

# **MORRISVILLE / MORRISTOWN** **PLANNING COUNCIL AGENDA**

**Tuesday 23 January 2024 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: Reorder §206 Design Criteria to split by use
- p. 6 3. Discuss: Acceleration of S.100 zoning change schedule
- 4. Discuss: Proposed S.100 “homes for everyone” zoning edits
  - p. 7-11 a) Revised accessory apt language
  - p. 12-15 b) Permit process for administrative subdivisions
  - p. 16 c) Revised cap on building height

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

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**Meeting Minutes of Tuesday 9 January 2024**

**Council Members present:** Joshua Goldstein, Etienne Hancock, John Meyer, Jamie Morris, & Wally Reeve

**Council Guests:** Highway Superintendent Kevin Barrows, Conservation Commission Member Jerry Throne, Tom Cloutier, Kaden Bebarrtald, Taylor Maida, Laura & Martin Green

**Staff:** Planning Director Todd Thomas

**Call to Order:** Chair Hancock called the meeting to order in the Community Meeting Room of the Town Offices at 43 Portland Street in Morrisville at 5:00 P.M.

**Meeting Minutes:** Member Meyer moved to approve the December 12<sup>th</sup> meeting minutes. A vote of 5-0 affirmed the motion.

**Discuss: Revise §455 driveway setback and create §456 for existing Access Permit process.** Highway Superintendent Kevin Barrows appeared before the Council to speak to the proposed zoning change that codified the Town's long-standing Access Permit process and the rewrite of the Town's driveway setback rules from intersections. Mr. Barrows was supportive of both initiatives. Conservation Commission Member Jerry Throne asked for minor wordsmithing on where the driveway setback was measured from. Mr. Thomas agreed to make this change, and the Council, by consensus, was amenable to both changes moving forward in the coming spring zoning change.

**Discuss: Selectboard request for Planning Council alternates.** Mr. Thomas informed the Council that it had been again asked to consider having "alternate" members during a Selectboard concerns portion of a recent Selectboard meeting. The Council reiterated that alternates were not needed nor desired on the Planning Council. It was discussed that the Council, by policy, does not make same-day meeting decisions like the Development Review Board, so if a Planning Council Member misses a meeting, he can always vote on the prior meeting topic at the following meeting (after reading the minutes). Chair Hancock said he would prefer to increase the Council membership from 5 members back to 7 members before he considered adding alternates. Member Goldstein cited the recent opening on the Planning Council that languished for a couple of months, and a lack of public interest in serving. He added that he preferred having 5 Council members, as opposed to 7, because a 5-member board makes for shorter debate and creates quicker consensus.

**Discuss: Revisions to statutory zoning limitations per 24 VSA §4412.** Mr. Thomas presented minor changes to the section of the zoning bylaws that regurgitated uses in State Statute that were protected from local zoning controls. New protections being add the zoning bylaws per State Statute revisions were for Emergency/Homeless Shelters and Accessory on Farm Businesses. The Council agreed to these changes by consensus.

**Discuss: S.100 Housing Opportunities for Everyone (HOMES Act) zoning changes.** Mr.

Thomas presented the 2nd wave of zoning changes designed to bring the Town's zoning bylaws into compliance with Vermont's new S.100 Homes Act. The Planning Council discussed and made decisions regarding the proposed zoning changes, which included: minimum & maximum lot sizes in village areas, a new affordable housing waiver, and revised building height regulation due this State mandated affordable housing waivers. While the Council agreed by consensus to the new S.100 waiver language for affordable housing developments, Mr. Thomas was asked to work with Fire Chief Dennis DeGregorio, Assistant State Fire Marshall Shawn Goodell, and Architect Paul Trudell to craft a more specific and less interpretative definition for how buildings above 35 feet in height should be regulated and approved. After a long discussion, the Council agreed to retain the existing 4,000 ft<sup>2</sup> Minimum Lot Size and the new 8,000 ft<sup>2</sup> (approximately 1/5-acre) Maximum Lot Size in the current Medium and Low Density Residential zones of the village served by municipal water & sewer. Mr. Thomas, using a very rough build out analysis map he created at the request of Member Reeve, showed areas of existing Low Density Residential zoned land that would revert with the coming zoning change to Rural Residential Agricultural zoned land due to the lack of gravity sewer access. Member Reeve asked his fellow Council Members to delete the waiver allowance for minimum lot sizes as a compromise for keeping the small 4,000 Minimum Lot Size. The Council, by consensus, agreed to do so and Mr. Thomas said he would make that change directly. After some additional discussion, Mr. Thomas was directed to change the maximum size of Accessory Apartments back from 30% to 60%, change the Maximum Front Setback in the High Density Residential (HDR) Zone to 10 feet and to create a Minimum Front Setback of 5 feet in the HDR Zone (or 30 feet from road centerline on a 50-foot-wide right-of-way). For a future meeting, Mr. Thomas was also asked reorder Section 206 into residential and then commercial sections, and to edit his 2023 permit list to highlight S.100 exemption permits.

