



TOWN OF MORRISTOWN PLANNING COMMISSION
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
43 Portland St. Morrisville, VT 05661
5:00 PM Tuesday, February 10, 2026

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

The meetings will be live-streamed on the Town of Morrystown's website: <https://www.morrystownvt.gov/community/page/meetings-agendas-minutes>

I. CALL TO ORDER

II. AGENDA CHANGES/ADDITIONS

III. APPROVE PRIOR MEETING MINUTES

1. Approve minutes 1-27-26.

IV. NEW BUSINESS

1. Discuss feedback from the Selectboard regarding path forward on Section 480.E Extraction of Earth Resources (Earth Extraction).
2. Examine how other communities regulate earth extraction.
3. Discuss stakeholder groups we should target for outreach regarding earth extraction.

V. OLD BUSINESS

1. Continued discussion on the proposed 2026 bylaws with an emphasis on Section 660.

VI. FUTURE PLANNING AGENDA TOPICS

1. Discussion on 2026 planning priorities.
2. Discuss a rough action plan for planning priorities for 2026.

VII. ADJOURN



**PLANNING COMMISSION MEETING MINUTES
OF JANUARY 27, 2026**

Members: Etienne Hancock, Joshua Goldstein, John Meyer, James Morris, Wally Reeve

Absent:

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Martin Green, Jerry Throne, Ron Stancliff

CALL TO ORDER

Etienne Hancock called the Planning Commission to order at 5:00 PM at the Tegu Building.

AGENDA CHANGES/ADDITIONS

None

APPROVE PRIOR MEETING MINUTES

1. Approve Minutes from 12/9/25

Motion made by Joshua Goldstein to approve the minutes of 12/9/2025. Motion seconded by John Meyer. Motion carried (4/0) with amendments. Wally Reeve missed the vote on the minutes but attended the rest of the meeting.

NEW BUSINESS

1. Presentation by Adele Taplin on Downtown Transportation Fund.

Adele Taplin reported that the Town of Morrystown is applying for funding through the Vermont Downtown Transportation Fund Program to improve pedestrian connectivity between existing housing developments and the downtown sidewalk network. The project would address current gaps in the sidewalk system that limit safe and accessible walking routes to downtown services, businesses, and amenities. Proposed improvements include a new sidewalk connection from Jersey Way to Audy Lane, a crosswalk connecting to the existing sidewalk in front of the Riverside Village community, and additional sidewalks beginning where the existing sidewalks currently end. These new sidewalks will continue along Main Street and connect to existing sidewalks at Feline Street, creating a continuous pedestrian connection between the Jersey Heights and Riverside Village housing developments and downtown. The project supports walkability, safety, housing access, and downtown vitality.

2. Discuss the 2025 zoning report for the town report.

Tyler shared the Zoning report he submitted for the 2025 town report. While 2025 was still a busy year, the number of permits issued decreased by 28%, and remains at 132 zoning permits. There was a drop in the number of new permits issued for dwelling units. Several factors that could have contributed to this decline, including increased construction costs, local-level regulatory changes, and workforce challenges. Housing affordability also remains a concern. Despite the recent drop in new permits, the town is on track to meet the voluntary housing targets assigned by the Lamoille County Planning Commission (LCPC) as required by Act 47 and 181.

OLD BUSINESS

1. **Review feedback from the town attorney and make last edits to the bylaws.**

Tyler led the commission through a comprehensive review of the bylaw edits as recommended by the legal staff. He will make a final review of the document to make any edits, clarifications, and check definitions as needed.

2. **Discuss timeline for bylaw adoption.**

The commission members went through the chain of steps involved in the bylaw adoption process. Tyler noted that after he make a few additional changes to the bylaws, he will reach out to the Village Trustees to set up a meeting to walk through the bylaws. After the meeting, he will make any final changes and send the changes to the attorney for legal review prior to setting a date for the public hearing.

FUTURE PLANNING AGENDA TOPICS

1. **Discuss new UVM Intern.**

Tyler informed the commission that a new UVM intern will be working with him for 1–2 days a week this semester. He asked the members for ideas for work projects for the student. It was decided that the student would be invited to a pc meeting, where the commission could discuss possible project topics with her.

2. **Discussion on 2026 planning priorities.**

This topic will be discussed at the next meeting.

3. **Discuss a rough action plan for planning priorities for 2026.**

This topic was not addressed at this meeting but will be discussed at the next one.

CORRESPONDENCE/NOTICES

None

ADJOURN

Motion made by Joshua Goldstein to adjourn. Motion seconded by Wally Reeve. Motion carried. (5/0)

Meeting adjourned at 7:09 pm

Submitted and filed this 1/28/2026.

Bonnie McDermott, Scribe

Please note all minutes are in Draft form and are subject to approval at the next Planning Commission meeting.

Section 480.E (Formally Section 485)

- E. **Extraction of Earth Resources via the Special Industry Use.** The removal of rock, soil, sand, or gravel for sale (except when incidental to proposed development on the same parcel) shall be allowed via the Special Industry Use, and be permitted by the DRB, after a plan for the rehabilitation of the site approved at a public hearing. The following provisions shall apply:
1. Before approval of any new or proposed extension of a rock, mining, soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure that upon completion of the extraction operations the abandoned site will be left in a safe, attractive and useful condition in the interest of public safety and general welfare. The owner(s) shall submit a plan of proposed improvements to accomplish this end. The bond shall be sufficient to cover the cost of redeveloping the site as a park, lake, recreation area or other usable open space.
 2. The removal of all material shall be conducted so as to result in the improvement of the land, giving due regard to the contours in the vicinity, such as leveling slopes and removing hills. The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pits.
 3. The excavation operation sites shall be graded smooth and left in a neat condition. Cut slopes and spoil banks shall not be allowed to remain. The operation site shall have 4" of topsoil, fertilized, mulched and seeded so as to establish a firm cover of grass or other vegetation sufficient to prevent erosion under the supervision and to the satisfaction of the Zoning Administrator.
 4. All surface drainage affected by excavation operations shall be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street or private property. All provisions to control natural drainage water shall meet with the approval of the Zoning Administrator.
 5. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.
 6. No power-activated sorting machinery or equipment shall be located within three hundred feet of any street or other property line, and all such machinery shall be equipped with satisfactory dust elimination devices.
 7. All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
 8. Extension of an existing non-conforming operation shall only be permitted by the DRB
 9. Stripping of topsoil for sale or for use on other premises, except as may be incidental to a construction project, shall be prohibited.
 10. The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.

2/5/26

To: Morristown Planning Commission

Re: Earth Extraction Regulations compilation

The following is a compilation of earth extraction regulations. The following towns land use regulations are represented below Stowe, Hardwick, Waterbury, Hinesburg, Jericho, Northfield and Fairfax. All of these towns are either of a similar size or located close to Morristown. This document is intended to help guide the initial conversation.

Stowe Regulations:

4.14 Removal of Earth Products

- A. Removal Permitted. Surplus material resulting from a bona fide construction or landscape operation being executed on the premises may be removed from the premises without a permit being required.
- B. Permit for Removal or Processing of Earth Products. The DRB, after a public hearing, may grant a permit for the removal or processing of earth, sand, gravel, clay, stone or minerals, under the following conditions
- C. The applicant shall submit a plan of the proposed operation.
- D. The operator shall provide for proper drainage of the area of the operation during and after completion. No removal or processing shall take place within twenty (20') feet of a property line except that where the grade from a property line rises towards the lot where removal is to take place. Material lying above the grade at the property line may be removed.
- E. At the conclusion of the operation, or of any substantial portion thereof, topsoil shall be replaced and a suitable cover crop established, except where ledge rock is exposed.
- F. If removal or fill takes place within any streambed or its banks, a permit shall first be obtained from the Vermont Department of Environmental Conservation, if required.

Earth Resources

- A. A permit may be granted whenever it is demonstrated by the applicant, in addition to all other applicable criteria, that the development or subdivision of lands with high potential for extraction of mineral or earth resources, will not prevent or significantly interfere with the subsequent extraction or processing of the mineral or earth resources.
- B. Extraction of earth resources. A permit may be granted for the extraction or processing of mineral and earth resources:

- a. When it is demonstrated by the applicant that, in addition to all other applicable criteria, the extraction or processing operation and the disposal of waste will not have an unduly harmful impact upon the environment or surrounding land uses and development; and
- b. Upon approval of site rehabilitation plan, which insures that upon completion of the extracting or processing operation the site will be left by the applicant in a condition, suited for an approved alternative use or development. A permit will not be granted for the recovery or extraction of mineral or earth resources from beneath natural water bodies or impoundments except that gravel, silt and sediment may be removed pursuant to the regulations of the Vermont Agency of Natural Resources.

