



**TOWN OF MORRISTOWN SELECTBOARD
SPECIAL SB/PC/DRB MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM**

On Zoom and at 43 Portland St. Morrisville, VT 05661
5:30 PM Thursday, February 20, 2025

NOTICE - JOINT MEETING WITH THE SELECTBOARD, PLANNING, DEVELOPMENT REVIEW BOARD

[Join Zoom Meeting](#) or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: [810 342 4528](#) |
Passcode 05661

The meeting will be live streamed on the Town of Morristown's website:

<https://www.morristownvt.gov/community/page/meetings-agendas-minutes> and on [Town GMATV YouTube Channel](#)
when possible

I. 5:30PM - CALL MEETING TO ORDER

II. 5:31PM - AGENDA CHANGES/ADDITIONS

III. 5:32PM - NEW BUSINESS

1. David White, FAICP, Principal Sterling Mountain Community Planning & Design, presentation on Planning and Zoning Administrator models commonly used by Vermont municipalities.

IV. 7:00PM - ADJOURN

Planners and Zoning Administrators:

Zebras with different stripes?

Town of Morristown & Village of Morrisville

February 20, 2025



Morristown
Where Art, Food, & History Meet *Vermont*





David E. White, FAICP

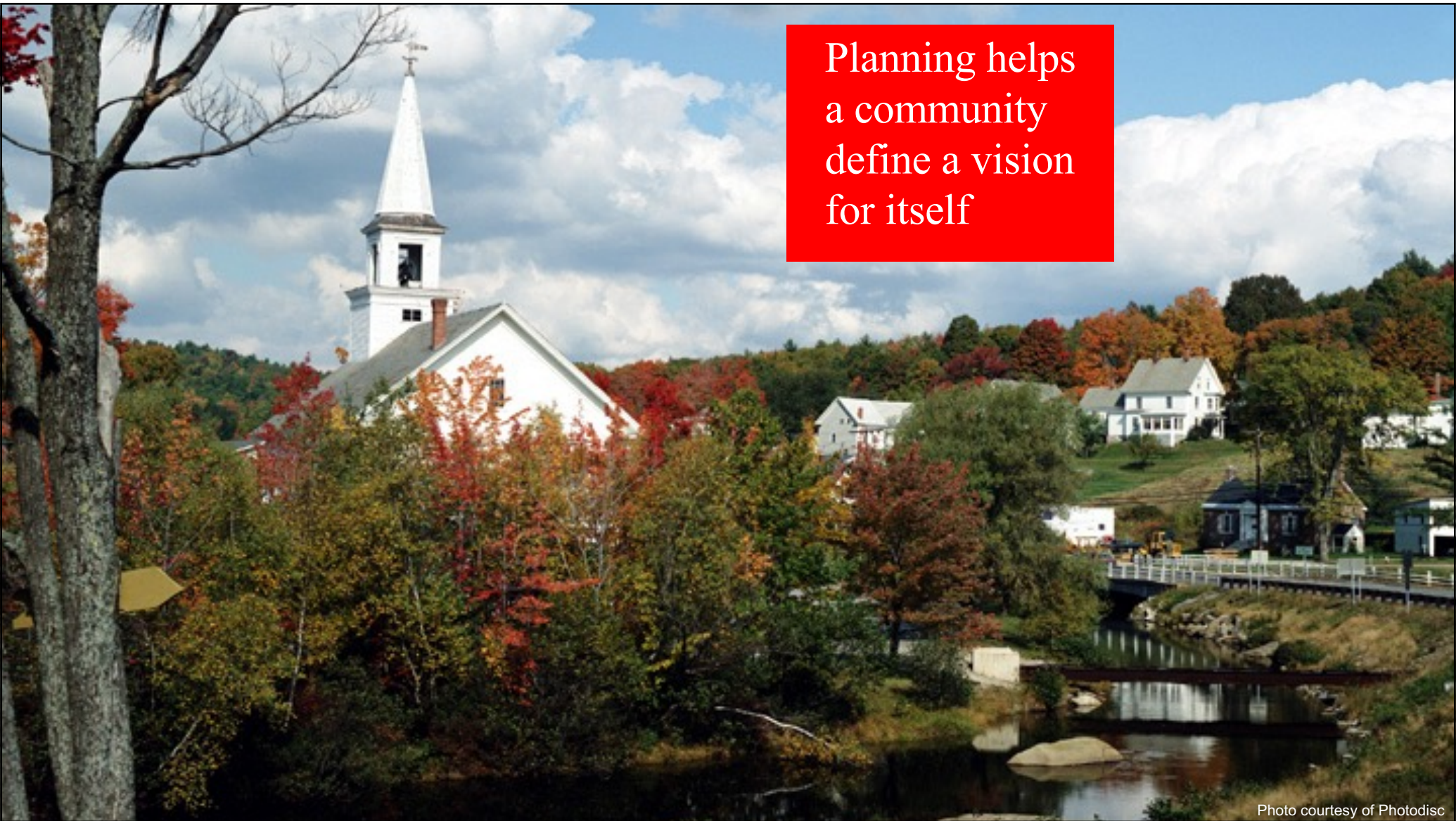
Principal, Sterling Mountain Community Planning & Design, LLC