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The meeting adjourned at 7:15 PM, submitted by Todd Thomas

## **Split of §206 Design Criteria rules by use (instead of alphabetically)**

**Section 206. Design Criteria.** The Zoning Administrator or DRB may require the submission of renderings of proposed structures in the CB, COM, IND #4 (north of Bridge St only) & IND #5 (airport), HOS, HDR, & LDR Zones to ensure that all development therein complies with specified Design Criteria standards. The DRB may only grant relief from §206 Design Criteria requirements if it can find doing so meets at least 2 of the goals specified in §204.4 Waiver. For Dwelling Unit Single-Family, and Dwelling Unit Two-Family uses, the following Design Criteria requirements shall apply:

- a. Entry Door: All Dwelling-Units shall include at least one functional entry door facing the parcel's primary street frontage. In the case of a corner lot, additional entry doors are only required if a sidewalk exists along that additional frontage.
- b. Front porch: All residential construction must include a front porch with a minimum size of 8 feet by 6 feet, located on the side(s) of the building that parallels existing or new public sidewalk(s) (as required by the Morristown Sidewalk Policy).
- c. 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. Garages. Attached and detached garages shall be located at least 5 feet further from the primary street 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 street pavement. Garages shall not be more than  $\frac{1}{2}$  the length of said home or business, with both lengths measured along the primary street frontage. Interpretation of primary street frontage, when a property has multiple frontages, shall be made by the DRB or ZA.
- e. Cladding: The trim boards for all windows and doors shall sit proud of vinyl siding and hide all J-Channel trim.

For Dwelling Unit Multi-Family and business uses, in addition to the aforementioned §206 a, b, c, d, & e requirements, the following Design Criteria requirements shall also apply:

- f. Utilities: Utilities shall be underground.
- g. Lighting: A lighting plan that show compliance with Section 490 of the Bylaws.
- h. 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.
- i. Architectural repetition: Each 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.
- j. 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.

- k. Outside space: All new dwelling unit multi-family uses shall include 24 ft<sup>2</sup> 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 front lawn area located outside required setbacks, or a private deck, porch, or patio that is attached or adjacent to the dwelling unit.
- l. 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 from which it derives its frontage.
- m. 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 entry door. A bike rack shall also be provided for new Development that has 10 or more new parking spaces.
- n. 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.

*This new schedule is one month faster than previous schedules in your meeting packet*

| MPC S.100 zoning change schedule through rest of fiscal year |              |             |                 |                                                                                                                                                                                          |               |                        |
|--------------------------------------------------------------|--------------|-------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------------------|
| <u>Meeting Date</u>                                          | <u>Board</u> | <u>Time</u> | <u>Location</u> | <u>S.100 New Zoning Change Topics</u>                                                                                                                                                    | <u>Bill §</u> | <u>Notes</u>           |
| 11/28/2023                                                   | MPC          | 5:00 PM     | Town Offices    | Review duplex pavement requirement, double minimum lot size in RRA Zone, & delete homeless shelter language                                                                              | §1, §2 & §3   |                        |
| 12/12/2023                                                   | MPC          | 5:00 PM     | Town Offices    | Review lot sizes for village RES (proposed at 8,000 ft2 maximums @ 5+ single-family homes per acre)                                                                                      | §2            |                        |
| 1/9/2024                                                     | MPC          | 5:00 PM     | Town Offices    | Lot size vote for village RES (proposed at 8,000 ft2 maximums @ 5+ single-family homes per acre)                                                                                         | §2            |                        |
| 1/23/2024                                                    | MPC          | 5:00 PM     | Town Offices    | Revise Accessory Apt language & permit process for administrative subdivisions                                                                                                           | §2 & §6-§7    |                        |
| 2/13/2024                                                    | MPC          | 5:00 PM     | Town Offices    | -                                                                                                                                                                                        | -             | No meeting             |
| 2/27/2024                                                    | MPC          | 5:00 PM     | Town Offices    | Review edits to village residential zone boundaries & Sewer Service Area so it matches zoned areas for village maximum lot sizes, & allow small gravity sewer expansion areas (per MW&L) | §2 & §4       |                        |
| 3/12/2024                                                    | MPC          | 5:00 PM     | Town Offices    | Vote on village residential zone boundaries & Sewer Service Area changes & begin Missing Middle design criteria discussion                                                               | §2 & §4       |                        |
| 3/26/2024                                                    | MPC          | 5:00 PM     | Town Offices    | Vote to add Missing Middle design requirements into Section 206 of ZBL                                                                                                                   | §2            |                        |
| 4/9/2024                                                     | MPC          | 5:00 PM     | Town Offices    | Review appeal party change, new DRB character of area, by-right development restrictions, & new definitions in ZBL for "served by water and sewer"                                       | §6, §9 & §7   |                        |
| 4/23/2024                                                    | MPC          | 5:00 PM     | Town Offices    | Review S.100 zoning changes before public hearing                                                                                                                                        | all           |                        |
| 5/14/2024                                                    | MPC          | 5:00 PM     | Town Offices    | S.100 Zoning Change public hearing                                                                                                                                                       |               | Public hearing!        |
| 5/28/2024                                                    | MPC          | 5:00 PM     | Town Offices    | S.100 Zoning Change MPC vote to send changes to Selectboard & Trustees for final approval                                                                                                |               | MPC zoning change vote |

