

FILE COPY

**MORRISTOWN/MORRISVILLE
PLANNING COMMISSION
P.O. BOX 748
MORRISVILLE, VT 05661
Phone (802) 888-6373
Fax (802) 888-6378**

Minutes of April 16, 2002

Members Present: Sam Guy, Julia Compagna, Bruce Tomlinson, Kelly Rogers

Members Absent: Kevin Lane, Bill Bourne, Bill Henchey

Recorder: Mark Leonard, Zoning Administrator

Guests: none

Sam Guy, co-chair, formally called the meeting to order at 8:30 PM.

This was a special warned hearing held in accordance with 24 VSA Section 4403 to consider amendments to the Morrisville/Morristown Zoning and Subdivision Bylaws adopted on November 13, 2000. All statutory interested parties, as identified in section 4403, paragraph E, were notified of the proposed amendments. The proposed amendments are primarily corrections to errors in the current bylaws. Substantive proposed amendments include: changes to permitted and conditional uses in the Central Business District and Neighborhood Commercial District, adjustment of Neighborhood Commercial District boundaries, and review and approval procedures for antennas mounted on existing structures. A complete copy of the proposed amendments is included with these minutes.

There being no members of the public or any other interested parties present wishing to comment on the proposed amendments, and the proposed amendments having been previously reviewed by the Planning Commission, a motion was made by Bruce Tomlinson, seconded by Julia Compagna to accept the proposed amendments as written and submit them to the Morristown Select Board and Morrisville Village Trustees for adoption under 24 VSA Section 4404. The motion was approved unanimously.

Kelly Rogers moved and Bruce Tomlinson seconded a motion to adjourn the meeting; motion was approved unanimously. The meeting was adjourned at 8:40 PM.

Respectfully Submitted,

Mark Leonard, recorder

Cc: Town of Morristown Select Board
Village of Morrisville Trustees
Town Clerk

**SUMMARY OF PROPOSED SUBSTANTIVE AMENDMENTS TO
ZONING AND SUBDIVISION BYLAWS OF THE VILLAGE OF
MORRISVILLE AND THE TOWN OF MORRISTOWN**

Section 205. Central Business District (CBD).

208. Conditional Uses:

j. Community Facilities

Rationale: adds 'community facilities', as defined herein, as conditional use allowed in Central Business District

Section 220. Neighborhood Commercial District (NC).

222. Permitted Uses.

- a. Multi-Family Residential Units in one or more structures on the lot
- b. Single Family Residential Dwelling Unit
- c. ~~Offices of no more than 10,000 square feet of office space on any single lot~~
- d. Accessory Uses or Structures
- e. Churches, Synagogues, Temples, Convents and Parish Houses
- f. Home Occupations
- g. ~~Retail Stores of less than 5,000 square feet of sales area~~
- h. Fences (see Section 425.2)

223. Conditional Uses.

- a. Auto repair facilities, no more than 5,000 square feet of floor space on any lot.
- b. Auto sales. *Existing auto sales and service businesses may relocate only once within the district and shall have no more than 12,500 square feet of floor space on any single lot.*
- c. Residential care group homes which are state registered or licensed and which serve seven (7) or more persons
- d. Day care facilities which are state registered or licensed
- e. Funeral homes
- f. Home business (see Section 460 of these Bylaws)
- g. All structures exceeding 35 feet in height
- h. Communication facilities
- i. Essential services
- j. Fences (see Section 425.2)
- k. *Retail Delivery of Goods and Services (no more than 2,500 square feet of floor space on any single lot), excluding convenience stores, bars, and gas/diesel/other types of fuel station.*

- l. Offices, regardless of floor space, may occupy any or all building on a lot provided that the building(s) existed on January 1, 2001 and the floor space has not been expanded since January 1, 2001.*
- m. Offices may occupy part or all of any building(s) constructed or expanded on a lot after January 1, 2001, provided that the offices and all other allowable uses on the lot do not occupy more than 4,500 square feet of total floor space.*

***Rationale:** makes all commercial development conditional use, subject to public hearing and review by the Development Review Board. Provides guidelines for development compatible with the district's role as a community gateway when the Morrisville Alternate Truck Route (aka 'bypass') is constructed.*

224.2 Special Requirements. The following special requirements and regulations shall be effective if applicable:

224.2a Site Development Plan Approval as established in Section 500;

224.2b Off-Street Parking Regulations as established in Section 450;

224.2c All "General Regulations" established in Sections 400 - 499 of these Bylaws.

224.2d All businesses within the Neighborhood Commercial District must be designed in appearance to match the existing historic residential architecture of Morrisville.