35+ yrs of experience as a professional urban planner

Admitted to the American Institute of Certified Planners in 1997, and inducted into the AICP College of Fellows in 2018

former Planner and Director of Planning for the City of Burlington for 26 yrs

former Asst Director of the Lamoille County Planning Commission



Planning helps
a community
define a vision
for itself

Photo courtesy of Photodisc



Implementation
follows planning.

Involving regulating
land use and
development.



Zoning
Impact Fees
Subdivision
Official Map



...and non-regulatory
policies and programs,
and public
investment...

Housing & Education

Economic Development

Transportation

Water and Wastewater

Recreation & Open Space

Community Services & Facilities

Good planning
helps create
communities that
offer **better**
choices...



American Planning Association

Creating Great Communities for All



...and enables
leaders,
businesses, and
residents to play a
meaningful role in
creating
communities with
lasting value.



American Planning Association

Creating Great Communities for All





Roles and responsibilities are delineated by statute, local ordinance, and function



Three Primary Functions:

Legislative (Policy)
Quasi-judicial (Regulatory)
Administrative



Different ground rules depending on which function is being fulfilled

Local Planning & Regulatory Process Overview

Legislative Function

- **Policy making activity**
 - **(Typically) Shared** by Planning Commission and Selectboard/Trustees
 - Drafting and approval of plans and bylaws
 - Conducting public hearings
 - Inviting public participation
 - Determining direction of community
 - Planning Commission makes recommendations, while the Selectboard/Trustees takes final action



Appointed by the Selectboard/Trustees



Primary function is legislative: to prepare and amend municipal plans and bylaws for consideration by the Selectboard/Trustees



Provides counsel, expertise, advocacy, and community leadership on planning and land use matters



May provide oversight for Planning & Zoning staff



Broad statutory authority

Capital budgeting, capacity studies, retain consultants, other tasks "deemed necessary or appropriate to fulfill duties of Chapter 117"

Planning Commission

Quasi-judicial Function

- **Regulatory activity**
 - Responsibility of a panel designated to conduct development review (the DRB)
 - Occurs only after the policy direction has been determined
 - Involves interpreting and applying land use regulations to specific applications
 - Greater discretion afforded in decision-making authority than for administrative staff



Serves as the “Appropriate Municipal Panel” for development review functions of the community



Appointed by the Selectboard/Trustees



Primary function is quasi-judicial: to apply and interpret bylaws adopted by the Selectboard/Trustees



Decisions are appealable to the VT Environmental Court

Development Review Board

Administrative Function

- **Administrative activity**
 - Responsibility of professional staff - primarily the administrative officer or “zoning administrator”
 - Involves administrative actions such as providing applications, assisting applicants, issuing permits, and compliance/enforcement
 - Also involves interpreting and applying land use regulations to specific applications (subject to appeal to DRB).
 - Lesser discretion afforded than for the DRB.