Hardwick Regulations:

Section 4.8 Extraction of Earth Resources

- A. The extraction or removal of topsoil, sand, gravel, rock, minerals or other similar earth resource for may be allowed in designated districts subject to conditional use review under Section 5.2. In addition to the conditional use standards set forth in Section 5.2, for commercial extraction operations which are likely to impact surrounding properties due to the scale, intensity and timing of the extraction, the presence of fragile natural features (e.g., steep slopes, riparian land), and/or the relative density of nearby land uses, the Development Review Board may also require erosion control and site reclamation plans showing:
 - a. existing grades, drainage patterns and depths to bedrock and the seasonal high water table;
 - b. the extent and magnitude of the proposed operation, including proposed phasing;
 - c. finished grades at the conclusion of the operation; and a detailed plan for the restoration of the site, including final grading and revegetation.
 - d. In granting approval, the Development Review Board may impose conditions with regard to any of the following factors:
 - i. depth of excavation or quarrying;
 - ii. slopes created by removal;
 - iii. effects on surface drainage on and off-site;
 - iv. storage of equipment and stockpiling of materials on-site;
 - v. hours of operation for blasting, trucking, and processing operations;
 - vi. effects on adjacent properties due to noise, dust, or vibration;

- vii. effects on traffic and road conditions, including potential physical damage to public highways;
 - viii. creation of nuisances or safety hazards;
 - ix. temporary and permanent erosion control, including project phasing to limit exposed area;
 - x. effect on ground and surface water quality, and drinking water supplies;
 - xi. effect on natural, cultural, historic, or scenic resources on-site or in the vicinity of the project;
 - xii. effect on agricultural land; and
 - xiii. public health, safety and general welfare.
- B. In accordance with the Act [§4412(12), §4464(B)(6)] a performance bond, escrow account, or other surety acceptable to the Select Bboard may be required to ensure reclamation of the land upon completion of the excavation, to include any re-grading, reseeding, reforestation or other reclamation activities that may be required.
- C. This provision specifically does not apply to mining or quarrying operations; however upon failure of the permit holder, or their successors or assigns, to complete site reclamation as required, the town may take legal action as appropriate to ensure site reclamation and cost recovery.
- D. This section shall not apply to non-commercial uses associated with normal agricultural and/or forestry operations; public (municipal and state) road maintenance and construction; the operation of a cemetery, or the removal of earth resources for a use that is incidental to another duly permitted construction activity located on the same parcel from which the materials were extracted.

Waterbury Regulations:

SOIL/SAND/GRAVEL/MINERAL EXTRACTION: The removal of sod, loam, sand, gravel, clay, or quarried stone or other earth resources, except when incidental to or in connection with the construction of a building on the same lot. Extraction of material in excess of 1000 cubic yards that is transported off site shall not be considered incidental to construction.

Section 303 Conditional Uses

- A. Uses designated as Conditional Uses for a district (Article V, Table 5.1), shall not be established, enlarged, constructed, or altered without approval from the Development Review Board (hereafter, the "Board") in accordance with the standards and procedures established in this bylaw and 24 V.S.A. §4414.

- B. Any applicant for conditional use approval must notify adjacent land owners by certified mail of the nature of the application and of upcoming Development Review Board public hearing at least ten days prior to such hearing. The applicant must submit copies of certified mail receipts indicating that all adjacent landowners have received notice, and a copy of the notice sent.
- C. The applicant for any conditional use shall, at the time the application is submitted, post a notice on a form prescribed by the municipality within view of the public right-of-way most nearly adjacent to the subject property until a decision on the conditional use application has been rendered by the Development Review Board. This notice shall include the date, time, place, and purpose of the conditional use review. The municipality shall provide these notices to the applicant.
- D. Before the Board authorizes the issuance of a conditional use permit, the Board shall hold a public hearing and shall give notice of the public hearing as directed by 24 V.S.A. §4464. Failure of the Board to act to approve, approve with conditions, or disapprove any such requested conditional use within 45 days after the date of closing the final public hearing shall be deemed approval.
- E. Prior to granting any approval for conditional use, the Board must find that the proposed use conforms to the following general and specific standards:
 - a. The proposed use will not have an undue adverse impact on the capacity of existing or planned community facilities to accommodate it. The proposed use:
 - i. Will not cause the level of service on roads and highways to fall below a reasonable standard;
 - ii. Will not cause an unmanageable burden on municipal water or sewer systems;
 - iii. Will not lead to such additional school enrollments that existing and planned school system capacity is exceeded; and
 - iv. Will not cause an unmanageable burden on fire protection services.
 - v. The Board may seek or require advisory input from the Municipal Manager, Fire Department,
- F. Police Department, School Board, or other municipal officials regarding relevant facilities. The Board will also take into account sections of the Municipal Plan and of any duly adopted capital plan which specify anticipated demand growth, service standards, and facility construction plans.
- G. The proposed use will not have an undue adverse impact on the character of the area affected as defined by the Municipal Plan and the zoning district in which the proposed project is located. Specifically, the proposed use:

- a. Will not result in undue water pollution, undue adverse impacts to downstream properties, and will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; in making this determination, the Board shall at least consider the elevation, the slope of the land, and the nature of soils and subsoils and their ability to adequately support waste disposal;
- b. Will not result in undue noise, light, or air pollution, including offensive odors, dust, smoke, or noxious gasses;
- c. Will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, or rare and irreplaceable natural areas;
- d. Will not be otherwise inconsistent with existing uses in the immediate area; in determining the appropriateness of the use or structure in an area, the Board shall consider the scale and design of the proposed use or structure in relation to the scale and design of existing uses and structures in the same district; and
- e. Will not cause danger of fire, explosion, or electrical hazard, or in any other way jeopardize the health and safety of the area.
- f. The proposed use will not violate any municipal bylaws and ordinances in effect.
- g. The proposed use will comply with the specific lot area, setbacks, and lot coverage requirements set forth in this bylaw. The Board may require the proposed use to conform to more stringent lot area, setback, and lot coverage requirements as it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw.
- h. The Board may attach any reasonable conditions and safeguards it may deem necessary to implement the purposes of the district in which the use is located and other provisions in this bylaw, including, but not limited to, the following conditions:
 - i. For uses that will cause the level of service on a road or street to exceed a Level of Service as defined by the Vermont Agency of Transportation, the Board may require modifications to the proposed access, circulation, and parking or may require contributions, based on the project's share of the projected volume of traffic above the Level of Service for making the following possible modifications:
 - 1. Reduction in curb cuts, change in location or number of access points, and shared access with adjoining property owners.

2. Installation of acceleration or deceleration lanes on the street or highway adjacent to any driveway, frontage, or service road;
3. Improvements to access or other intersections burdened by a project.
4. With the exception of agricultural uses, the Board may require the installation of devices or methods to prevent or control fumes, gas, dust, smoke, odor, noise, or vibration.

H. For any proposed development in flood hazard areas, the conditional use standards established in Section 603 shall be applied in addition to those in this section.

- a. The removal of earth or mineral products which is not incidental to a construction, landscaping, or agricultural operation shall require a conditional use permit. In addition to finding the project meets the other standards in this section, a removal project must meet the following conditions:
 - i. The applicant shall submit a general plan of extraction and reclamation.
 - ii. The operator shall provide for the proper drainage of the area of the operation during and after completion. Excavation operations shall not be conducted within 100 feet of adjoining lot lines. Excavation operations shall not have an undue adverse impact on soil fertility, drainage, and lateral support of adjacent land or other properties, nor shall it contribute to soil erosion by water or wind.
 - iii. At the conclusion of the operation, or of any substantial portion thereof, top soil shall be replaced to a depth capable of supporting vegetation and a suitable cover crop established, except where ledge rock is exposed.
 - iv. If removal or fill takes place within any stream bed or its banks, a permit shall first be obtained from the Vermont Department of Water Resources, if required.
 - v. The hours of operation, routes, and frequency of traffic generated by the operation shall be regulated to maintain the safety and character of neighborhoods along the routes of travel.
 - vi. All permits granted for the removal of earth or mineral products are subject to review by the Development Review Board every three years for continuation or termination.
 - vii. If the Board determines that no conditions or safeguards it may properly attach would result in compliance with the general standards and criteria set forth above, then it shall deny the application.