***Rationale:** ensures future commercial development maintains historic character of the district*

1030. Neighborhood Commercial District:

From a point beginning a 250' west of Brooklyn Street on the northern Village/Town Boundary traveling in a clockwise around the district. The Town/Village Boundary from 250' west of the centerline of Brooklyn Street on the west to the point where the Village/Town Boundary turns south on the east. The Village/Town Boundary from centerline of Harrel Street at the north to the centerline of the Lamoille River on the south. Following the centerline of the Lamoille River from the point where the Village/Town Boundary intersects with the centerline of the Lamoille River on the east. ***Along south side of Bridge Street between the centerline of Bridge Street and the southernmost boundaries of Lots 55-64 from the boundary of the Central Business District on the East to centerline of the proposed Morrisville Alternate Truck Route on the west as shown on the official zoning map. Along north side of Bridge Street between the centerline of Bridge Street and the Lamoille Valley Rail Road from the boundary of the Central Business District on the East to the westernmost boundaries of Lots 68 and 69 on the West.***

***Rationale:** adjusts district boundary along north side of Bridge Street so as not to adversely impact current property owners at such time as the Morrisville Alternate Truck Route is constructed.*

~~**318. (deleted) Enforcement.** It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by these Bylaws and submitted to the Zoning Administrator shall be promptly considered and granted or denied. Applications for action by the Development Review Board shall be forthwith transmitted by the Zoning Administrator.~~

~~**318.1 Applicability of Section 600.** Section 310 through 318 of these Bylaws shall be and enforced in accordance with the provisions of Sections 600 through 699 of these Bylaws as supplemented with any provisions of these aforesaid Sections.~~

***Rationale:** Redundant to information in Sections 400-405 and 600-624*

223.1g (replaced) New and replacement manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be anchored to resist flotation, collapse, or lateral movement during the occurrence of the base flood.

223.1h (added) All new construction and substantial improvements with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria: a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

223.1i. (added) Recreational vehicles placed on sites within Zones A1-A-30, AH and AE shall either (i) be on site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for 'manufactured homes' of Section 60.3(c)(6).

***Rationale:** conform to National Flood Insurance Program (NFIP) standards*

412.4 (amended) Antenna Mounted on Structures, Roofs, Walls, and Existing Towers.

The placement of wireless communication antennas on roofs, walls, and existing towers may be approved by the *Development Review Board, without a detailed site plan as required under Section 500*, provided the antennas meet the requirements of these regulations after the submittal of:

- a. A report prepared by a qualified and licensed professional engineer indicating the existing structure or tower's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. The report shall:
 1. Describe antenna height and design, including cross section and elevation;
 2. Document height above grade for all potential mounting positions for co-located antennas and maximum separation distances between antennas;
 3. Identify all fixtures and couplings, and precise point of attachment
 4. Document steps the applicant will take to avoid interference with established public safety communications and other frequencies;
 5. Include an engineer's stamp and registration number; and
 6. Include any other information necessary to evaluate the request.
- b. Locations and approximate size and height of all buildings and structures within 500 feet adjacent to the proposed antenna;
- c. Proof of compliance with applicable Federal Communications Commission regulations.

***Rationale:** As a conditional use, DRB is approval authority. Removes detailed site plan requirements which are more appropriate for free-standing towers while requiring engineer's report on antenna details, information on surrounding structures, and proof of compliance with FCC regulations.*

~~**490.2 (deleted)** This section applies to all zoning district in the Village of Morrisville and the Town of Morristown.~~

***Rationale:** Redundant; all sections of these bylaws apply to both the Village of Morrisville and the Town of Morristown*

Section 641.5 Appeal Fees (added) The fee for an appeal hearing before the Development Review Board shall be set by the legislative body. Fees submitted for appeals of Enforcement Orders issued in accordance with Section 620 of these Bylaws that are subsequently overturned by the Development Review Board shall be refunded to the appellant.

Rationale: Clarifies fee requirements for appeals to Development Review Board. Relieves property owners of financial burden of appeal hearings of enforcement orders issued by Zoning Administrator that are subsequently overturned by the Development Review Board.

DEFINITIONS

Family - One or more persons related by blood, marriage, *civil union*, legal adoption, or those placed in the home for adoption, and foster children, or a group of not more than five unrelated persons living together as a single housekeeping unit.

Rationale: adds civil unions to definition of family, consistent with state law.

Municipality The Town of Morristown *and the Village of Morrisville*, Lamoille County, Vermont. These regulations apply only to the portion of the Town of Morristown outside the limits of the Village of Morrisville.

Rationale: Corrects error in definition of 'municipality' for purposes of these bylaws. Adds "*and the Village of Morrisville*". These bylaws are duly adopted by the Board of Trustees of the Village of Morrisville and the Select Board of Town of Morristown and are applicable in both.

Personal Use Airstrips – a/k/a *Restricted Landing Area (RLA)*. Designated locations on private property for landing and taking off privately owned aircraft. Personal use airstrips are normally only for the *property owner's* use. Additional users (*not to exceed a total of four (4) pilots*), such as other family members, co-owners of aircraft, co-lessees of land, etc. may be authorized. If more *than four individual users* are involved, an RLA (no personal use restriction) permit must be applied for, and a State of Vermont Agency of Transportation public hearing will be held. No commercial activity is permitted at a personal use airstrip.

Rationale: Clarity; eliminate confusion between terms 'personal use airstrip' and 'Restricted Landing Area'

look at other restrictions, for personal use airstrips