require 1.5 spaces for duplexes and multi-family dwellings in areas without sewer and water for multiunit dwellings if existing public parking is not sufficient, rounded to the nearest whole number when calculating the total number of required spaces for multi-unit dwellings.

## **§2 – Required Provisions and Prohibited Effects**

**Duplexes and small multiunit uses:** Amends 24 V.S.A. § 4412 (required provisions and prohibited effects) Municipalities must allow anywhere single unit homes (also known as single-family or single-household dwellings) are allowed for year-round use. Municipalities must apply the same or less prohibitive dimensional standards to duplexes as would apply to a single unit dwelling. In areas served by municipal sewer and water, municipalities must allow multiunit dwellings with three or four units to be a permitted (not conditional) use.



**Accessory Dwelling Units (ADUs) allowances:** ADU review, dimensional, or other regulations must not be more restrictive than those for single-unit dwellings. For instance, if a single-unit dwelling is not subject to a special design review, the ADU may not be subject to design review. Also, the criteria to convert an existing detached nonresidential building (such as a carriage barn) to habitable space for an ADU must not be more restrictive than a single-unit dwelling without an ADU.

**Hotels & Housing Assistance:** Bylaws must not prevent or penalize hotels used to rent rooms with public funds for the purpose of providing Vermont General [housing] Assistance.

**Dwelling unit density standards for allowed residential uses:** In areas served by municipal sewer and water that allow residential development, bylaws shall establish lot and building dimensional standards that allow 5 or more dwelling units per acre for each allowed residential use and density requirements for multi-family cannot be more restrictive than those required for single-family dwellings.

**Affordable housing and mixed used development density bonus:** In municipal water sewer service areas that allow residential development bylaws must permit a dwelling unit density bonus of 40% and a bonus of one habitable floor above the height maximum.

**§3 – Limited Regulation of Emergency Shelters:** Amends 24 V.S.A. §4413 (limitations on municipal bylaws) Shelters must be regulated similarly to state or community-owned and operated institutions. Bylaws may not interfere with daily or seasonal hours of operation or otherwise interfere with the functional use of a shelter.

**§4 – Definitions:** Amends 24 V.S.A. § 4303 (definitions) to move the existing ADU definition from the ADU section to this section, establish a definition for a duplex, (to mean a two-unit dwelling with a shared wall or floor/ceiling), define emergency shelter (to

\* (38) "Accessory dwelling unit" means a distinct unit that is clearly subordinate to a single-family dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

Statutory Definition

(A) the property has sufficient wastewater capacity; and

(B) the unit does not exceed 30 percent of the total habitable floor area of the single-family dwelling or 900 square feet, whichever is greater.

(39) "Duplex" means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

(40) "Emergency shelter" means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and that does not require occupants to sign leases or occupancy agreements.

(41) "Multiunit or multifamily dwelling" means a building that contains three or more dwelling units in the same building.