Section 304 Nonconforming Uses and Noncomplying Structures

- A. A use made nonconforming or a structure made noncomplying (see definitions) by enactment of this bylaw, or an amendment thereto, may be continued, subject to the following conditions:
 - a. Under its power to grant conditional use approval and through that procedure, the Development Review Board may allow a nonconforming use to be changed to another nonconforming use, provided that it finds the change to be more in conformance with the district requirements and allowable uses.
 - b. A nonconforming use may be extended (see definition of extension of use) within the boundary lines of a parcel or lot existing on the date of this bylaw, or an amendment thereto, with the approval of the Development Review Board and with the granting of all required permits. The Development Review Board must find that a proposed nonconforming use meets the general and specific standards for conditional uses specified in Section 303.
 - c. When a nonconforming use has been discontinued for a period of one year, it shall not thereafter be reestablished, and the future use shall be in conformity with the provisions of this bylaw. Discontinuance shall not be deemed to have occurred if the Board finds that the maintenance of equipment and other acts of the owner demonstrate an intent to continually maintain the use. The Development Review Board must find that a proposed nonconforming use meets the general and specific standards for conditional uses specified in Section 303.
- B. Nothing in this section shall prevent the issuance of a building permit for restoration or reconstruction within one year of a structure damaged or destroyed by fire or other catastrophe to its condition prior to such damage or destruction.
- C. In accordance with 24 V.S.A. §4412(h), the Development Review Board, after public hearing, may approve the repair, relocation, replacement, or enlargement of a noncomplying structure within a designated flood hazard area, subject to compliance with applicable federal laws and regulations, and provided that the following criteria are met:
 - a. The Board must find that the repair, relocation, or enlargement of the noncomplying structure is required for continued economically feasible operation of a non-residential enterprise.
 - b. The Board must find that the repair, relocation, or enlargement of the noncomplying structure will not increase flood levels in the floodway, or

threaten the health, safety, and welfare of the public or other property owners.

- c. The permit affecting a noncomplying structure in a flood hazard area, if granted, must state that the repaired, relocated, or enlarged noncomplying structure is located in a regulated flood hazard area, does not conform to the bylaws pertaining thereto, and will be maintained at the risk of the owner. A copy of the permit must be affixed to the copy of the deed of the concerned property on file in the Municipal Clerk's Office.

Hinesburg Regulations:

- A. 5.13.3 The burden of proof shall be on the applicant to show that the proposed operations may be feasibly undertaken without violating the standards contained within this section and without substantial damage or hazard to the public or to adjoining properties.
- B. 5.13.4 Conditional Use Permit:
 - a. In considering an application for a Conditional Use Permit under this Section, the Development Review Board shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - i. Adjoining land areas should be protected from undue adverse impacts resulting from dust, noise, or air pollution. There shall be a minimum setback of 200 feet from adjoining properties for all extraction or processing activities, except for offices and accessory automobile parking.
 - ii. Within the required setback areas, the natural vegetation shall be retained and supplementary planting may be required in order to buffer impacts from the proposed operation.
 - iii. An erosion and sedimentation control plan shall be submitted and shall provide that increased run-off shall not be permitted beyond the property boundaries of the proposed project area.
 - iv. No operation shall be permitted which may result in the pollution of surface or groundwater through by-products of the proposed operation.
 - v. Suitable fencing or other appropriate safety precautions may be required around extraction sites, sedimentation ponds, and waste or equipment storage area.
 - vi. Proposed operations shall not create unusual or unreasonable traffic hazards, or the need for special public improvements or maintenance

of public streets or bridges, which would place an unreasonable additional financial burden on the Town.

- vii. Explosives may be utilized only in accordance with a plan approved under this section and only after it has been demonstrated by the applicant that the use of such materials will not have an adverse impact on adjoining properties.

C. 5.13.5 Site Rehabilitation

- a. Activities involving the extraction, exploration, or processing of earth resources, by their very nature disturb the natural landscape and utility of the site. These provisions are intended to ensure that the entire site, at the conclusion of such activities, is restored to a condition, which is free of hazards to the public and is conducive to subsequent use for other activities.
- b. Applicants for an earth resources extraction, exploration, or processing operation shall provide a site rehabilitation plan which shall include the following information, in addition to whatever other specific materials that may be required by the Development Review Board:
 - i. A plan of the entire site affected by the proposed operation which shall indicate:
 - 1. final grading and topography, including drainage patterns;
 - 2. location and depth of relocated topsoil;
 - 3. location, type, size, and quantity of restoration plan materials;
 - a. Sequence and timing of rehabilitation activities;
 - b. Provision for adequate bonding or surety to cover rehabilitation.
 - 4. In considering a site rehabilitation plan, the Development Review Board shall consider the following specific standards in addition to any other applicable standards specified elsewhere within this Regulation:
 - a. Suitability of the site following rehabilitation for uses that are permissible under the applicable zoning district;
 - b. Landscape in the vicinity of the site;
 - c. The top twelve (12) inches of topsoil on all disturbed areas shall be stockpiled for use in rehabilitating the site;
 - d. Implementation of rehabilitation activities shall be on a continuing basis commencing as soon as practical where extractive activities have been completed;

- e. Storm water runoff and erosion/sedimentation following rehabilitation shall not exceed that which existed prior to development;
- f. Bonding or surety shall be at a level to cover the costs of rehabilitation all disturbed areas, and may be adjusted periodically by the Development Review Board.

Jericho Regulations:

- A. EARTH RESOURCE EXTRACTION: The removal or filling of loam, gravel, stone, fill, sand, or other earth product except when incidental to the access, construction or maintenance of a BUILDING on the same lot.
- B. 4.7.18. Earth Resource Extraction:
 - a. 4.7.18.1 Review Requirements:
 - i. 4.7.18.1.1 All Districts. Removal from lots of more than sixteen [16] cubic yards of loam, gravel, stone, fill, sand, or other earth product in any twelve [12] month period, except when incidental to the construction or maintenance of a building on the same lot, or access to such building, shall be considered a conditional use subject to review and approval by the Development Review Board. For the purposes of this section “incidental to construction” is defined to include the area disturbed in the normal construction of the building to include driveway, foundation, leach field, access to water supply and to provide suitable grading around the house to provide lawn and garden.
 - ii. 4.7.18.1.2 Wetlands and River Overlay District. Filling of lots with loam, gravel, fill, sand, or other earth products shall be a permitted use except within the Wetlands Overlay District, or within the River Overlay District. Filling within these areas shall be prohibited except when occurring in conjunction with one or more of the following uses:
 - 1. Maintenance or repair of existing improvements;
 - 2. State approved erosion control measures;
 - 3. State approved wastewater disposal systems;
 - 4. Bridge construction or maintenance;
 - 5. Filling in the River Overlay District necessitated as part of an approved conditional use.
 - iii. 4.7.18.1.3 Exemptions. The provisions of this section shall not apply to normal agricultural or forestry operations, public road construction or maintenance, or the operation of a cemetery, to the extent

reasonably necessary for such purpose. 4.7.18.2 Submission Requirements:

1. The applicant seeking conditional use approval for earth removal or filling shall submit a site plan showing the following:
 - a. Names and addresses of all abutters, including those across any street.
 - b. Existing grades in the area of fill or excavation and in surrounding areas, together with the proposed finished grades at the conclusion of the operation.
 - c. Proposed cover vegetation and trees.
 - d. Depth to water table in the area of any proposed excavation.
 - e. Timetable for completion of project. 4.7.18.3 Criteria for Approval: In addition to the general requirements for Conditional Use approval under Section 10.8, the Development Review Board shall consider the following:
 - i. 4.7.18.3.1 Provision shall be made for safe drainage of water, and for prevention of wind or water erosion carrying material onto neighboring properties
 - ii. 4.7.18.3.2 Soil shall not be disturbed within one hundred [100] feet of the boundaries of the premises, except at the conclusion of operations if required in order to improve the overall grading
 - iii. 4.7.18.3.3 Removal shall not result in a cover of less than one [1] foot of native, undisturbed material over any water table, such water table elevation to be established at a seasonally high level
 - f. 4.7.18.3.4 A restoration plan ensuring that:
 - i. All land be so graded that no slope exceeds one [1] foot vertical rise in three [3] feet horizontal distance and shall be so graded as to safely provide for drainage without erosion.
 - ii. All boulders larger than one-half cubic yard be removed or buried unless such boulders are provided for as part of the plan. •

- iii. The entire area be covered with not less than four [4] inches of good quality loam that shall be planted with cover vegetation adequate to prevent soil erosion, using either grasses or ground cover.
- g. 4.7.18.4 Conditions of Approval:
 - i. 4.8.18.4.1 Required Conditions. In granting its approval the Development Review Board shall attach the following conditions:
 - 1. A restoration plan shall be provided in conformity with Section 4.7.18.3.4.
 - 2. A performance bond shall be required in an amount determined by the Development Review Board as sufficient to ensure satisfactory restoration of the site.
 - 3. | 45| 4.7.18.4.2 Optional Conditions. In granting its approval, the Development Review Board may also impose additional conditions, including but not limited to:
 - 4. Limits on the duration of the permit.
 - 5. Limits on the hours of operation, routes of transportation or amount or type of material moved.
 - 6. Release of Performance Bond: The performance bond required under Section 4.7.18.4.1 shall not be released until sufficient time has passed to ascertain that the vegetation planted has successfully been established and that drainage is satisfactory.

