

MORRISVILLE / MORRISTOWN **PLANNING COUNCIL AGENDA**

Tuesday 27 August 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 minute approval
- p. 4-5a 2. Vote: Parking & safety improvement letter for Pleasant Street
- p. 5b 3. Discuss: Section 204.4 Waiver allowance
- p. 6-20 4. Discuss: Sterling Mtn report on 2024 proposed ZBL
- 5. Discuss: 3-acre Minimum Lot Size in the Town
- 6. Discuss: Alternative to Maximum Lot Sizes in Village

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

Meeting Minutes of Tuesday 9 July 2024

Council Members present: Etienne Hancock (Chair), John Meyer, Josh Goldstein, Wally Reeve

Council Members absent: Jamie Morris

Council Guests: Eric Besecker, Jamie Brewster, Tom Cloutier, Nick Donza, Mason Kemerer, Laura & Martin Green, David & Denis Nepveu, Alexis George Owen, Selectboard Member Chris Palermo, Ron Stancliff, Evelyn & Jerry Throne, Bob Titterton, Mary Ann Wilson,

Staff: Planning Director Todd Thomas, Town Manager Brent Raymond, Executive Assistant Judi Alberi, & 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 5:00 P.M.

Meeting Minutes: Member Meyer moved to approve the May 14th meeting minutes. A vote of 3-0 affirmed the motion (Member Goldstein arrived just after this vote).

Discuss: Introduction to new Town Manager Brent Raymond

Brent Raymond, the Town's first permanent Town Manager, introduced himself to the Board and pleasantries were exchanged.

Discuss: 2024 Zoning Change update vote delay

Planning Director Thomas explained that the July 1st Selectboard vote on the proposed Zoning Bylaws did not happen upon the agreed schedule that was set by the Interim (previous) Town Manager. Town Manager Raymond explained that the Selectboard had hired a consultant to peer review the zoning changes, and it now appeared unlikely that the zoning changes would be voted on at the next Selectboard meeting on July 15th. Member Goldstein explained that the zoning approval schedule had been accelerated to the agreed upon July 1st approval date by the Interim Town Manager, so the current delay was surprising. Upon a question from Chair Hancock, Mr. Thomas explained that the delay in approving the 2024 Zoning Bylaw update already was slowing down development permitting in this office, and even stopping homeowners from surveying new lots in rural areas due to the question of what the minimum lot size was. Mr. Thomas added that further delaying the Legislative Bodies zoning vote past July 15th could push-back construction starting on recent DRB permit approvals for significant projects like the Airport Industrial Park & the redevelopment of the funeral home on Brooklyn Street (both heard under the 2024 Zoning Bylaws). A discussion also ensued regarding the sequencing of approving the 2024 Zoning Bylaws versus the 2024 Town Plan update, which Mr. Thomas suggested a legal opinion could be needed for since the 2024 Zoning Bylaws were reported on against the 2022 Town Plan. Public comments included Martin Green and Denis Nepveu questioning the Town's response to S.100. Jamie Brewster encouraged the Planning Council Members to deny any Selectboard made changes to the 2024 Zoning Bylaws that are sent back to the Planning Council. Tom Cloutier attested that the Selectboard had previously agreed to the schedule that had them voting the 2024 Zoning Changes on July 1st.

Public Hearing: 2024 Town Plan Amendment

Mr. Thomas explained that the warned Town Plan amendment was very simple, striking 3 sentences from the Transportation Chapter of the Town Plan and replacing them with 4 revised sentences. The Planning Council, after again questioning the sequencing of approving Town Plan

versus the already pending 2024 Zoning Bylaw update, took comments from the public. Mason Kemerer, Tom Cloutier, and Jamie Brewster said that they supported the Town Plan Amendment. Member Goldstein moved to close the public hearing. A vote of 4-0 affirmed the motion. Member Reeve moved to approve the revised Town Plan and send it to the Selectboard and Trustees for approval. A vote of 4-0 affirmed the motion.

