Day Care Facility	P	C	C	C	C	C	C	C	
Drive-Through	C	C							
Dwelling Unit, Single-Family	C		P		C	C	P	P	P
Dwelling Unit, Two-Family	C	C	P		C	P	C		
Dwelling Unit, Multi-Family	P	C			C*	P/C°			
Family Child Care Facility	P	C	P	P	P	P	P	P	P
Fence (non by-right)	C	C	C	C	C	C	C	C	C
Firewood Processing				C				C∞	C
Gas Station									
Group Home	C		P		C	C	P	P	P
Health Care Facility	P	P			P				
Home Business			C		C	C	C	C	C
Home Occupation	P	P	P		P	P	P	P	P
Hotel, Inn or Motel	C	C		C					
Motor Vehicle Sales & Repair		C							
Parking Facility	C	C							
Professional Office	P	P	P	P					
Recreation Facility	P	P	C	C	C	C	C	C	C
Restaurant	P	C							
Retail Sales of Goods & Services	P	P							
Sale of Goods Produced On-Site	P	P		P					
Sexually Oriented Business				C^					
Shelter	C	C	P		C	C			
Special Industrial									C^
Short-Term Housing	P	P	C	P	C	C	C	C	C
Structures above 35 feet in height			C		C	C	C	C	C
Structures above 50 feet in height	C	C		C					
Warehouse & Storage Facility				P					

* = The Dwelling Unit Multi-Family use is only allowed in the Hospital Zone as part of a Health Care Facility

^ = Sexually Oriented Business are only allowed in Zone IND #3 Trombley Hill)

~ = The Special Industry use is only allowed east of Garfield Road between the river (south) and the town line (north)

∞ = The Firewood Processing use is only allowed in the LDR-2 Zone. It is not allowed in Zones LDR-1, 3, 4, and 5.

° = Conditional Use is only required in the High Density Residential Zone for proposals containing more than 8 new units

Please Note: All permitted uses with new footprints larger than 20,000 ft² require \$500 DRB Site Plan Approval.

* This change allows projects like the W. High Street carriage house conversion, or Peter Bournés Winter Street Barn conversion to receive an administrative permit, while larger developments still need DRB. Or we could just require C.U. for new construction, but not adaptive re-use.

- 2.7.3 Small wind energy systems that conform to section 5.24, are permitted if less than 150' in height.

Section 2.8 OTHER ORDINANCES

The fact that a proposed land use is in compliance with the area, density, dimensional requirements, and other provisions of this Regulation shall not be construed as prohibiting limitations pursuant to site plan approval (Section 4.3 of this Regulation), pursuant to subdivision regulations, or pursuant to any other ordinances or regulations.

Section 2.9 VILLAGE GROWTH AREA DENSITY BONUS/INCENTIVE OPTIONS

PURPOSE: The purpose of this section is to provide density incentives to developers of residential, non-residential, and mixed-use lands in the Village Growth Area zoning districts, in exchange for providing public benefits that help achieve community goals expressed in the Town Plan – e.g., affordable and reasonably-priced housing*, energy conservation, important public spaces and infrastructure, use of renewable energy resources, and well designed, high density mixed use development. This is accomplished through these provisions by:

- Defining, in quantified terms, the benefits that can be used to earn density incentives;
- Providing rules and formulas for computing density incentives for each benefit;
- Providing a review process to allow evaluation of proposed public benefits and potential allowances, and to give the public opportunities to review and comment.

*NOTE - Density bonuses for perpetually affordable housing are included in section 5.21 (Inclusionary Zoning section). Affordable housing bonuses can be added to any bonuses achieved via this section; however, the total residential density bonus shall not exceed 120% of the base density for the district per section 2.4.2.

2.9.1 Residential Density Bonus Incentives: Residential density bonus incentives vary by zoning district and are based on a sliding scale formula. Greater bonuses are available to projects that best address the public benefit areas described below. Incentives accrue both to projects that address a single benefit extensively or multiple benefits. Density bonuses shown below represent the percent above the base residential density for the district. See below for guidelines on calculating the total incentive number.

Total Incentive #	% Density Bonus by District					
	VG	VG-NW	VG-NE	C	R-1	R-2
1	50	n/a	n/a	n/a	n/a	n/a
2	75	50	50	50	50	50
3+	100	100	100	75	100	100

2.9.2 Residential Incentive Formula & Public Benefits:

- (1) Dwelling Unit Size – Smaller dwelling units help to: create more affordable and reasonably priced housing; allow for greater clustering and multi-family dwellings that make more efficient use of available space; require less energy for heating, cooling, electricity. To count toward the incentive for dwelling size, the livable floor area of the unit in question shall be no larger than:
- (a) Single family units 1500 sq. ft
 - (b) 2-family & multi-family units 1200 sq. ft per unit

I like this and it is easily enforceable

- (2) Green Home Certification – Green certified homes typically have a lesser overall environmental impact than conventional homes, including: greater energy and water efficiency, reduced site impacts, environmentally preferable material choices, improved interior environment, and reduced construction waste. Green home certification programs eligible under this provision shall be regionally-based (i.e., for northern New England) and require third party review and certification (e.g., VT Builds Greener, LEED for Homes, etc.).

*I can only
image LHP using
this from local
developers here.*

- (3) Renewable Energy Technology - Substantial use of renewable energy technology (e.g., solar photovoltaic, solar hot water, wind, geothermal, biomass, etc.) helps to reduce Hinesburg's overall demand for electricity and non-renewable fossil fuels.

*I would like a
3rd Party Certification
for this,
like in
#2 above*

% of Units Providing Benefit*	Incentive #		
	Dwelling Size	Green Home Cert.	Renewable Energy
25%-49%	0.5	1	1
50%-74%	1	1.5	2
75%+	1.5	2	3

* Dwelling Size & Green Home Certification - percentages listed above refer to total number of dwelling units, including bonus units. Renewable Energy – percentage listed above based on the % of the overall project's projected ongoing/long-term energy needs that are provided by renewables - i.e., total energy usage including electricity, HVAC, etc.

*Section 206
of the new ZBL
handles a lot of
this section other
than the really
big things here*

- (4) Important Public Spaces & Public Infrastructure – New development in the growth area will typically provide some amount of public infrastructure – i.e., sidewalks, roads, stormwater systems, water/wastewater lines, outdoor gathering areas, etc. Density incentives should therefore be reserved for developments that provide particularly important and significant public spaces and/or infrastructure. Since community needs and priorities vary over time, the incentive level/number (on a scale of 1-3) for a particular project shall be determined by DRB in consultation with the Selectboard. Examples of project elements that might qualify include, but are not limited to: community/multigenerational center; town green; bandshell, amphitheater, or performance venue; farmers market area; recreation fields (preferably full size); community garden area, public buildings, public safety apparatus/equipment.

2.9.3 Non-Residential Density Bonus Incentives: Non-residential (commercial, industrial, etc.) incentives are handled differently because density is regulated by site planning constraints (lot coverage, maximum height, dimensional standards, parking, site plan standards, etc.). Incentives are still based on a sliding scale formula. Greater incentives are available to projects that best address the public benefit areas described below. Incentives accrue both to projects that address a single benefit extensively or multiple benefits.

*This section
is not applicable
under our
current zoning as we have
no commercial size restrictions
on lot coverage*