(42)(A) An area "served by municipal sewer and water infrastructure" means:

(i) an area where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and not prohibited by:

(I) State regulations or permits;

(II) identified capacity constraints; or

(III) municipally adopted service and capacity agreements; or

(ii) an area established by the municipality by ordinance or bylaw where residential connections and expansions are available to municipal water and direct and indirect discharge wastewater systems and which may exclude:

## ARTICLE IX. DEFINITIONS

### Section 900. State Definitions.

The definitions under §4303 of the Act shall apply to these Bylaws, and shall supplement those defined herein.

### Section 910. Other Definitions.

The following definitions shall also apply to these Bylaws.

Certain means of reference and words used herein shall be defined as listed below: Unless the content clearly indicates contrary, words listed in the singular include the plural and those in the plural include the singular. The word "person" includes a corporation, unincorporated association, partnership, as well as an individual. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof." The word "may" is permissive, the words, "shall" and "will" are mandatory

**The Act** - refers to Title 24, Chapter 117 of the Vermont Statutes.

**Accessory ~~Apartment Dwelling Unit~~** – See §423.4 of these Bylaws per 24 VSA §4303 definition #38. ~~–An apartment located within an owner-occupied single-family dwelling, or within an accessory building on the same property, that is dimensionally subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation. See §423.4~~ *ZBL definition*

**Accessory Retail and Food Use** - Activities such as gift shops, cafeterias, fitness rooms, and snack shops that are conducted within a principal Structure, occupying no more than 25% thereof, primarily containing a non-retail use and that serve the primary non-retail use. There shall be no external evidence of retail activity discernible from the outside of the Structure. Access to the retail activity shall only be from within the principal Structure.

**Accessory On-Farm Business (AOFB)** – See §423.5 of the Bylaws per 24 VSA §4412.11 & Act 143 of 2018

**Accessory Use** - A use or Structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or Structure.

**Administrative Officer** - The person appointed per 24 VSA §4448; aka "the Zoning Administrator."

**Awning** – A retractable or permanent structure of flexible material (plastic, canvas, etc.) on a frame attached to the facade of a building and projecting therefrom as a protection against sun or rain.

**Bar** - A business or part of a Structure used primarily for the retail sale or dispensing of alcoholic beverages for on-premise consumption, or the part of a building, structure, or premise of a private club, association or organization that dispenses alcoholic beverage for on-premise consumption.

**Base Flood** – A flood having a 1% chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** - The elevation of the water surface elevation resulting from the Base Flood.

**Basement** - Any area of the Building, including a crawl space, having its floor below grade on all sides.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of excluding as a permitted use one accessory dwelling unit that is located within or appurtenant to a single-family dwelling on an owner-occupied lot. A bylaw shall require a single-family dwelling with an accessory dwelling unit to be subject to the same review, dimensional, or other controls as required for a single-family dwelling without an accessory dwelling unit. The criteria for conversion of an existing detached nonresidential building to habitable space for an accessory dwelling unit shall not be more restrictive than the criteria used for a single-family dwelling without an accessory dwelling unit.

(F) Nothing in subdivision (1)(E) of this section shall be construed to prohibit:

(i) a bylaw that is less restrictive of accessory dwelling units; or

(ii) a bylaw that regulates short-term rental units distinctly from residential rental units.

Statutory Limitation for ADUs

- 423.4 **Accessory ~~Apartment Dwelling Unit~~ (§4412.1.E).** One Accessory ~~Apartment Dwelling Unit~~, located within an owner-occupied or appurtenant to a single-family dwelling, or within an accessory building on the same property on an owner-occupied lot, shall be a permitted allowed in all zones under the same regulations as a single-family dwelling would be on the subject property use on lots that do not otherwise meet the minimum dimensional requirements for a two-family unit, provided that the property has:
- Sufficient wastewater capacity (requires new state wastewater permit);
  - The proposed accessory apartment is not ~~greater~~ larger than 900 square feet or more than 60% of the heated floor space of the existing or a proposed primary dwelling.
  - Meets applicable setbacks.

Our ZBL allowance allows the property owner to live in the house or ADU. Additionally, we are more generous space-wise than State Statute by allowing ADUs of up to 60% of the heated area of the house (state says 30%).

mean temporary shelter for homeless) and define multi-unit dwelling (to mean three or more dwelling units in same building).

**Served by Water & Sewer Definition:** amends definition to define “served by municipal water and sewer infrastructure” to mean an area where a connection is “available” to municipal water and direct or indirect wastewater system(s).