Discuss: Parking improvement plans for Pleasant Street

Planning Director Thomas began the Pleasant Street parking discussion by speaking to its 41.25 foot right-of-way width, but actual pavement width that ranged from 35 feet to 50+ feet in places, with only parallel parking currently allowed on the west side of the street. Member Goldstein spoke to this agenda item being his initiative and said that he would like to re-look at adding angled parking to Pleasant Street (and to Lower Main Street which the Selectboard had already approved but not striped). Mason Kemerer suggested only allowing one-way northbound traffic on Pleasant Street to make way for angled parking along the sidewalk (west side of the street), and a 2-way bike lane between the parking and said curb. Member Meyer said that the Planning Commission discussed angled parking on Pleasant Street during his first term on the Board. Denis Nepveu said he was concerned about the safety of back-out angled parking, as well as traffic cutting-through the Copley Municipal Parking Lot to avoid the main intersection downtown. Bob Titterton asked for a dedicated loading zone in front of the Morrisville Food Co-op (MoCo), and he also asked for the Town to raise the depressed manhole structure at the intersection of Pleasant and Hutchins Street. MoCo GM Eric Besecker asked for the same dedicated loading zone for MoCo, agreed that the parking lot cut-through traffic created a dangerous situation, and said he supported the one-way road plan floated earlier in the meeting. Mary Ann Wilson said that the old that the Puffer Church is now the Education Center for the United Community Church of Morrisville and is fully rented to tenants whose clients are children and families: Wee Explorers Preschool, Little Saplings Preschool and Daycare (registered for 40 children), and the Lamoille Valley Dance Academy (130 students). These child centric educational uses have many pick-up and drop-off times throughout the day, and the southern end of Pleasant Street, especially its intersection with the Municipal Parking Lot, is a busy and dangerous village street for walking, crossing the intersection, and parking. She emphasized that more parking is sorely needed, and traffic calming is a must. Jerry Throne mentioned that he was a member of LCPC's T.A.C. group and suggested that they could assist with any road redesign. Nick Donza briefly spoke about his future development plans on Pleasant Street, and he also said that the post office parking lot should be physically separated from the Copley Municipal Parking Lot to stop the cut through traffic. Mr. Thomas said that if nothing changes, the current curb and sidewalk profile for the east side of Pleasant Street will be extended when development plans are submitted to his office for Pleasant Street Auto. Member Goldstein asked that any communication to the Selectboard encourage the idea that a broader consultant design scope is needed for an area larger than just Pleasant Street, but that he supported the previously discussed one-way traffic design, bike lanes, and angled parking. After some discussion, it was agreed that Mr. Thomas would write a draft letter to the Selectboard asking them to immediately stripe in parking spaces on the east side of Pleasant Street that has curbing with enough road width, to evaluate (perhaps with a consultant with a larger scope) the alternative one-way northbound only traffic proposal for Pleasant Street that allowed for a 2-way bike lanes and angled parking, to add traffic calming features like bump-outs or speedbumps to Pleasant Street, and to physically sperate the post office parking lot from the Copley Municipal Parking Lot to end the unsafe practice of cut-through traffic avoiding the larger downtown intersection. Mr. Thomas said he would have such a letter available for review and editing at the July 23rd Planning Council meeting.



Planning Council
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DRAFT

27 August 2024

Re: Creating new on-street parking & other improvements on and around Pleasant Street

Dear Selectboard Members,

The Planning Council held a well-attended public meeting in July regarding the public parking on Pleasant Street. A broad array of people with interest and investment in Pleasant Street attended this meeting, including property owners, business owners, developers, and residents. The main takeaways from the meeting, some as enhanced via the notes on the enclosed parking map, were as follows:

1. As shown via the blue letters on the enclosed map, the elimination of the bus stop and the wide pavement in areas allow 6 new parking spaces to be created now with some simple linestriping.
2. The Town should immediately stripe and sign a formal loading zone in front of MoCo.
3. The Selectboard should immediately ask the Highway Superintendent to raise the catch basin at the intersection of Pleasant St. & Hutchins St, by 5+/- inches so it matches the pavement height.
4. Permission should be given to Wee Explorers Preschool, Little Saplings Preschool & Daycare (registered for a total of 40 children) to create safe, private, and restricted parking along the north gable of their "education building" if the property owner agrees to first replace the landscaping that sits adjacent to this building with compliant sidewalk (allowing their existing 10 parking spaces to fully use the pavement on private property and keep parked cars outside right-of-way).
5. The post office parking lot should be physically separated from the Copley Municipal Parking Lot to stop the cut through-traffic that dangerously speeds through the municipal parking lot and turns south on Pleasant Street to avoid traffic at the main 4-way stop intersection downtown. The Selectboard should work with the Post Office on a trial separation of the two parking lots using haybales or jersey-barriers, and then receive corresponding public feedback.
6. The Selectboard should engage a consultant to create a road redesign for Pleasant Street that adds traffic calming features like bump-outs that enhance pedestrian safety.
7. This consultant should also be charged with commenting on Mason Kemerer's proposal to restrict Pleasant Street to one-way northbound traffic to make way for new angled parking along the sidewalk (west side of the street), and a 2-way bike lane between the parking and said curb.
8. The Selectboard is highly encouraged to allow this consultant to evaluate a broader design scope that examines companion one-way traffic flows on Portland St., Hutchins St., and a short section of Upper Main St., thereby creating a true town square function and feel for our downtown, while also eliminating the need for the existing contested left hand turns and future traffic lights.

Sincerely,

Etienne Hancock, Chair

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Pleasant Street parking map

Town of Morristown, VT

1 inch = 75 Feet

CAI Technologies
Precision Mapping. Computer Solutions.

www.cai-tech.com

August 13, 2024



7 public spaces on Pleasant, 1 handicapped, 14 private parking spots

Letters = new parking spaces

Numbers = existing parking spaces

pb = public parking pr = private parking

	Property Line
	Public Road
	Property TIC

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

5a

201.6 **Rounding.** All dimensional requirements, other than Minimum Lot Size, and Minimum Area per Residential Unit shall be rounded to the nearest whole number for any zoning calculation.

Section 202. Zoning Maps. The official zoning maps entitled "Morrisville Zoning Map and Morristown Zoning Map," located in the office of the Zoning Administrator, are hereby adopted as part of these Bylaws.

Section 203. Special Protection Areas. For the purposes of these Bylaws, the Town is divided into the following overlay Special Protection Areas that shall be part of any of the zones established in §200. Development within these Special Protection Areas is subject to the additional requirements described in §300–§348 of these Bylaws: Ground Water Source Protection Areas (SPA), Flood Hazard Areas (FHA), & Environmental Protection Areas (EPA). The official maps for the Special Protection Areas, as described in §300–§348, shall be kept on file at the office of the Zoning Administrator, and are hereby adopted as part of these Bylaws.

Section 204. Permitted and Conditional Uses, Variances, Waivers, dimensions and design requirements.

204.1 **Permitted uses.** Uses that the Zoning Administrator may issue zoning permits without requiring a hearing provided that any specific requirements are met. The letter "P" designates in what zones permitted uses are allowed on the "use table" found on the next page.

204.2 **Conditional uses.** Uses for which the DRB must conduct a warned public hearing and may approve the application with conditions as appropriate. The letter "C" designates in what zones conditional uses are allowed on the "dimension table" on the next page.

204.3 **Variances.** Variances for frontage, setbacks, and other various requirements of these Bylaws and of §4469 of the Act may be granted by the DRB after submittal of a \$500 Site Plan and a public hearing per §4465-§4469 of the Act. Issuing variances for Development controlled by §320 Flood Hazard Areas and 24 VSA §4469 should be avoided. The Board shall notify applicants that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance.

204.4 **Waiver.** The DRB may reduce up to 25% of any dimensional or numerical requirement, with said percentage calculated by dividing the area lacking the minimum requirement by the required minimum area, provided the waiver request can be found to meet at least 2 of the following goals:

- Maintains compact development patterns in the village and the rural feel of the Town
- Minimizes impacts to the environment and natural surroundings
- Does not disrupt the neighborhood's existing settlement pattern
- Does not detract from the value of adjacent properties on the Town's Grand-List
- Protects or enhances historic resources
- The installation of a permanent public art installation. Eligible public art installations include, but are not limited to, murals, place-making architecture, and sculptures. The DRB shall be in receipt of a supporting letter from a community group such as River Arts or MACC stating that the proposed art installation is durable, desirable, and makes the town a more interesting place to work and live. A maximum waiver of 2 additional dwelling units is available via this waiver.
- ~~The creation of new affordable housing per 24 VSA §4303 (1-2) that is permanently deed restricted. The Waiver percentage allowed for the creation of new affordable housing which includes a waiver for minimum parking requirements, shall match the percentage of affordable units proposed in any Affordable Housing Development (ex. a development that is 50% affordable gets up to a 50% Waiver). Said waiver % shall not exceed 75% even if a higher level of affordability is proposed.~~

* No changes to this section are planned other than the below affordable housing provision per §.100 that is simply being moved elsewhere in the ZBL.