Northfield Regulations:

- A. 5.10 Sand and Gravel Extraction.
 - a. 5.10.1 Sand pits, gravel pits, and removal of topsoil are permitted in districts specified in Table C, Table of Uses. Any new commercial sand, soil, or gravel removal operations, or any extension of any existing commercial soil, sand, or gravel operation shall be subject to the definitions, standards, and conditions in this section.
 - b. 5.10.2 A substantial change is one which could have an adverse effect on the criteria in Section 5.10.4 below.

- c. 5.10.3 The applicant shall submit to the DRB the application and study information required below, along with a plan to insure that upon completion of the excavation operations the site will be left in a safe and useful condition:
 - i. Study plans of the property at a scale of not less than one inch (1") to one hundred feet (100') showing the boundary lines, acreage, adjacent owners, and the following features, existing and proposed:
 - ii. Site contours (at two feet [2'] to five feet [5'] contour intervals), site drainage, and the horizontal and vertical limits of the quarry, stockpiles, and berms (including typical cross-sections); and
 - iii. Structures, roadways, equipment, materials, explosives and fuel
 - iv. storage, test wells (with a minimum of four [4] required), water supply, sewage disposal, trees, landscaping, and screening. Area maps, showing the general project location in the Town, and all roads, lands uses, and principal structures, surface waters, soils, and the location and depth of all water supplies within 5,000 feet of the proposed quarry.
- d. Comprehensive project description, including details of:
 - i. Each phase of quarrying, stockpiling, and the volumes involved;
 - ii. Proposed operations, including the nature, location and times of blasting, drilling, crushing, and operation of other major equipment on the site, safety measures, dust, sedimentation and erosion controls, water table monitoring and site dewatering, truck routes to be used; and
 - iii. The anticipated cost of complying with this Section's provisions concerning closing out of the operation.
- e. 5.10.4 Required conditions. Any quarry approved within the Town of Northfield shall be subject to the following standards and conditions.
 - i. The removal of all material shall be conducted in stages that limit the area of exposed earth and provide for progressive restoration of permanent vegetative cover.
- f. Adequate fencing or an approved alternative deterrent to unauthorized access shall be maintained by the applicant.
- g. The days, hours, and intensity of operations including trucking and haul routes shall be prescribed by the DRB so as to ensure reasonable quiet and compatibility with other uses in the area.

shall be brought to final grade by a layer of earth two feet deep or the original thickness, whichever is less, capable of supporting vegetation.

G. 5.10.5 Duration of Approval.

- a. All permits granted for these operations are subject to review by the DRB every five (5) years for continuation or termination.

H. 5.10.6 Rehabilitation Plan.

- a. A plan for rehabilitation showing both existing and proposed final contours shall be submitted to and approved by the DRB in conjunction with the approval of any operation under this Section. A rehabilitation plan must demonstrate that after the closure of operations, the site will be reusable for a use permitted in the zoning district at the time of the plan's approval.
- I. The DRB may require a performance bond sufficient to ensure that the approved rehabilitation plan can be carried out.

Fairfax Regulations:

A. SECTION 4.04 EARTH RESOURCE EXTRACTION 4.04.A Applicability. Earth resource extraction:

- a. Includes the commercial extraction of minerals, including solids such as sand and gravel, liquids such as water, and gases such as natural gas.
- b. May include preparation activities such as crushing and washing customarily part of earth resource extraction activities.
- c. Does not include the removal of natural resources from a farm operation, nursery, or cemetery to the extent that such removal is necessary to the operation of the same.
- d. Requires conditional use and site plan approval in the Rural District and is prohibited in all other districts.

B. 4.04.B Application Requirements. In addition to all other applicable requirements of these regulations, earth resource extraction proposals must be prepared by a Vermont licensed engineer and include:

- a. the depth of excavation
- b. existing grade and proposed grade created by removal or addition of material
- c. proximity to roads and adjacent properties
- d. the average amount of earth resource to be extracted on a monthly or annual basis
- e. the hours of operation and seasons of use
- f. the expected duration of operation

- g. the number of truck trips per day traveling to/from the extraction site
 - h. an erosion and sediment control plan to be following while the extraction operation is active
 - i. a reclamation plan that addresses grading, seeding, mulching, planting, fencing, drainage, and other measures
- C. 4.04.C Standards. In addition to all other applicable requirements of these regulations, the following standards apply:
- a. The operation must not have an adverse effect upon the use of adjacent property or town roads due to noise, dust, or vibration.
 - b. Within the required setback areas, the natural vegetation must be retained, and supplementary planting or other screening may be required in order to buffer impacts from the operation.
 - c. Power-activated sorting or crushing machinery or equipment must be set back not less than 300 feet from public road rights-of-way and property lines. All such machinery must be equipped with satisfactory dust control devices.
 - d. The operation must not create traffic hazards or excessive congestion or physical damage to public highways and expected routes of truck traffic.
 - e. All surface drainage affected by excavation operations must be controlled by the owner to prevent erosion debris and other loose materials from filling any drainage course, street, or private property.
 - f. Suitable fencing or other appropriate safety precautions may be required around extraction sites, sedimentation ponds, and spoil or equipment storage areas.
 - g. Explosives may be used only per a plan approved by the DRB.
 - h. The operation must reclaim the site by removing all debris, leveling all cut slopes and soil banks and grading to an even low angle, and establishing a firm cover of grass or other vegetation sufficient to prevent erosion.

Earth Resource Extraction: The extraction of minerals, including solids such as sand and gravel, liquids such as water, and gases such as natural gas. This use may also include preparation activities such as crushing and washing customarily part of the mining/quarrying activity.

The Vermont Statutes Online

The Statutes below include the actions of the 2025 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 007 : BYLAWS

(Cite as: 24 V.S.A. § 4420)

§ 4420. Local Act 250 review of municipal impacts

(a) This section shall apply to any municipality in which all of the following have taken place, either at the direction of the legislative body or pursuant to a vote of the municipality's voters at a duly warned municipal meeting considering the question:

(1) The criteria specified in this section have been adopted in the appropriate bylaws authorized under this chapter.

(2) The municipality's plan has been duly adopted under the provisions of this chapter.

(3) The municipality has adopted zoning bylaws and subdivision bylaws, either separately or incorporated into one unified development bylaw.

(4) The municipality has adopted, for purposes of this section, the Municipal Administrative Procedure Act established in chapter 36 of this title.

(5) A development review board has been created and has been authorized to undertake local Act 250 review of municipal impacts caused by a development or subdivision, or both, as the terms "development" and "subdivision" are defined in 10 V.S.A. chapter 151.

(b)(1) With respect to developments or subdivisions to which this section applies, the development review board, pursuant to the procedures established in chapter 36 of this title, shall hear such applications as meet the criteria set forth in the bylaws with respect to size or impact, or both, for local Act 250 review of municipal impacts. Once a municipality has determined to conduct reviews under this section, all applicants meeting such criteria for Act 250 permits for developments or subdivisions located within the municipality shall go through this process, unless all the following apply:

(A) The applicant can establish to the satisfaction of the development review board that the applicant relied on a determination by the Land Use Review Board's local district coordinator that Act 250 jurisdiction did not apply to the development or subdivision in question, and based upon that reliance, the applicant obtained local permits without complying with this section.

(B) The Land Use Review Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the development or subdivision in question.

(C) The development review board waives its jurisdiction under this section in the interest of fairness to the applicant.

(2) Determinations by the development review board regarding whether to waive jurisdiction under this subsection shall not be subject to review.