“Available” is not defined but could be interpreted as “possible” or “feasible” and not prohibited by State regulations and permits, known capacity constraints, or adopted service and capacity agreements. Municipalities can also establish specific service areas by ordinance or bylaw, provided they do not discriminate against year-round residential housing otherwise allowed. Such an ordinance may consider areas where year-round housing development conflicts with natural resource regulations, known service area prohibitions or limitations, areas served only to address public health hazards, mobile home parks outside areas planned for growth, and where year-round housing development is prohibited.

**§5 – Preparation of Bylaws:** Amends 24 V.S.A. §4441 (preparation of bylaws and regulatory tools) to enhance fair housing filing requirements for the State Plan & Bylaws Database and atlas to allow developers/researchers to go to one place for all adopted bylaws and access all zoning districts through the Vermont Open Geodata Portal. The Department is now in the process of updating procedures, forms and upload capabilities.

**§6 – Limits on Local Appeals:** Amends 24 V.S.A. §4465 (appeals of decisions of the administrative officer) adds “residents” to the list of potential individuals that may, in combination, appeal an appropriate municipal panel (AMP) decision with a 10-person petition. Depending on local governance, the AMP could be a planning commission, zoning board of adjustment, development review board, or legislative body (under interim zoning). The amendment also prohibits 10-person appeals for “character of the area” if the project has an affordable housing component.



**§§6-7 – Subdivision Review:** Amends 24 V.S.A. §4463 (subdivision review) to differentiate between major and minor subdivisions in bylaws to allow administrative officers to approve minor subdivisions. Municipalities may define “minor subdivision.”

**§9 – Character of the Area Appeals:** Amends 24 V.S.A. §4471 (appeal to environmental division) to prohibit conditional use appeals when the AMP has determined the “character of the area” is met for residential development in some State designated areas (Downtowns, Growth Centers, and Neighborhood Development Areas). Other elements may be still appealed.

**§10 – By Right Development Review:** Amends 24 V.S.A. §4464(b) (appropriate municipal panel decisions) to require local boards to permit housing development as enabled in the bylaws with no restrictive modifications to projects. Developments that meet the requirements of bylaws and municipal standards, (along with any other permitting requirements) must be allowed. AMPs will no longer be able to require larger

# The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

## Title 24 : Municipal and County Government

### Chapter 117 : Municipal and Regional Planning and Development

#### Subchapter 010 : Appropriate Municipal Panels

(Cite as: 24 V.S.A. § 4463)

#### § 4463. Subdivision review

(a) Approval of plats. Before a plat for a major subdivision is approved, a public hearing on the plat shall be held by the appropriate municipal panel after public notice. A bylaw may provide for the administrative officer to approve minor subdivisions. A copy of the notice shall be sent to the clerk of an adjacent municipality, in the case of a plat located within 500 feet of a municipal boundary, at least 15 days prior to the public hearing.

(b) Plat; record. The approval of the appropriate municipal panel or administrative officer, if the bylaws provide for their approval of minor subdivisions, shall expire 180 days from that approval or certification unless, within that 180-day period, that plat shall have been duly filed or recorded in the office of the clerk of the municipality. After an approved plat or certification by the clerk is filed, no expiration of that approval or certification shall be applicable.

(1) The bylaw may allow the administrative officer to extend the date for filing the plat by an additional 90 days if final local or State permits or approvals are still pending.

(2) No plat showing a new street or highway may be filed or recorded in the office of the clerk of the municipality until it has been approved by the appropriate municipal panel, or administrative officer if allowed under the bylaws, pursuant to subsection (a) of this section, and that approval is endorsed in writing on the plat, or the certificate of the clerk of the municipality showing the failure of the appropriate municipal panel to take action within the 45-day period is attached to the plat and filed or recorded with the plat. After that filing or recording, the plat shall be a part of the official map of the municipality.

(c) Acceptance of streets; improvements. Every street or highway shown on a plat filed or recorded as provided in this chapter shall be deemed to be a private street or highway until it has been formally accepted by the municipality as a public street or highway by

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# ZBL distinction of Minor vs Major Subdivisions

## ARTICLE VII: SUBDIVISION APPLICATION AND APPROVAL PROCEDURE

### Section 710. Application of Regulations.

- 710.1 No conveyance or lease of a subdivision or any part thereof may be made, nor any construction or other improvement for such subdivision may be commenced, nor any permit for erection of a structure in such proposed subdivision may be granted, unless the subdivider has secured approval from the Zoning Administrator or DRB for the proposed subdivision under these rules.
- 710.2 For the purposes of these regulations, the term Minor Subdivision shall be defined as any proposed subdivision resulting in no more than one new parcel. Minor subdivisions can be either in the form of conventional subdivisions or in the form of Planned Unit Development / Conservation Subdivisions. The form of the minor subdivision is the choice of the landowner. The Zoning Administrator shall approve all Minor Subdivisions. The term Major Subdivision shall be defined as any proposed subdivision resulting in two or more new parcels and or any subdivision proposal that creates a Street. All Major Subdivisions must go through the §510 Planned Unit Development / Conservation Subdivision process and be approved by the DRB.

