

Morristown/Morrisville Planning Council

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Meeting Minutes of October 4, 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: Eleanor Randall, Marjorie Ward, Nick Donza & Graham Mink

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 letter – Planning Director Thomas provided the Council with the requested draft letter asking the Selectboard to authorize a more proactive approach of enforcing the Rental Health Housing Code. Mr. Thomas clarified that this proposed approach, due to limitations in staff time and expertise, would be limited to the exterior of apartment buildings and focus on things like the building being open to the elements, proper trash receptacles, visible mold on buildings, etc. He added that the draft letter cited the specific codes that the Council would like the Selectboard to direct staff to more proactively enforce. Nick Donza, one of the largest apartment complex owners in Morrisville, said that he would like to see as much focus on dilapidated ownership housing as there was being put on rental housing at this meeting. Member Hancock said that the Council is limited by Statute in many ways but there is also a focus being put largely on ownership housing via the Council's pending request on the next Selectboard agenda to reduce the number of junk vehicles on properties to something less than the currently allowed maximum of four. Mr. Thomas explained that his office had much more power statutorily as the Health Officer as opposed to the Zoning Administrator (\$10,000 versus \$200 fines). Whereas the Rental Health Housing Code gives the Health Officer wide powers over residential rentals, he had no such similar powers over single family homes. Graham Mink explained that the existing laws in Vermont are very slanted to tenants and that it is difficult at times to run a business as a residential landlord, especially when it comes time to evict a tenant. Member Hancock reminded Mr. Mink and Mr. Donza that the intention of the draft letter to the Selectboard was to simply proactively enforce the laws that are already on the books, instead of the current practice of a reactionary response to housing code complaints. Member Hancock emphasized that new legislation or laws were being proposed. Mr. Mink said that it would be helpful to him as a landlord if the town could adopt an occupancy limit of two people per bedroom which would empower him to say no in a situation he had recently where seven people were trying to rent a two-bedroom apartment. The Council was receptive to the idea of an occupancy limit per bedroom and Mr. Thomas said he would propose zoning language as such for the next Council meeting. Marjorie Ward said that her single-family home is surrounded by Demars residential rental housing which lately has had multiple units sublet to the Vermont Department of Corrections, as well as Sterling Area Services and Lamoille County Mental Health. Member Hancock, who grew

up on this corner of Court Street, said that there needed to be better balance between ownership and rentals in the historic section of the village. Member Struhsacker, bringing the attention back to the letter at hand, called the question. By consensus, the Council agreed to send this “proactive rental housing compliance request letter” to the Selectboard with the following revisions: the word “within” to be added to the first paragraph, a clarification from Chair Griswold that the drive-by / windshield review dealt with things like outside trash storage and not just the apartment house building structure and additional emphasis from Member Hancock that there is no new regulation being proposed, as this effort is just a more proactive enforcement of existing code.

Discuss: Review working list of all rental housing in town – After a lengthy discussion about rental vs ownership housing, Mr. Thomas directed everyone’s attention to the master list of rental housing in the town that he worked to create with Francis Favreau. Mr. Thomas presented the Council with this list sorted both by property owner and physical address. He acknowledged that this list, created from homestead declarations on the Grand-List, would be something that Francis would need to help him “fill in the gaps” as he walked home from the Town Offices. Mr. Thomas said that it would take him at least a year or more to do a windshield inspection of all the properties on this list, but that he instead planned to start with what he thought to be the low-hanging fruit where there were known obvious exterior Rental Health Housing Code compliance issues.

Discuss: Look at how towns with zoning define a single “family” unit – The Council examined a spreadsheet prepared by Mr. Thomas showing how medium to larger sized towns in Vermont define a “family” unit. He clarified that Morrisville’s zoning current allows up to 5 unrelated people to constitute a single family. He added that how many unrelated people could be defined as a family was often called the “frat house rule.” Mr. Thomas said that he found Morrisville’s up to 5 unrelated people “family” number was common in the surrounding area. However, towns such as Burlington and South Burlington that are experiencing tight rental housing inventories like Morrisville have lowered this number to no more than 4 unrelated people living together constituting a family. Member Mason brought up the example of 10 unrelated people living in what constituted a boarding house on the corner of Clark and Congress Street. Member Hancock said that limiting the amount of unrelated people in an apartment could help it comport better with its neighborhood, especially if it is in close proximity to homes owned as a single-family residence. The council agreed by consensus to lower the number of unrelated people who can live as a family from 5 to 4 as part of the next zoning change.

Discuss: Density bonus for on-site property management – Mr. Thomas led the Council through a discussion about adding a density bonus for on-site property management. Mr. Donza and Mr. Graham thought this would be a nice carrot to offer in the Town’s bylaws. Mr. Donza worried that this allowance could be abused by unscrupulous developers just to get an additional rental unit. Mr. Thomas said that any zoning for this allowance should be accompanied by a deed restriction requiring that it be affordable and rented to the on-site property manager / building superintendent. The Council instructed Mr. Thomas to move forward with this zoning change. Mr. Thomas

said that he was unsure if this allowance belonged in the site plan review section of the zoning or in the conservation subdivision part of the bylaw, but he would figure that out for the next Council meeting.

Approve prior meeting minutes – Member Paine moved to approve the September 20, 2016 meeting minutes. The motion was affirmed by a vote of 4-0.

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