(c) In proceedings under this section, the applicant shall demonstrate that the proposed development or subdivision:

(1) Will not cause an unreasonable burden on the ability of the municipality to provide educational services.

(2) Will not cause an unreasonable burden on the ability of the municipality to provide municipal or governmental services.

(3) Is in conformance with the plan of the municipality adopted in accordance with this chapter.

(d) A violation of the provisions of this section shall be subject to enforcement as a violation of this chapter. (Added 2003, No. 115 (Adj. Sess.), § 95.)

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

Meeting Minutes of April 5, 2016

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

Planning Council Members Absent: Andrea Beeman

Staff: Planning Director Todd Thomas

Guests: Sheila Tymon, Sharon Whyte, Marci Young, Nina Church, Eleanor & Marvin Randall.

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.

Discussion: Regulating overnight guest rooms in the sharing economy – Mr. Thomas began the meeting by reminding the Council that it had previously decided not to regulate local property rentals done via websites such as Air B&B and Home Away. He explained that this policy left him, as the Zoning Administrator, regulating only the conventional bed-and-breakfasts (B&Bs) in Town and not the few dozen or so places similarly renting rooms on the Internet. He recommended that the Council develop policy that provided the same regulations for conventional B&Bs as website rentals like Air B&B. Guest Sheila Tymon, who runs a B&B in the village said that she did not see Air B&B as a threat and that she sometimes even rents her rooms at the inn using this website. Council members discussed that any threshold differentiating between zoning-exempt room rentals and room rentals that require a Development Review Board hearing should focus on neighborhood impacts of the rentals like noise, parking and traffic. It was decided, by consensus, that renting two guestrooms or less, assuming double occupancy, should be allowed by-right, but that renting more than two guestrooms at any one time on a short-term basis should require a zoning hearing with neighborhood input. Mr. Thomas said that he would draft up some language for review at the next Council meeting that would attempt to enact this new policy change.

Discussion: Replace Local Act 250 Review bylaw – Mr. Thomas directed the Council's attention to Newport's zoning bylaw for Local Act 250 Review. Mr. Thomas said that the Agency of Commerce and Community Development ruled that the Town's long-standing Local Act 250 Bylaw language was inadequate. Therefore, he recommended adopting Newport's Local Act 250 Bylaw word-for-word so the State cannot take issue with it. Member Hancock moved to do as such. The motion was affirmed by vote of 6 to 0.

Discussion: Rte 12, Rte 15A & Copley Ave intersection - Mr. Thomas said that this agenda item would be moved to the next meeting upon request of Member Beeman.

Discussion: Lot size and density for village residential uses - Mr. Thomas guided the Council through his handout explaining the existing requirement in the Village for minimum lot sizes to be larger than the land size requirement per residential unit. Mr.

Thomas said that this larger lot size than density size requirement favored the creation of apartment houses in the village. He said that reducing minimum lot sizes throughout the village to match the minimum density size requirement would level the playing field between apartments and single-family homes. Using the Low Density Residential Zone as an example, Mr. Thomas said that the current zoning would allow four residential units on builder's acre, but would not allow this same builder's acre to be used for two single-family home lots. Mr. Thomas said that he did not see the municipal interest in not allowing the same number of residential house lots on this parcel as apartment units. Mr. Thomas said that allowing smaller house lots would also positively affect housing affordability. After a lengthy discussion, the Council members agreed to level the playing field by equalizing lot size and density size in the Village as discussed. Mr. Thomas also spoke about eliminating the multi-family residential use in the areas not zoned for high density residential uses. In lower density village areas, it was agreed that two-family dwellings should become a Conditional Use. Mr. Thomas said that he would include these changes within the next zoning update. Mr. Thomas also noted that he did not think it was appropriate to reduce the minimum lot size in the Special Use/Hospital Zone down to the existing 4,000 ft.² minimum land area per residential unit. He said the existing requirement of 4,000 ft.² of land area per residential unit was much smaller than anything existing up by the hospital. He said that he thought that the 8,000 ft.² minimum lot size should stay the same and that the area size per residential unit should be doubled to match the minimum lot size. Mr. Thomas added that some input from the landowners in this zone should be obtained before moving forward with this change. Mr. Thomas was advised by the Council to ensure that this density change did not negatively impact zoning conformance for a property like Copley Manor. Mr. Thomas said that he would do as such prior to the next meeting and also invite this neighbors in this zoning district to the next Council discussion regarding this proposed minimum density increase.

Addition: Problems with LCPC & Regional Representation – Chair Griswold said that he added this agenda item for discussion to ensure that the Council was aware of the situation with the Lamoille County Planning Commission. Member Griswold and Member Mason updated the Council as to what transpired at the previous night's joint meeting of the Village Trustees and Town Selectboard regarding regional representation. Member Griswold said that he was very surprised to hear the regional planning commission staff double-down on their actions regarding the Maplefields diesel pump at this meeting when that project was still without a permit after approximately 2 years of waiting. Mr. Thomas said that regional planning involvement in this single diesel pump project was wrong. He said that it was unfortunate to see the region's senior planner directing changes to small site specific details like internal parking lot line striping and pedestrian warning strips on the sidewalk when these issues were clearly local and not even close to regional. Mr. Thomas reminded the Council that the current Executive Director of LCPC was not on the job yet during the Maplefields project, but that she stood by her staff on Monday night when they said that her RPC's involvement in the project was a good thing with a good result. Member Griswold pointed out that the senior planner at LCPC said that the roundabout had not been built yet when the Maplefields site walk with the truck turning movements took place. Mr. Thomas said that this statement was not true, as the roundabout was already in place at that time. Mr. Thomas

said that LCPC was also not truthful at that time regarding trucks having to go to Johnson if this diesel pump was not built for large truck turning movements, as there was already diesel pumps on the same property, across the street at Citgo and at the Irving across from Rock Art Brewery. Mr. Thomas closed the discussion by saying that he would keep the Council updated regarding any Selectboard or Trustee decisions regarding moving to the Northern Vermont Development Association for regional representation.

Approve prior meeting minutes – Member Paine moved to approve the March 15, 2016 minutes. A vote of 5-0-1 affirmed the motion with Member Griswold abstaining.

The meeting adjourned at 8:45 PM – submitted by Todd Thomas, Planning Director

PLANNING COUNCIL AGENDA

Tuesday 5 April 2016 at 7:00 P.M.

Morristown Municipal Offices, 43 Portland St.
The Tegu Building's Community Meeting Room

- p. 2 1. Discussion: Overnight guest rooms in the sharing economy
- p. 3-5 2. Discussion: Replace Local Act 250 Review bylaw
- p. 6-11 3. Discussion: Lot size and density for village residential uses
- 4. Discussion: Rte 12, Rte 15A & Copley Ave intersection
- 5. Discussion: Clean businesses and not cheap stores
- 6. Discussion: Ready to warn a hearing for zoning changes?
- p. 12-14 7. Discussion: Approve March 15th meeting minutes

paggers, wireless phones, two way radios, HAM radios, and other types of transmitting or receiving Structures.

Town Clerk - The Town Clerk of the Town of Morristown.

Town Highway, Class 1 - Town highways designated by the Transportation Board which are parts of a State Highway route and which carry a State Highway route number.

Town Highway, Class 2 - Town highways designated by the legislative body of the municipality with the approval of the Transportation Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

Town Highway, Class 3- All other traveled town highways, other than Class 1, or Class 2, designated by the legislative body of the Municipality, after conference with a representative of the Transportation Board.

Town Highway, Class 4- All other town highways, including trails and pent roads, other than Class 1, 2 and 3 highways, designated by the legislative body of the Municipality.

Town Highway Notation - For clarification of definitions of Town Highways (Class 1, 2, 3 & 4) reference is hereby made to 19 V.S.A. §17 as now in force, or as may be from time to time amended. Where conflicts or confusion arises between the referenced standards and the above definitions, the referenced standards shall apply.

Transient Lodging Facility - ~~Any~~ Structure or combination of structures on the same lot containing five or more bedrooms that are designed to be rented as sleeping units for persons on a temporary basis. A Structure of combination of Structures on the same lot containing four or less bedrooms that may or may not be rented as individual sleeping units for persons on a temporary basis shall be allowed by-right as part of any residential use. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

← This new addition to our definition for Transient Lodging Facility de-regulates small BnBs so they are treated equally with Air BnB and Home Away Rentals

Warehouse and Storage Facility - Includes warehouses, bulk storage facilities, and other similar Structures provided that all long-term storage is located within the Structure(s).