Staffing Roles and Functions



Planning
(the "Planner")



Regulatory
(the "Zoning Administrator")

The Planner



Provide staff support to local boards (e.g. Planning Commission, Selectboard/Trustees) on land use and development matters

Liaison across community departments and regional collaboration

Data collection and analysis

Grant writing and management

Preparation of community plans

- Community master plan
- Neighborhood plans
- Subject area plans (e.g. transportation, housing, conservation)

Preparation of local bylaws and ordinances

- Zoning
- Subdivision
- Official Map

Capital Plan and Program

Administrative Officer (Zoning Administrator)



Primary functions

- Assist public and applicants with the regulatory process
- Review and act on applications where DRB approval is not required, and refer applications to DRB where applicable.
- Coordinate unified development review process
- Initiate enforcement proceedings for violations
- Provide staff support to local boards

The local face of land use regulation

- Great influence over integrity of process

Required by law to administer bylaws literally

All actions (or inactions) can be appealed to the DRB

Common Staffing Alternatives



A: Single Position:

- Zoning Administrator or
- Planner (also appointed as ZA)

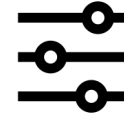
Planner/ZA

B: Two Separate positions:

- Zoning Administrator and
- Planner

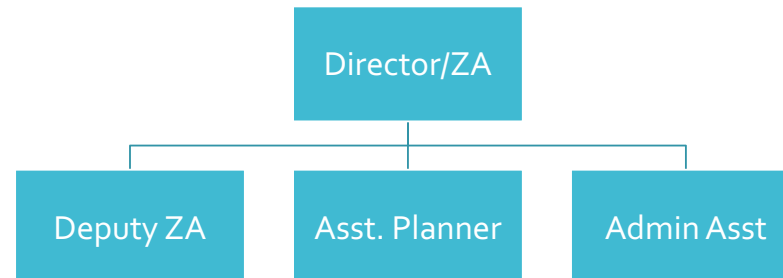
Planner

ZA



C: The “Planning Office/Department”

- Planning Director (also appointed as ZA)
- One or more staff members (who may also be appointed as Deputy ZA's)

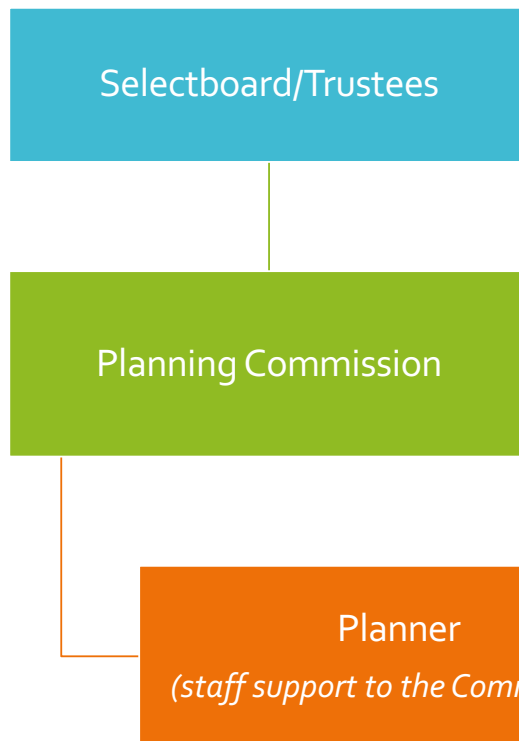


A comparison of similarly sized communities...

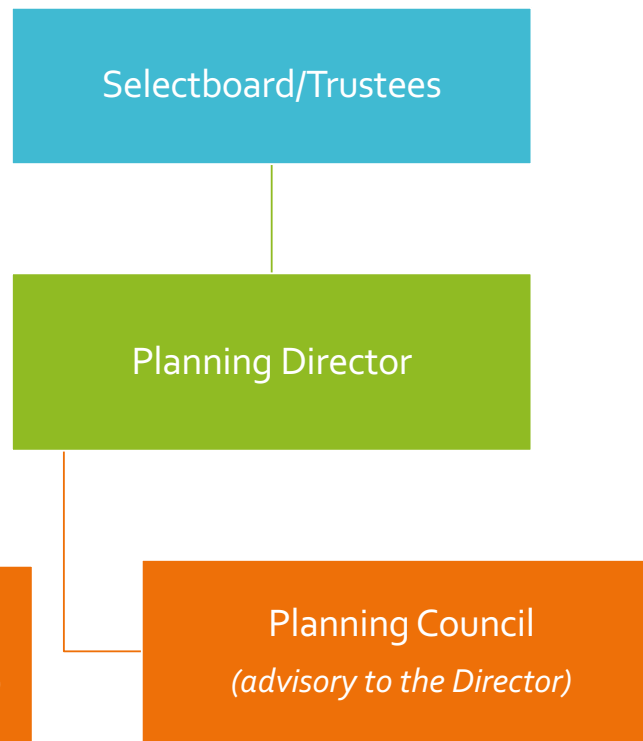
Source: 2023 Population Estimates Program and 2023 American Community Survey, https://www.vermont-demographics.com/cities_by_population, and community websites

