

Morristown/Morrisville Planning Council

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Meeting Minutes of November 1, 2016

Planning Council Members Present: Paul Griswold (Chair), Etienne Hancock, Yvette Mason, Max Paine, Tom Snipp & Mark Struhsacker

Planning Council Members Absent: Andrea Beeman

Guests: Marjorie Ward

Staff: Planning Director Todd Thomas

Call to Order: The meeting was called to order in the Community Meeting Room of the Town Offices at 43 Portland Street at approximately 7:00 P.M.

Discuss: Rental Health Housing Code Selectboard meeting recap – Planning Director Thomas provided the Council with a Rental Health Housing Code letter addressed to Gail Halperin & Benjamin Raymo of Court Street regarding the dilapidated state of their apartment building. He said that this letter (and accompanying pictures) were the Health Office's first formal foray into proactively enforcing the Rental Health Housing Code. Council Members thought the meeting with the Selectboard went well and were happy with the RHHC letter on Court Street.

Discuss: Revised definition of Family – Mr. Thomas presented the Council with a revised definition of Family. He explained that there was a "tortured" legal history with towns defining what constitutes a Family. He also explained the legal history of "functional family unit" and said that the definition he was proposing should pass any legal challenge. He added that the definition proposed reduced the maximum amount of people not living together as a functional family unit from 5 to 4 and that this definition would be included in the next zoning change.

Discuss: Proposed limitation for "Occupancy per Bedroom" – Mr. Thomas presented the Council with a proposed definition for a maximum Occupancy Per Bedroom, which was requested by the landlords who attended the prior Council meeting. When questioned about the HUD wording in the proposed definition, he explained that it was needed legally to allow for definition flexibility when there were unusually large bedrooms or family rooms. Council members were pleased with this proposed definition and Mr. Thomas explained that it would be included in the next zoning change.

Discuss: HDR to MDR zoning change south of Potash Brook – The Council examined the map and boundary description language for the area south of the Potash Brook and between Congress Street on the east and Jersey Heights on the west. Mr. Thomas explained that, as previously agreed to by the Council, this area would be changing zoning from High Density Residential Zone to Medium Density Residential Zone. Member Hancock said that the proposed changes matched what the Council previously decided for this area.

Discuss: MOR to CB zoning change for Upper Main Street – The Council examined the map and boundary description language for the seven properties on the south side of Upper Main Street that per a previous meeting, would be changing from the Mixed Office Residential Zone to the Central Business Zone. Member Hancock said that the proposed changes matched what the Council previously decided for this area.

Discuss: Definition for Shelter and zone matrix – Mr. Thomas discussed the Council's previously agreed upon Shelter definition and examined in which zone a Shelter would be allowed in. Mr. Thomas said that establishing a legally defensible zoning regulation that could be perceived to be dealing with protected groups of people was complex. He said that any allowance for a Shelter should match the permitting method for a single-family home in that same zone. Member Hancock questioned if this was a change from what was discussed previously, how the zoning for a shelter could be regulated in any part of the Town. Mr. Thomas said that a shelter could indeed be regulated in any part of the Town provided that the zoning for a Shelter was not regulated more prohibitively than single-family housing. Mr. Thomas said that he was recommending this conservative approach that should withstand any legal test. Member Hancock asked for a legal review of the definition and how it was being added to each respective zone before they are added to Town's Zoning Bylaw. Mr. Thomas said he would do as such.

Discuss: Density bonus for on-site property management – The Council reviewed and agreed to the proposed zoning density bonus for on-site property management. Mr. Thomas said that this proposal would be included with the next zoning change package.

Discuss: Conditional use standards and landscaping changes – Mr. Thomas proposed changes to the landscaping section of the Zoning Bylaws under the Conditional Use section. He cited that the existing parking lot landscaping was not being used by the Development Review Board (DRB) and that the proposed changes, he thought, would help ensure that the DRB would look at this section of the bylaw in the future. The Council discussed the lack of internal parking lot landscaping at the larger commercial developments in recent years, such as Maplefields, CVS, and Tractor Supply. Council Members Griswold, Mason and Struhsacker were dismayed that the local requirement for internal parking lot landscaping had not been heeded by the DRB in recent years. Mr. Thomas was asked to take pictures of these parking lots and compare them with the bylaw requiring internal parking lot landscaping for the next meeting. At this meeting, the Council would discuss writing a letter to the DRB and or the Selectboard regarding this issue. Mr. Thomas said he would do as such, but asked the Council to consider keeping the proposed bylaw revisions, especially any changes that moved landscaping from the conditional use section of the bylaw to the site plan review section of the bylaw. Mr. Thomas reminded the Council that the CVS project was not a change in use so the conditional use landscaping section of the Town's Zoning Bylaws did not even apply to that development. He said this bylaw problem should be corrected.

Approve prior meeting minutes – Member Paine moved to approve the October 4, 2016 meeting minutes. The motion was affirmed by a vote of 6-0.

The meeting adjourned at 9:00 PM – submitted by Todd Thomas, Planning Director