Water Quality Storm - The 0.9 inch storm event as determined by the unified storm sizing criteria found in the most recent edition of The Vermont Stormwater Management Manual published by the Agency of Natural Resources.

Waterbody - Means all watercourses such as brooks, streams and rivers; also includes ponds, lakes and wetlands. Is intended to apply to both natural and man-made situations and includes seasonal flows as well as year round flows.

Morristown's old and no longer
valid Local Act 250 Bylaw

Section 660. Local Act 250 Review of Municipal Impacts

- 661. **General Standards.** The Applicant shall Demonstrate that the proposed development or subdivision:
- 661.1. **Educational services.** Will not cause an unreasonable burden on the ability of the municipality to provide educational services.
- 661.2. **Municipal services.** Will not cause an unreasonable burden on the ability of the municipality to provide municipal or government services.
- 661.3. **Town Plan.** Is in conformance with the duly adopted Morrisville/ Morristown Town Plan.
- 662. The Development Review Board may waive its jurisdiction under this section in the interest of fairness to the Applicant.

Newport's Local Act 250 Review approved by ACCD

§704 Development Review Board

The Development Review Board (DRB) shall consist of not less than five (5) nor more than nine (9) members appointed by the City Council for specified terms in accordance with Title 24 VSA §4460(b) and §4460(c). The City Council also may appoint alternates, for specified terms, to serve on the DRB in situations when one or more members of the DRB are disqualified or are otherwise unable to serve. Any member of the DRB may be removed for cause by the City Council upon written charges and after public hearing.

The DRB shall adopt rules of procedure and rules of ethics with respect to conflicts of interest to guide its official conduct, as required under Title 24 VSA §4461(a) and Vermont's Open Meeting Law. The DRB shall have all powers and duties as set forth in Title 24 VSA, Chapter 117 to administer the provisions of these regulations, including but not limited to the power to hear and act upon:

- applications for site plan approval, §708;
- applications access for nonfrontage lots, §404B;
- applications for subdivision of land, Article 6;
- applications for planned unit development, §709;
- appeals from any decision, act or failure to act by the Administrative Officer Title 24 VSA §4465, and any associated variance requests Title 24 VSA §4469;
- applications for conditional use approval Title 24 VSA §4414(3);
- changes to nonconformities;
- applications for Local Act 250 Reviews.

(1) In accordance with Title 24 V.S.A. 4420, the Development Review Board is hereby authorized to undertake local Act 250 review of municipal impacts caused by a "development" and/or "subdivision," as such terms are defined in Title 10 V.S.A. Chapter 151.

(2) With respect to such "developments" and/or "subdivisions", the Development Review Board, pursuant to the procedures established under Title 24 V.S.A. Chapter 36 (the Municipal Administrative Procedures Act), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.

(3) All applicants for Act 250 permits for such "developments" and/or "subdivisions" located within the City of Newport shall go through this review process, unless all of the following apply:

(A) The applicant can establish to the satisfaction of the Development Review Board that the applicant relied on a determination by the Natural Resource Board's local district coordinator that Act 250 jurisdiction did not apply to the development and/or subdivision in question and, based upon that reliance, the applicant obtained local permits without complying with the requirement for local Act 250 review.

(B) The Natural Resource Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the "development" and/or "subdivision" in question.

(C) The Development Review Board waives its local Act 250 review jurisdiction in the interest of fairness to the applicant.

(4) Determinations by the Development Review Board regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.

(5) At the Development Review Board's local Act 250 review proceedings, the applicant shall provide, at the minimum, all of the information relating to Act 250 Criteria 6, 7, and 10 requested in the Act 250 Application Forms and demonstrate to the satisfaction of the Development Review Board that the proposed "development" and/or "subdivision":

(A) Will not cause an unreasonable burden on the ability of the City to provide educational

services (Act 250 Criterion 6).

(B) Will not cause an unreasonable burden on the ability of the City to provide municipal or governmental services (Act 250 Criterion 7).

(C) Is in conformance with the duly adopted City Plan (Act 250 Criterion 10).

§705 Conditional Uses

No Zoning Permit shall be issued by the Administrative Officer for any use or structure, which requires conditional use approval in this bylaw until the DRB grants such approval. In considering its action, the DRB shall make findings on general and specific standards, hold hearings and attach conditions if any, as provided for in Title 24 VSA, 4414(3).

§705.01 The standards shall require that the proposed conditional use shall not result in an undue adverse effect on any of the following:

1. General Standards:
2. The capacity of existing or planned community facilities.
3. The character of the area affected, as defined by the purpose or purposes of the zoning district within which the project is located, and specifically stated policies and standards of the municipal plan.
4. Traffic on roads and highways in the vicinity.
5. Bylaws and ordinances then in effect.
6. Utilization of renewable energy resources.

§706 Waivers: Where renovation, expansion or new construction is proposed for a residential structure on a nonconforming lot, a waiver of up to 50% of the setback distance (e.g., a 30 ft. setback may be reduced by up to 15 ft.) shall be approved by the Development Review Board if the following standards are satisfied:

1. The proposal shall meet all conditional use criteria. As a condition of approval, the Board may require the mitigation of impacts to adjoining properties and uses through building design, layout, landscaping or screening.
2. The new or renovated part of the building is needed to accomplish the intended goal (an expanded, improved entry deck, for example).
3. The result shall improve the property and the neighborhood.
4. It is helpful or necessary to allow for continued reasonable use of the property.
5. The proposed work or construction shall not encroach any more than necessary to accomplish the desired results.

Any reduction of setback standards beyond 50% may only be granted in accordance with variance standards.

§707 Variance

§ 707.01 Appeal; variances

(a) On an appeal under section 4465 or 4471 of this title in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a renewable energy resource structure, the board of adjustment or the development review board or the environmental court created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

Lot Size & Density for Village Residential Uses

Zone	Existing Min Density	Proposed Min Density	Existing Min Lot Size	Proposed Min Lot Size
Central Business	870 ft2 per unit	no change	0.10 acre	1,400 ft2
Business Enterprise	10,000 ft2	no change	20,000 ft2	10,000 ft2
Mixed Office Residential	6,000 ft2	no change	8,000 ft2	6,000 ft2
Special Use / Hospital	4,000 ft2	8,000 ft2	8,000 ft2	no change
High Density Res.	4,000 ft2	no change	8,000 ft2	4,000 ft2
Medium Density Res.	6,000 ft2	no change	8,000 ft2	6,000 ft2
Low Density Res. Class 1	10,000 ft2	no change	20,000 ft2	10,000 ft2
Low Density Res. Class 2	10,000 ft2	15,000 ft2	30,000 ft2	15,000 ft2
Low Density Res. Class 3	10,000 ft2	20,000 ft2	40,000 ft2	20,000 ft2

* Allowed density is being equalized to minimum lot size which allows for the same amount of people on smaller more affordable lots (i.e. puts single family homes on same level with apartments)

Section 235. Special Use / Medical (SU).

236. **Objective.** Copley Hospital, as the region's major health care facility, along with other organizations serves Lamoille County and some areas beyond. With a growing population and growing health care related needs, this district will provide an adequate area suitable and desirable for existing and future health care needs. Residential uses shall continue to be allowed since they are compatible with the special health care uses.

237. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Retail & Food Uses
- c. Accessory Use or Structure
- d. Family Child Care Facility (see §424.2)
- e. Home Occupation (see §423)
- f. Residential Care or Group Home (see §424.1)
- g. Dwelling Unit, Single-Family
- h. ~~Dwelling Unit, Two-Family~~

238. **Conditional Uses.**

- a. Commercial Communication Equipment
- b. Day Care Facility
- c. ~~Dwelling Unit, Two-Family~~
- d. Dwelling Unit, Multi-Family
- e. Fences (see §425.2)
- f. Health Care Facility
- g. Home Business (see §460)
- h. Planned Unit Development/Conservation Subdivision
- i. Recreation Facility/Outdoor
- j. Residential Care or Group Home serving nine or more persons (see §424.1)
- k. Structures exceeding 35 feet in Height

Section 245. High Density Residential (HDR).

246. **Objective.** To promote affordable housing through multi-family units and/or single dwelling unit on small lots. This district shall be in close proximity to the commercial areas for walking or short distance vehicle transportation. It is also serviced by public utilities and services that allow for the high-density development.