**Review of the Morristown/Morrisville Proposed Zoning
Amendments (Draft dated 4.15.2024) for consistency with the
2022-2030 Town of Morristown/Village of Morrisville
Municipal Development Plan**

August 1, 2024

Prepared for the Town of Morristown by



At the request of the Town Manager's Office, Sterling Mountain Community Planning & Design, LLC was retained by the Town of Morristown VT in June 2024 to conduct an independent review of a proposed set of zoning bylaw amendments (dated 4/15/24) for consistency with the adopted version of the Town of Morristown/Village of Morrisville's Municipal Development Plan.

Sterling Mountain Community Planning & Design's work in coming to the conclusions and recommendations found herein are the result of:

- Review of the currently adopted version of the *2022-2030 Morrisville/Morristown Town Plan* (adopted May 2022);
- Review of the *2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown* amendments dated 4.15.2024 currently under consideration by the Selectboard and Village Trustees;
- Review of the video recording of the 1 April 2024 Morristown Selectboard meeting where the proposed amendments were presented by Planning Director Thomas;
- Review of the relevant portions of 24 VSA Chapter 117 concerning municipal plans and bylaws, and guidance offered by the VT DHCA regarding implementation of the HOMES Act; and,
- An in-person interview with Planning Director Todd Thomas, AICP conducted on 25 July 2024

This report has four parts:

- Summary of Findings and Recommendations
- Background:
 - The relationship between a Municipal Plan and Bylaws
 - What does "consistency with the Municipal Development Plan" mean?
- Analysis and Findings
 - Key policies and recommendations of the *2022-2030 Town of Morristown/Village of Morrisville's Town Plan*
 - Major changes proposed to the *2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown*.
 - Analysis & Findings
- Conclusions and Recommendations

Summary of Findings and Recommendations

Two significant aspects of the 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown amendments dated 4.15.2024 currently under consideration by the Selectboard and Village Trustees **do not meet the requirement of 24 VSA 4410 and 4411 for being in conformance with the currently adopted version of the 2022-2030 Morrisville/Morristown Town Plan (adopted May 2022)** because they do not:

(A) Make progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.

(B) Provide for proposed future land uses, densities, and intensities of development contained in the municipal plan.

(C) Carry out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

These are proposed changes regarding:



- Eliminating the Medium Density Residential (MDR) and Mixed Office Residential (MOR) districts and rezoning these areas to Low Density Residential (LDR) with associated use, dimensional and density changes.



- Increasing the Minimum lot size in the Rural Residential with Agriculture (RRA) District from 80,000 to 120,000 sqft (2 to 3 ac)

As a result, it is recommended that the Morristown Selectboard and Morrisville Trustees not take action to adopt the proposed zoning amendments as currently recommended by the Morrisville/Morristown Planning Council. Available options include:

- Rejecting the amendments as proposed, and sending them back to the Planning Council for modification; or,
- The Selectboard and Trustees prepare their own revised set of proposed amendments for consideration and adoption.

Background:

The relationship between a Municipal Plan and Bylaws

A Town Plan establishes goals and priorities for how a community will grow and evolve over time, and is responsible for establishing the policy basis that will help a community create the conditions necessary for new development and public and private investments. As such, the Town Plan provides a basis for the development of local land use and development regulations, making future public investments, directing policies for municipal services and infrastructure, and is a prerequisite for many State incentive programs, grants, and loans.

Municipal Development Plan

“A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment.”

24 V.S.A. § 4382

Under Vermont statute (24 V.S.A. Chapter 117), a new Town Plan must be reviewed, revised, and adopted every eight years to best reflect the current trends, needs, and desires of the community. A plan must also be developed following the requirements established under the law, and be:

- Consistent with State Planning Goals and Enabling Legislation
- Compatible with approved Regional and municipal plans

Once the Town Plan is in place, development standards and regulations such as zoning and subdivision can be adopted to guide and shape new development, and the community can decide which public investments to make through tools such as a capital budget program and Official Map.