<u>St. Albans town</u>	7,125	A "Community Development Department" staffed by the Director of Community Development, a Zoning Administrator, and an Administrative Assistant.	C
<u>St. Albans city</u>	6,935	A "Planning and Development Department" staffed by the Director of Planning and Development, a Property Services Manager (a.k.a. Zoning Administrator), a Downtown Manager, and a Planning and Development Assistant.	C
<u>Swanton town</u>	6,853	A Zoning Administrator only	A
<u>Northfield</u>	5,935	A Zoning Administrator only	A
<u>Morristown</u>	5,869	A Planning Director also serving as the Zoning Administrator	A
<u>Lyndon</u>	5,638	A Planning Director and a Zoning Administrator	B
<u>Waterbury</u>	5,458	A Planning Director and a Zoning Administrator	B
<u>Fairfax</u>	5,329	A Zoning Administrator only	A
<u>Stowe</u>	5,261	A "Planning and Zoning Department" staffed by the Planning and Zoning Director, a Deputy Zoning Administrator, and a Planning and Zoning Assistant.	C
<u>Jericho</u>	5,089	A Town Planner and a Zoning Administrator	B

Most Vermont communities



Morristown/ Morrisville



Morristown/ Morrisville has taken the unique step to vest the role and responsibilities of a Planning Commission into a “Planning Director” as enabled under 24 VSA 4321 (b)



Powers are authorized and specified by the Selectboard/Trustees



Provide management of community's comprehensive planning program and oversight for any other Planning & Zoning staff



Provides counsel, expertise, advocacy, and community leadership on planning and land use matters



May assume role of the Planning Commission to prepare and amend municipal plans and bylaws for consideration by the Selectboard/Trustees



May also assume role of the Planning Commission for all development review if there is no Development Review Board except for appeals and variances



Broad statutory authority

Capital budgeting, capacity studies, retain consultants, other tasks "deemed necessary or appropriate to fulfill duties of Chapter 117"

Planning Director

(per 24 VSA 4321 (b))

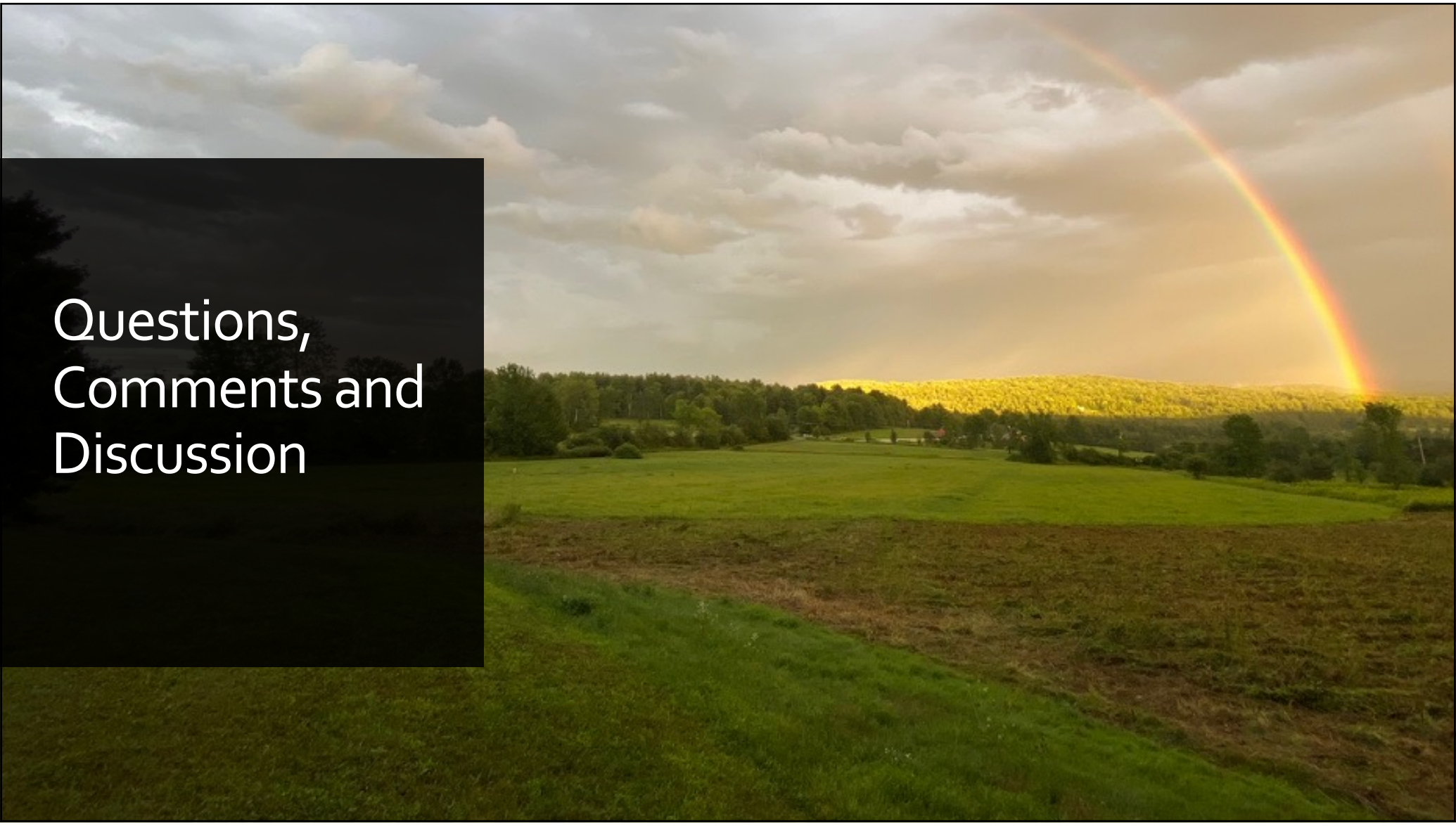
Powers and duties of planning commissions (24 VSA 4325)