247. **Permitted Uses.**

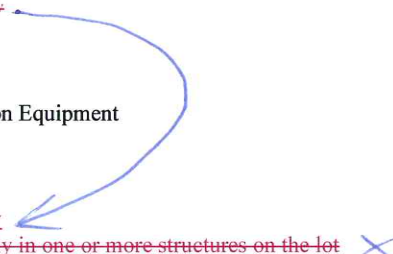
- a. Accessory Apartment (see §424.4)
- b. Accessory Use or Structure
- c. Family Child Care Facility (see §424.2)
- d. Home Occupations (see §423)
- e. ~~Dwelling Unit, Multi-Family~~
- f. Residential Care or Group Home (see §424.1)
- g. Dwelling Unit, Single-Family
- h. Dwelling Unit, Two-Family

248. **Conditional Uses.**


- a. Commercial Communication Equipment
- b. Community Facility
- c. Day Care Facility
- d. ~~Dwelling Unit, Multi-Family~~
- e. Fences (see §425.2)
- f. Home Business (see §460)
- g. Public Offices and Facility
- h. Planned Unit Development/Conservation Subdivision
- i. Recreation Facilities
- j. Structures exceeding 35 feet in Height
- k. Transient Lodging Facility with eight or fewer guest rooms

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Section 250. Medium Density Residential (MDR).

251. **Objective.** To promote housing in areas relatively close to commercial areas and within walking distance to schools and shops. Public utilities are available or shall be available in the future.
252. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single-Family
 - ~~g. Dwelling Unit, Two Family~~
253. **Conditional Uses.**
- a. Clubs, Private
 - b. Commercial Communication Equipment
 - c. Day Care Facility
 - d. Fences (see §425.2)
 - e. Home Business (see §460)
 - f. Dwelling Unit, Two Family
 - ~~g. Dwelling Unit, Multi-Family in one or more structures on the lot~~ X
 - h. Planned Unit Development (see §510)
 - i. Public Offices and Facilities
 - j. Planned Unit Development/Conservation Subdivision
 - k. Recreation Facilities
 - l. Transient Lodging Facility with eight or fewer guest rooms
 - m. Structures exceeding 35 feet in Height
- 

Section 255. Low Density Residential (LDR).

256. **Objective.** To promote housing in areas suitable and desirable for the placement of Single-Family or Two-Family Dwelling Units on smaller lots than in rural areas. Public utilities are available or shall be available in the future.
257. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single Family
 - g. ~~Dwelling Unit, Two-Family~~
258. **Conditional Uses.**
- a. Clubs, Private
 - b. Commercial Communication Equipment
 - c. Day Care Facility
 - d. Fences (see §425.2)
 - e. Home Business (see §460)
 - h. ~~Dwelling Unit, Two-Family~~
 - a. ~~Dwelling Unit, Multi-Family~~ X
 - i. Planned Unit Development/Conservation Subdivision
 - j. Recreation Facilities
 - k. Structures exceeding 35 feet in Height
 - l. Transient Lodging Facility with eight or fewer guest rooms
- 

Section 260. Rural Residential with Agricultural Use Zone (RRA).

261. **Objective.** Agricultural and Rural Residential lands are an area of mixed forestry, agriculture, and homes.
262. **Permitted Uses.**
- a. Accessory Apartment (see §424.4)
 - b. Accessory Use or Structure
 - c. Family Child Care Facility (see §424.2)
 - d. Home Occupations (see §423)
 - e. Residential Care or Group Home (see §424.1)
 - f. Dwelling Unit, Single-Family
 - g. ~~Dwelling Unit, Two-Family~~
263. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to criteria set forth in §630 of this bylaw:
- a. ~~Bed & Breakfast~~
 - b. Commercial Communication Equipment
 - c. Extraction of Earth Resources (See §485)
 - d. Fences (see §425.2)
 - e. Home Business (See §460)
 - f. Personal Use Airstrips (see §495)
 - g. Planned Unit Development/Conservation Subdivision
 - h. Public Offices and Facilities
 - i. Recreation Facility/Indoor
 - j. Recreation Facility/Outdoor
 - k. Seasonal Storage in Existing Barns
 - l. Structures exceeding 35 feet in Height

Morristown/Morrisville Planning Council

PO Box 748 / Morrisville, VT 05661

Phone (802) 888-6373

Meeting Minutes of March 15, 2016

Planning Council Members Present: Andrea Beeman, Etienne Hancock, Yvette Mason, Max Paine, Tom Snipp & Mark Struhsacker

Planning Council Members Absent: Paul Griswold (Chair)

Staff: Planning Director Todd Thomas

Guests: None

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.

Discussion: Reorganization – As required after Town Meeting, the Council reorganized. Member Paine nominated Member Caldwell as vice chair. A vote of 6 to 0 affirmed the motion. Member Struhsacker nominated Member Griswold as chair. A vote of 6 to 0 affirmed the motion.

Discussion: Add screening requirement for solar farms – Planning Director Thomas cited 24 VSA section 4414 regarding what a municipality may adopt for screening of a ground-mounted solar farm. As a metaphor, Member Struhsacker cited Vermont's billboard law, which was established so as to not sully the State's beautiful landscape. Member Struhsacker said that he would like to amend the Town Plan to prohibit solar installations in fields and only allow them on buildings (thereby protecting the natural landscape). Mr. Thomas talked about the screening requirements allowed by law and asked the Council if solar farm screening was desired along roadways. Member Hancock said no, but he would support a bylaw that requests screening from solar farms for abutting property owners who request it. Member Hancock added that solar does not permanently affect the landscape which is one reason why he supports it. He also said that he would support a town plan statement that solar installations on buildings are preferable to in our fields. Member Struhsacker said that ground mounted solar destroys view sheds and corresponding property values. Member Beeman said that our bylaw should default to requiring screening unless the abutting property owner does not desire it. Member Paine moved to require adequate planted screening robust enough to shield any home-site, including a home-site across a roadway, from view of a ground mounted solar array that is greater than 15 kilowatts and requires a Certificate of Public Good from the Public Service Board. The motion was affirmed by vote of 6 to 0. The Council concluded the discussion without a resolution as to what should be done with the Town Plan regarding solar farm screening, if anything. Mr. Thomas was asked to invite Craig Myotte, or his designee, from Morrisville Water & Light to explain the Speed Program and the net metering threshold at a future meeting. Mr. Thomas said that he would provide the draft solar screening bylaw as directed above at meeting when Morrisville Water & Light could attend.

Discussion: Change boundary between CB & MOR Zone? — Mr. Thomas said that he thought the Council should review the zoning boundary between the Mixed Office Residential Zone and the Central Business Zone along Upper Main Street. Mr. Thomas said that he felt like he was in the downtown when he walked on Upper Main Street east pass Cumberland Farms towards the library. He directed the Council toward a zoning map of this area that he prepared for the meeting showing that a majority of the lots along this section of Upper Main Street in the Mixed Office Residential Zone were nonconforming due to density. He cited Mike Bourne's property at 34 Upper Main Street which included nine apartment units on just 0.2 acres. He illustrated that under current zoning this parcel would need to be almost 2 acres in lot size to have nine apartment units thereon. Mr. Thomas said that adding the Central Business Zone to this short leg of Upper Main Street would make existing uses there conforming, like Mike Bourne's apartment complex, and hopefully also encourage some reinvestment in this area. Member Mason said that she liked the large front setbacks in this area when she walked to the library and therefore did not want to change the zoning. Member Hancock said that these large houses had already been cut up into apartment buildings and that he would support a zoning change. Mr. Thomas talked about a speculative state office building that may look to be located in the downtown, maybe even where this small section of residential zoning juts into the downtown on Upper Main Street. Member Mason said that she would be okay with adding downtown zoning from Puffer Church the library, but that she is opposed to extending the zoning to the south side of the Upper Main Street because she did not want the large homes there to be cut up into more rental apartments. Member Paine moved to include a proposed zoning change within the next update that added Central Business zoning from the Puffer Church on the west to the library on the east along the north side of Upper Main Street. The motion was affirmed by vote of 6 to 0.

Discussion: Regulating the repair of downtown buildings - Mr. Thomas referenced the recent article in the News and Citizen regarding the State Agency of Commerce and Community Development insisting that downtown Morrisville needed enhanced zoning for dilapidated buildings. Mr. Thomas said that nothing the State suggested would help with the vacant building problem typified in downtown Morrisville by the Nepveu Building. Mr. Thomas shared design review district and historic district statutes, along with municipal bylaws examples of each, provided by the State Agency of Commerce and Community Development. Using the 13 page Stowe Historic District Bylaw as an example, Mr. Thomas recommended that adopting such legislation would take our downtown in the wrong direction. He said that much of the success in the downtown in the past five years has been in simplifying the permit process and providing permit surety. He said that both State proposals were the antithesis of this approach by adding additional levels of regulation and permit unsurety with more local hearing requirements. Mr. Thomas added that he preferred to remain having Local DRB review of Act 250 permits to satisfy the State's "planning commitment" requirement. The Council unanimously agreed with this approach.