Municipalities in Vermont are not required to develop local plans and bylaws. However, should they intend to develop and utilize land use regulations such as zoning and subdivision controls, they **must first** have an adopted municipal plan in place that meets all of the requirements set forth under statute.

Standard urban planning practice requires that any local regulatory tools such as zoning, **must** serve to implement the policy direction established and set forth by a local land use plan.

Vermont is no different, and this relationship is codified in state enabling statute regarding local and regional planning and development (24 VSA Chapter 117):

24 VSA § 4410. Regulatory implementation of the municipal plan

A municipality that has adopted a plan through its bylaws may define and regulate land development in any manner that the municipality establishes in its bylaws, provided those bylaws are in conformance with the plan and are adopted for the purposes set forth in section 4302 of this title. (emphasis added)

24 VSA Chapter 117 goes on to require:

24 VSA § 4411. Zoning bylaws

(a) A municipality may regulate land development in conformance with its adopted municipal plan and for the purposes set forth in section 4302 of this title to govern the use of land and the placement, spacing, and size of structures and other factors specified in the bylaws related to public health, safety, or welfare. (emphasis added)

What does "conformance with the Municipal Development Plan" mean?

As noted above, regulatory tools like zoning must be developed "in conformance" with the duly adopted Town Plan. Vermont statutes define what constitutes "conformance" as follows:

24 VSA§ 4303. Definitions. The following definitions shall apply throughout this chapter unless the context otherwise requires:

6) "Conformance with the plan" means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:

(A) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.

(B) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.

(C) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

Upon preparation of a proposed zoning bylaw amendment, the local Planning Commission (in this case the Town's Planning Director and Planning Council) is required to prepare a report describing the proposed bylaw and stating how it meets the requirements found in statute including conformance with the Town Plan.

24 VSA § 4441. Preparation of bylaws and regulatory tools; amendment or repeal

(c) When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title and shall include findings regarding how the proposal:

- (1) conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing, and sections 4412, 4413, and 4414 of this title;*
- (2) is compatible with the proposed future land uses and densities of the municipal plan; and*
- (3) carries out, as applicable, any specific proposals for any planned community facilities.*

Such a report for the zoning amendments currently under consideration can be found at the end of the packet prepared in anticipation of the May 14 Public Hearing of the Morrisville/Morristown Planning Council.

Analysis and Findings

Key policies and recommendations of the 2022-2030 Town of Morristown/Village of Morrisville's Town Plan

Like many communities across Vermont, Morrisville and Morristown's Municipal Plan strongly emphasizes three recurring themes – housing, growth in and around the village, and protecting rural character as illustrated in this section of the opening chapter:

*"...our community desperately needs the **new housing** being provided by these new residential townhouse and multi-family developments that are being built in the village. Demand to live within our community has never been greater than at the time of this writing (late 2021). The town plan, in Chapter 2, therefore designates certain parts of our community for zoning changes, and **increases in residential density**, to accommodate the need for future residential growth. Meanwhile, this same Land Use Chapter, looks to **preserve the existing rural feel** of the undeveloped, or lightly developed, remote sections of the town, while also protecting the ridgelines that give our town its scenic backdrop." (p.2, emphasis added)*

The Land Use Chapter of the Plan is where a majority of the policies and actions can be found regarding how the Town and Village intendeds to further these three themes.

Changes proposed to the 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown.

The 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown amendments dated 4.15.2024 includes nearly 3 dozen proposed changes – some minor corrections or improvements, and several changes either made necessary by, or in response to, statutory changes made by the VT Legislature during the 2023 session under the Housing Opportunities Made for Everyone (HOME) Act, Act 47 (S.100).

A complete list of the proposed amendments are as follows, with the most significant changes proposed in response to the HOMES Act highlighted in **bold**:

§201.1 - Delete Mixed Office Residential (MOR) Zone & Medium Density Residential (MDR) 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 NID #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 - Ad 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.