Street - in the ZBL is defined as "any public or private way which provides, or is reserved for, the principal access to 3 or more properties.

→ New §100 edits allow the ZA to create a Street. Our ZBL does not. I recommend no changes here.

\* The 2022 Zoning change reduced minor Subdivisions to 1 new lot instead of 2 new lots (major subdivision from 3 to 2 new lots). This change has failed to act as a deterrent to developers doing iterative subdivisions and has instead just doubled the workload for the ZA. I recommend reverting back to the prior thresholds.

422. **Required Frontage and Access (4412.3).** No land development may be permitted by the Zoning Administrator on lots which do not have the required road frontage, as specified in the underlying zone, on an existing Street. The Zoning Administrator may however permit a dwelling unit accessed by a private or shared driveway that is provided for by permanent easement, or right-of-way, serving no more than 2 dwellings, having at least 20 feet in width. The DRB shall review and may permit development via Site Plan Review, in the following circumstances, when the minimum road frontage is not provided:
- Development with frontage on public waters.
  - Development serving 3 or more homes by dwellings accessed via a permanent recorded easement, an existing right-of-way, or proposed private Street that is at least 30 feet in width for private roads and 50 feet in width for proposed public roads.

- ZBL differentiation for what subdivisions the ZA can approve via the Minimum Lot Frontage provided in the Section 204.5(b) dimensional table or via permanent easement or right-of-way versus what the DRB has to approve.
- I do not recommend additional change to what is shown above due to S.100 unless the Council would like evaluate allowing smaller road right-of-way widths in the Village for Town Roads (which would also require an update to the Town Road Policy).

**Bedroom** - a room with one or two beds in it being used for sleeping purposes.

**Brewery:** A facility for the production and packaging of beer, vinous, distilled or fermented alcohol products for distribution, retail, or wholesale, on or off-premise. A majority of a Brewery's on-premise alcohol sales (retail, tastings, etc.) shall be brewed or distilled on-site.

**Building** – See definition of Structure.

**Building Front Line** - Line parallel to the front lot line transecting that point in the Building face which is closest to the front lot line. This face includes decks and porches whether enclosed or not, but does not include steps or ramps.

**Building Height** - Vertical distance measured from the average elevation of the Building's finished grade to the midpoint of its roofline, or, in the case of a flat roof, to its highest point. ~~Building Height above the maximum height specified in each zone shall require Conditional Use review. Building or structure height above 35 feet may only be permitted upon prior written confirmation from the Fire Chief that the Town's existing fire-fighting apparatus will be able to fully access exists at least 2 sides of the building or structure.~~ *The fire chief has signed off on this 2 sides of access definition*

**Bulk Storage of Fuels** - The storage of 1,000 gallons or more of liquid or gaseous fuels for distribution. Such fuels include fuel oil, and pressurized gasses such as propane and compressed natural gas.

**Business Services** - Establishments providing primarily services to individuals, institutions, farms, industries, or other businesses (ex. including: bank, distributors, real estate agency, barbershop, beauty parlor, laundry, photographic studio, and wholesalers). Business Services is also inclusive of the assemblage of parts to manufacture hardware or consumer products.

**Class 1 Development** - Any use in which all necessary water supplies AND sewage disposal is provided by municipal off-lot water and sewage systems.

**Class 2 Development** - Any use in which either the necessary water supply OR the necessary sewage disposal is provided for on the same lot as the building(s) for which these utilities are provided; and the other utility is provided by an off-lot system.

**Class 3 Development** - Any use in which the necessary water supply and the necessary sewage disposal is provided for on the same lot as the building(s) for which these utilities are provided.

**Clubs, Private** - Building, facilities, or uses catering exclusively to club members and their guests for recreational purposes and not operated primarily for profit.

**Commercial Use** - This use shall include all operations and processes for businesses, whether they be located in stores, warehouses, offices, or similar Structures. This use shall not include the Gas Station or Sexually Oriented Business uses.

**Community Facility** - Any meeting hall, place of assembly, government office, government facility, museum, art gallery, library, school, or other similar establishment not operated primarily for profit.