- (1) **Prepare a plan and amendments** thereof for consideration by the legislative body and to review any amendments thereof initiated by others as set forth in subchapter 5 of this chapter.
- (2) **Prepare** and present to the legislative body **proposed bylaws** and make recommendations to the legislative body on proposed amendments to such bylaws as set forth in subchapter 6 of this chapter.
- (3) **Administer bylaws adopted under this chapter, except to the extent that those functions are performed by a development review board.**
- (4) **Undertake capacity studies** and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy and the development of renewable energy resources, and wetland protection. Data gathered by the planning commission that is relevant to the geographic information system established under 3 V.S.A. § 20 shall be compatible with, useful to, and shared with that system.
- (5) **Prepare** and present to the legislative body recommended building, plumbing, fire, electrical, housing, and **related codes and enforcement procedures, and construction specifications for streets and related public improvements.**
- (6) **Prepare and present a recommended capital budget and program** for a period of five years, as set forth in section 4440 of this title, for action by the legislative body, as set forth under section 4443 of this title.
- (7) **Hold public meetings.**
- (8) **Require from other departments and agencies of the municipality such available information as** relates to the work of the planning commission.
- (9) In the performance of its functions, **enter upon land to make examinations and surveys.**
- (10) **Participate in a regional planning program.**
- (11) **Retain staff and consultant assistance** in carrying out its duties and powers.
- (12) **Undertake comprehensive planning**, including related preliminary planning and engineering studies.

My 2-cents



- Combining the roles of Planning Commission, Planner, and Zoning Administrator is **too much** for one person to try to juggle and be effective.
- For a community of the size and complexity of Morristown & Morrisville, **2 positions makes sense at a minimum**
 - either a Planner/ZA and an Asst. Planner/Deputy ZA, or a separate Planner and Zoning Administrator
- If you choose to keep the current Planning Director and Planning Council relationship,
 - there need to be very clear (and written) assignment of statutory responsibilities to the Planning Director by the Selectboard/Trustees
 - there need to be very clear (and written) roles, responsibilities, and expectations for both Planning Director and Planning Council, particularly regarding conducting public outreach and engagement, and final decision-making.
 - there need to be very clear (and written) procedures for conducting Public Hearings and performing development review functions.

A landscape photograph showing a green field in the foreground, a line of trees in the middle ground, and a hill in the background. A bright rainbow is visible in the sky, arching over the hill. The sky is filled with large, grey clouds. The overall scene is captured in a cinematic style with warm lighting.

Questions, Comments and Discussion