Analysis & Findings

In undertaking this review of the *2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown* amendments dated 4.15.2024 it is impossible not to be aware of statutory changes included in the 2023 HOMES Act. Perhaps the most significant changes for many Vermont communities were requirements that all local zoning bylaws **must**:

- Allow duplexes anywhere single-unit homes are also allowed with no additional requirements or restrictions than for single-unit homes.
- Allow as a as a permitted use multi-unit housing of 4 units or less in areas served by municipal water and sewer where year-round single-unit homes are also allowed with no additional requirements or restrictions than for single-unit homes; and,
- Allow for 5 or more dwelling units per acre for each allowed residential use in areas served by municipal water and sewer where year-round single-unit homes with no additional requirements or restrictions than for single-unit homes.

As such, many of the proposed 2024 changes to the Morrisville/Morristown bylaws were prepared directly in response to these new HOMES Act requirements. The remainder of this report will be focused on two of these changes, and consider the extent to which they:

(A) Make progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.

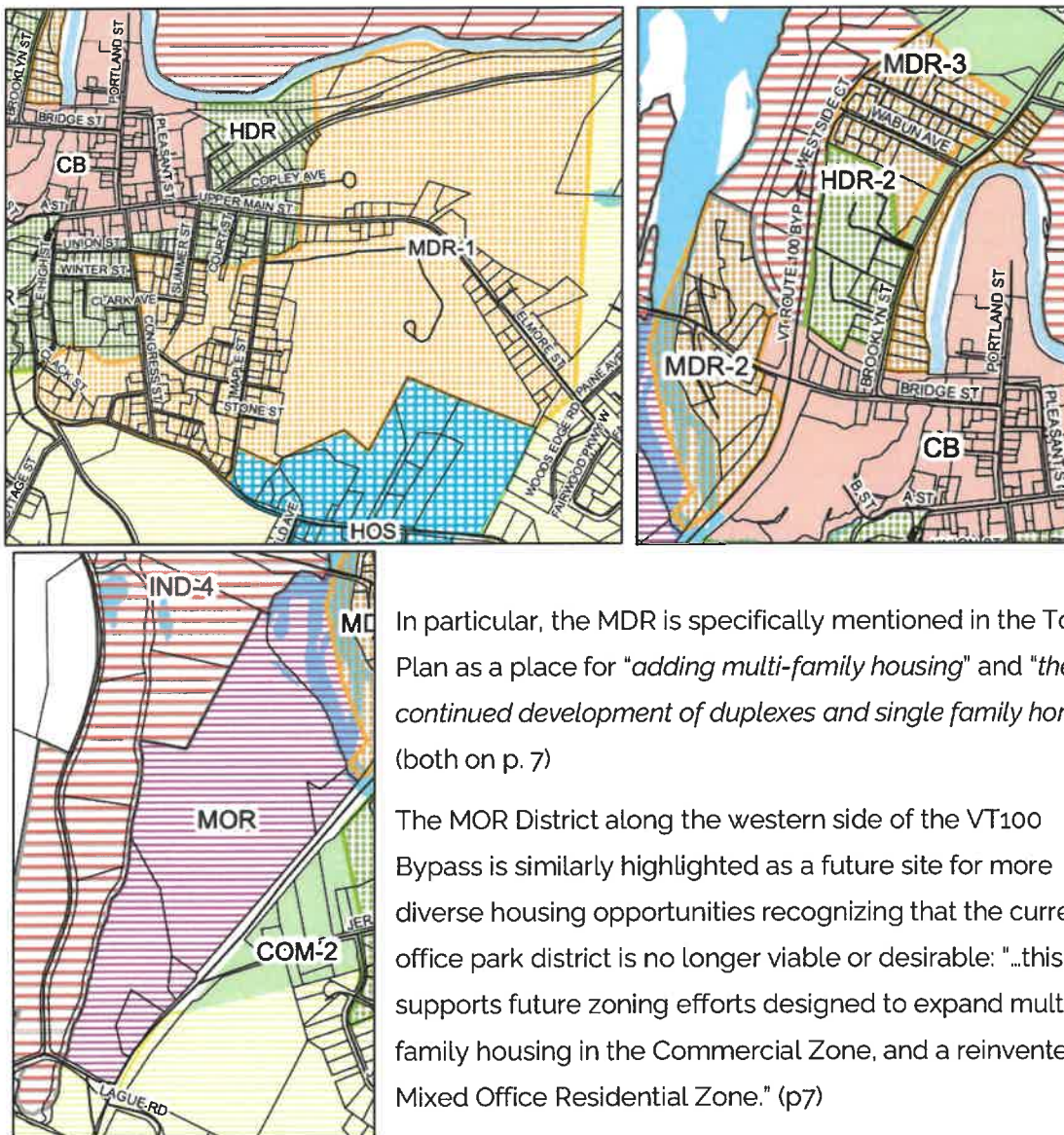
(B) Provide for proposed future land uses, densities, and intensities of development contained in the municipal plan.

