

Morrisville/Morristown Planning Council
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Meeting Minutes of Tuesday 14 May 2024

Council Members present: Etienne Hancock (Chair), John Meyer, Jamie Morris, Joshua Goldstein, Wally Reeve

Council Members absent:

Council Guests: Development Review Board Member Susanna Burnham, Tom Cloutier, Laura & Martin Green, Dawn Angney Kress, Paul Griswold, Grant Wieler, Dave Yacovone

Staff: Planning Director Todd Thomas & Video Recording Operator Charlie Burnham

Call to Order: Chair Hancock called the meeting to order in the Community Meeting Room of the old Tegu Theatre, 43 Portland Street, in Morrisville at approximately 5:03 P.M.

Meeting Minutes: Member Meyer moved to approve the as-revised April 23rd meeting minutes. A vote of 4-0-1 affirmed the motion (Member Reeve abstained because he was absent that day).

Discuss: Planning Council public hearing for the 2024 zoning changes

Mr. Thomas led the Council and the public in attendance through the warned zoning changes and provided the rationale for each zoning edit proposed. Mr. Thomas explained that most of the proposed zoning changes resulted from the Legislature's S.100 / Homes Act. The changes discussed regarding the Morrisville/Morristown Zoning & Subdivision Bylaws were as follows:

- §201.1 *Delete Mixed Office Residential Zone & Medium Density Residential Zone*
- §201.3 *Clarify that when the sewer service management area splits a lot, it can be moved either way by the DRB*
- §204.4 *Edit Waiver provision so minimum lot size cannot be reduced by the DRB*
- §204.5 *Edit existing waiver language meant to encourage affordable housing so it complies with HOMES Act*
- §204.5a *Edit Use Table for HOMES Act, building height reductions, add accessory on-farm business, & 2 zone deletions*
- §204.5b *Edit Dimensional Table for HOMES Act, create maximum lot sizes & densities, & 2 zone deletions*
- §206 *Edit Design Criteria to regulate single-family homes for 1st time, delete IND #4 therefrom, and reorder requirements*
- §206.1 *Add missing middle housing size control to small project design criteria & delete exterior access townhouse rule*
- §206.2 *Add commercial building size maximum & disallowing direct stormwater discharges onto public properties / roads*
- §206.3 *Create new Cottage Court (small single-family homes) development alternative for DRB approval*
- §206.4 *Modify existing waiver provision to accommodate new building size maximums that cannot be waived*
- §207e *Clarify front setback measurement when no sidewalk is present or will be required*
- §401 *Better align permit requirement to the as-revised definition of Development*
- §405.3 *Delete Infectious Invalidity prohibition since minimum lot size waivers will no longer be allowed post zoning change*
- §422 *Clarify that the ZA may permit no more than 2 dwellings off a shared driveway, not just a private driveway*
- §422b *Allow DRB to approve development of 3 or more homes on narrower 30-foot rights-of-way if the road will be private*
- §423 *Make HOMES Act changes to various protected uses with limited zoning control per State Statutes*
- §451 *Allow Selectboard to work with developers to create new off-street parking that counts toward parking minimums*
- §452 *Make HOMES Act changes to when paving is required for development, & tie paving to zones instead of village line*
- §454 *Delete DRB ability to increase the number of parking spaces for new development due to HOMES Act*
- §455 *Create new traffic speed dependent driveway setback requirement*
- §456 *Codify long-standing Access Permit process for driveways into Zoning Bylaws*
- §472 *Remove 2 zones being deleted from sign bylaw regulations due to HOMES Act zone consolidations*
- §484 *Delete qualifying statement about where new gas stations are allowed because they are not allowed anywhere*
- §490.5 *Allow up-lighting of architectural elements of Contributing Structures within 1983 Morrisville Historic District*
- §635 *Delete certain DRB new development mitigation tools that are now prohibited by the HOMES Act*
- §641 *Change receiving party of appeals to Secretary from Chair*
- §710.2 *Change major versus minor subdivision differentiation back to 3 lots from 2 lots*
- §770 *Require net & gross lot acreages when lots are surveyed to centerline of public roads & delete unused survey reqs.*

-Add, modify, or delete the following definitions, mostly due HOMES Act requirements: Accessory Dwelling Unit, Accessory On-Farm Business, Accessory Use, Building Height, Cottage Court Development, Development, Dwelling Unit (Single-Family, Two-Family, & Multi-Family), Legislative Body, Nuisance, Official Map, Served by municipal water and sewer infrastructure, Emergency Shelter & Sketch Plan.

-Add, modify, or delete the following zones, mostly due HOMES Act requirements: Commercial #1, Mixed Office Residential, Industrial #1, Hospital #1, High Density Residential #2, Medium Density Residential, Low Residential Density (#1, #2, & #3), & Sewer Service Management Area

The Council spent a considerable amount of time at the onset of the hearing discussing the written request from All-Saints Catholic Academy for its property to be removed from the proposed 2024 Low Density Residential zoning change. Mr. Thomas explained that school-related development activities were exempt from zoning regulations other than site plan review for tertiary things like traffic circulation and screening. Because the school is located in an area served by Village water & sewer services, and because the Zoning Bylaws were likely to be changed multiple times again before the school would likely seek permits to develop its land into a non-school related business office park use (under the current Mixed Office Residential Zoning), the Council voted to retain the proposed Low Density Residential zoning for the school property. Upon a separate written request from Green Mountain Management, the Council unanimously agreed to increase the maximum building width in Section 206.2(b) of the warned Zoning Bylaws from 60 feet to 68 feet to facilitate the creation of more underground parking. The final significant discussion of the hearing centered on retaining the larger 120,000 ft² (3 builder's acres) minimum lot size in the proposed Zoning Bylaws or reverting back to the longstanding 80,000 ft² (2 builder's acres) minimum lot size in the Rural Residential Agricultural Zone. Member Goldstein moved to abandon the warned zoning proposal for the larger 120,000 ft² minimum lot size proposed (keeping the minimum lot size in the Rural Residential Zone at the current 80,000 ft²). The motion failed to carry by a vote of 2-3. Member Reeve moved to approve the zoning changes as warned, including the minor changes agreed to during this public hearing and the minor changes agreed to at the April 23rd Planning Council meeting (LDR & SSMA adjustment for the Persico property). A vote of 5-0 affirmed the motion. Mr. Thomas said he would warn the 2024 zoning changes by the end of the work week to keep the scheduled June 17th & June 19th Selectboard and Village Trustees public hearings on track.

*** The meeting was adjourned at 6:25 PM. Minutes written by Todd Thomas. ***