(C) Carry out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

(Excerpted from 24 VSA§ 4303)

1. Medium Density Residential (MDR) and Mixed Office Residential (MOR) districts have been eliminated, and areas rezoned to Low Density Residential (LDR) with associated dimensional and density changes.

One of the more significant changes proposed is the elimination of two entire zoning districts - Medium Density Residential (MDR) and Mixed Office Residential (MOR) - and their conversion to Low Density Residential (LDR). Both the MDR and MOR districts illustrated below are adjacent (or near-adjacent) to the center of Morrisville and areas intended for the most intense mixed-use and residential development.



In particular, the MDR is specifically mentioned in the Town Plan as a place for "adding multi-family housing" and "the continued development of duplexes and single family homes" (both on p. 7)

The MOR District along the western side of the VT100 Bypass is similarly highlighted as a future site for more diverse housing opportunities recognizing that the current office park district is no longer viable or desirable: "...this plan supports future zoning efforts designed to expand multi-family housing in the Commercial Zone, and a reinvented Mixed Office Residential Zone." (p7)

Chapter 10 – Housing of the Town Plan furthers the importance of creating new housing opportunities, and specifically the intention of providing for more multi-unit housing such as duplexes and multi-family 3 or more:

"While our community has been and is always supportive of varied forms of housing (from apartments, to condos, to starter homes, and larger single-family homes), the Planning Council must incentivize, through its zoning allowances, the creation of significantly more small-sized housing stock. While there is clear and immediate need for all types of housing in our community, this plan strongly supports efforts to create more owned housing within our community, including multi-family housing, condos, townhouses, and single-family homes." (p. 47)

"...it is of paramount importance that the Planning Council ensures that the town's zoning, which was previously an impediment to the construction of new housing, continues to allow and even promote the construction of new housing in areas designated for such in the Land Use Chapter of the Town Plan." (p. 47)

However, the elimination of the MDR and MOR districts includes as a change to the Use Table (Sec. 204.5a) that no longer allows for the creation of new duplexes by making them neither a permitted or conditional use (3 and 4 unit multi-family housing was never permitted in either district) in the newly expanded LDR.

Proposed changes to the Dimensional Standards (Sec. 204.5b) for the newly expanded LDR are reduced to mirror those of the former MDR and MOR districts, and as a result provide for the opportunity for more housing on smaller lots. However, a new Maximum Lot Size/Density of 8,000 sqft is added in the Hospital (HOS) and LDR districts which has the effect of preventing the creation of any new duplexes in this area. The exception to this would be Class 2 and 3 development in LDR (outside of service area) which has a min lot size larger than the proposed maximum so would need to allow for duplexes.

As a result, the proposed changes will render these areas exclusively single-family zones and prevent the creation of new duplexes and multi-family housing contrary to the stated objectives found in the Town Plan.



FINDING:

This proposed change to the 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown is **not in conformance** with the 2022-2030 Town of Morristown/Village of Morrisville's Town Plan:

- The areas subject to the proposed zoning changes related to the elimination of the MDR and MOR and rezoning these areas to LDR are recognized in the Town Plan as places clearly intended for the expansion of duplexes and multi-family housing (not just smaller single-family homes). While the Town Plan recognizes an intention to encourage more home ownership and retain existing ratios of rental to owner-occupied housing, there are no subsequent policy statements or actions suggested to preserve single-family housing and that would modify the intention for the expansion of multi-unit housing and justify the proposed rezoning.
- The proposed changes would prevent the creation of new duplexes and multi-family housing rendering these areas exclusively single-family zones, and as a result has the effect of interfering with stated goals and policies contained in the municipal plan and not providing for proposed future land uses, densities, and intensities of development contained in the municipal plan.



2. Minimum lot size in the Rural Residential with Agriculture (RRA) District is to be increased from 80,000 to 120,000 sqft (2 to 3 ac)

The other significant change proposed is an increase in the minimum lot size in the Rural Residential with Agriculture (RRA) District from 80,000 to 120,000 sqft (roughly from 2 to 3 acres). The RRA District encompasses virtually all of the rural parts of Morristown outside of the core surrounding Morrisville. The proposed change is in response to new HOMES Act requirements, and a fear of duplexes (and rentals) sprouting up all over town.

While the Town Plan and zoning bylaws are fairly weak in how they address the more rural and natural parts of town (Conservation Subdivisions of 3 or more lots are required in this area as the primary tool to protect sensitive resources), the Town Plan is actually quite clear regarding proposed changes to this zoning district: "*This plan also supports reducing the*

current 80,000 ft² minimum lot size to no more than 40,000 ft² minimum lot size in less remote parts of the Rural Residential Agricultural Zone." (emphasis added, p. 7)



FINDING:

This proposed change to the 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown is **not in conformance** with the 2022-2030 Town of Morristown/Village of Morrisville's Town Plan

- The proposed enlargement of the minimum lot size in the Rural Residential with Agriculture (RRA) District is in direct conflict with a stated objective in the Town Plan to reduce the minimum lot size for this district, and as a result has the effect of interfering with stated goals and policies contained in the municipal plan and not providing for proposed future land uses, densities, and intensities of development contained in the municipal plan.

Conclusions and Recommendations

Two significant aspects of the 2023 Zoning Bylaws for the Village of Morrisville and Town of Morristown amendments dated 4.15.2024 currently under consideration by the Selectboard and Village Trustees **do not meet the requirement of 24 VSA 4410 and 4411 for being in conformance with the currently adopted version of the 2022-2030 Morrisville/Morristown Town Plan (adopted May 2022)** because they do not:

- (A) Make progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
- (B) Provide for proposed future land uses, densities, and intensities of development contained in the municipal plan.
- (C) Carry out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

These are proposed changes regarding:

- Eliminating the Medium Density Residential (MDR) and Mixed Office Residential (MOR) districts and rezoning these areas to Low Density Residential (LDR) with associated use, dimensional and density changes.
- Increasing the Minimum lot size in the Rural Residential with Agriculture (RRA) District from 80,000 to 120,000 sqft (2 to 3 ac)

When there is a conflict between a Town Plan and proposed bylaws, one of them will need to change. In this case the current Town Plan – even with its current weaknesses – is in alignment with statutory planning goals and related regulatory requirements, and as a result the bylaws would appear to be a better place to focus the community's efforts. Additionally, it is important to note that the intended limitations on duplexes and 3 and 4 unit multi-family housing within areas served by municipal water and sewer that are at the heart of the proposed amendments are no longer permissible under more recent statutory changes in the 2024 Legislative Session recently concluded (Act 181, §52).

As a result, it is recommended that the Morristown Selectboard and Morrisville Trustees not take action to adopt the proposed zoning amendments as currently recommended by the Morrisville/Morristown Planning Council. Available options include:

- Rejecting the amendments as proposed and sending them back to the Planning Council for modification; or,
- The Selectboard and Trustees prepare their own revised set of proposed amendments for consideration and adoption.

Possible modifications to be included in a revised set of proposed amendments might include at a minimum:

- ✓ Delete the proposed increased the Minimum lot size in the Rural Residential with Agriculture (RRA) District from the Dimensional Standards Table (Sec. 204.5b)
- ✓ Delete the proposed Maximum Lot Size/Density from the Dimensional Standards Table (Sec. 204.5b)
- ✓ Restore the Medium Density Residential (MDR) and Mixed Office Residential (MOR) districts with the smaller proposed dimensional standards for LDR or HDR. An alternative

for the MOR District is for it to become part of the MDR District. (Sec. 201.1, 204.5a and 204.5b)

- ✓ • Modify the Use Table to indicate that single-family, duplexes and multi-family 3 & 4 are permitted uses in all districts served by municipal water and sewer. (Sec. 204.5a)
- Modify the Use Table to add a new category for multi-family 5 or more as a permitted use in CB and HDR and a conditional use in COM and HOSP, (Sec. 204.5a)

~~permitted~~
Conditional
in HDR.
Only permitted
in CB Zone.