Discussion: Rte 12, Rte 15A & Copley Ave intersection - Mr. Thomas passed out a 2005 report regarding proposed improvements at this intersection. He said that he would be happy to discuss the recommendations in the report for intersection improvements if

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the Council wanted to work on this effort at a future meeting once everyone had a chance to familiarize themselves with report.

Discussion: Issues poll suggested by a Selectboard member - Mr. Thomas said that Selectboard Member Dodge inquired if a poll should be undertaken by the Planning Council regarding legalization of marijuana and the recent homeless shelter discussion. Board members discussed that they had received ample feedback regarding the homeless shelter discussion over the last couple of months. Board members also discussed that they did not feel that a poll was needed regarding recreational marijuana legalization as the Council had already banned medicinal marijuana dispensaries in Morristown.

Discussion: Clean Businesses and not cheap stores – Mr. Thomas reminded the Council that they asked to discuss this agenda item a few months back. Due to the late hour, the Council asked to push this agenda item to the next meeting.

Approve prior meeting minutes – Member Paine moved to approve the March 1, 2016 minutes. A vote of 5-0-1 affirmed the motion with Member Beeman abstaining.

The meeting adjourned at 9:10 PM – submitted by Todd Thomas, Planning Director

Summer 2016 Zoning Hearings

Top 10 Zoning Bylaw Changes

1. Add village zoning density for the first time to the Cadys falls and Morristown corners neighborhoods.
2. Add a more robust Local ACT 250 Review Bylaw for our designated downtown requirements.
3. Equalize minimum lot and density sizes throughout the village so single-family homes on small lots can be created as easily as apartments.
4. Halve the density in the Special Use/Hospital Zone by increasing it to 8,000 ft.² per residential unit.
5. Add the Public Office and Facility use to the Airport Zone and the Industrial Zone.
6. Define and limit the location of sexually oriented businesses for the first time.
7. Add zoning language in an attempt to regulate vacant buildings.
8. Revisions to the existing Conservation Subdivision Bylaw.
9. Add screening requirement for ground mounted solar farms.
10. Level the playing field and zoning regulations so we treat Internet rented guestrooms the same as traditional bed and breakfasts.

allows for smaller lots

Setback increase to allow more design flexibility

209. Area, Dimensions and Setbacks. The following requirements shall apply in this zone.

CENTRAL BUSINESS ZONE							
Development Class	Minimum Lot Area Per Residential Unit	Minimum Lot Size	Minimum Lot Width	Maximum Minimum Front Setback	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	870 sq. ft.	<i>0.1-acre 1,100 ft.²</i>	3520 ft.	0 ft.	0 ft.	0 ft.	50 ft.

209.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 – §348;
- d. All "General Regulations" established in §400 - §499 of these bylaws.
- e. Sidewalks shall be mandatory along the parcel frontage on the following Streets: Bridge, Hutchins, Lower Main, Pleasant and Portland.

sidewalks to be built by others during redevelopment

209.3 **Additional Form Requirements.** Building form requirements shall be mandatory for frontage on the following Streets: Bridge, Hutchins, Lower Main, Pleasant and Portland. The Zoning Administrator shall not issue any permits for Development within this district unless the following form requirements on said Streets are provided for:

- a. **Front Setback.** Mandatory build-to sidewalk / property line along said Streets (no front setback allowed)
- b. **Parking Location.** No Parking Space, Off-Street shall be created between the Building and any said Street.
- c. **Building Height.** Minimum Building Height along said Street frontage is 25 feet.
- d. **Rooflines.** Development of all rooflines fronting said Streets shall incorporate extended parapets or projecting cornices on the corresponding frontage. Extending parapets shall be required along the frontage of said Streets when a flat roof is proposed.
- e. Conditional Use is required for any Dwelling Unit, Multi-Family use that includes only Residential Use on the ground / first floor along said Streets.
- f. The Development Review Board may grant a Conditional Use allowance for any Permitted and Conditional Uses that do not meet the form requirements of this section along said Streets.

218. **Area, Dimensions and Setbacks.** The following requirements apply in this zone.

BUSINESS ENTERPRISE ZONE							
Development Class	Minimum Lot Area Per Residential Unit	Minimum lot size	Minimum lot width	Minimum front setback from centerline of road	Minimum rear setback	Minimum side setback	Minimum shore setback
1, 2* & 3* for Business Uses	---	1 acre	60 ft.	45 ft.	15 ft.	10 ft.	50 ft. / 100 ft. for Lake Lamoille
1, 2* & 3* for Residential Uses**	10,000 sf	≥10,000 sf	60 ft.	45 ft.	15 ft.	10 ft.	50 ft. / 100 ft. for Lake Lamoille

*Class 2 & 3 Development is only allowed in the BE Zone south of Morristown Corners Road.

**Residential uses are only allowed south of Morristown Corners Road and above the 1st floor / ground floor in all Structures.

219.1 **Waivers.** The Development Review Board may reduce or waive any dimensional requirement in this zone, except for Lot Coverage, by as much as 15%, provided there are minimal adverse environmental or aesthetic impacts.

219.2 **Special Requirements.** The following special requirements and regulations shall be effective for all listed Permitted and Conditional Uses other than Accessory Retail and Food Uses, Accessory Use or Structure and Essential Services:

- a. Site Development Plan Approval.
- b. Off-Street Parking Regulations as established in §450.
- c. Special Protection Areas Regulations as established in §300-348.
- d. All "General Regulations" established in §400-499.
- e. Lot Coverage: Maximum permissible Lot Coverage is 60% of the parcel. A 15% Lot Coverage bonus may be given upon DRB determination that the proposed building materials comply with §219.3B for all sides of the Building, bringing maximum permissible lot coverage per parcel to 75%;
- f. Building Materials: The following specific building material requirements are intended to encourage architectural richness as Development occurs in this zone. Preferred exterior building materials are brick, stone, fiber cement board, stucco, wood, pre-cast artificial stone or precast painted or exposed aggregate concrete. All Buildings shall incorporate at least one of such preferred building materials on the exterior of any building façade with Street frontage. Metal siding may also be utilized on a building façade with Street frontage, but only in conjunction with the use of at least two of the aforementioned preferred building materials. Metal siding shall be limited to a maximum of 50% of said façade with Street frontage. Nothing in this section of the bylaw shall prohibit the use of materials not listed as preferred,

Match min lot size to min. density

229. Area, Dimensions and Setbacks. The following requirements shall apply in this zone.

MIXED OFFICE RESIDENTIAL ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1 Com.	N/A	86,000 sq. ft.	75 ft.	35 ft	+5.10 ft.	+0.5 ft.	50 ft.
1 Res.	6,000 sq. ft.	86,000 sq. ft.	75 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	+5.10 ft.	+0.5 ft.	50 ft.

229.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

setbacks better match the built environ.

match min. lot size to min. density

Section 230. Industrial Zone (IND).

231. **Objective.** To provide locations for the establishment of manufacturing and other industrial operations in order to encourage the production of goods & services, enhance regional employment opportunities, and broaden the local tax base. The area is characterized by good highway access
232. **Permitted Uses.** Due to limited availability of municipal sewage treatment and the need for a thorough review of traffic access and circulation in the area, all Development except Accessory Retail and Food Uses and Accessory Use or Structure less than 500 square feet will be reviewed as Conditional Use
233. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to the criteria set forth in §630 of this ordinance:
- a. Bar
 - b. Bulk Storage of Fuels
 - c. Commercial Communication Equipment
 - d. Day Care Facility
 - e. Direct Sale of Goods Produced On-Site
 - f. Drive-In Restaurant or Refreshment Stand
 - g. Drive-Through
 - h. Family Child Care Facility
 - i. Fences (see §425.2)
 - j. Light Industry
 - k. Manufacturing
 - l. Public Offices and Facilities
 - m. Restaurant
 - n. Salvage Depot
 - o. Storage Yard
 - p. Warehouse and Storage Facility
 - q. Wholesale Distribution

new use to allow
muni. use of the Town's
new Old Creamery Lot

234. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

INDUSTRIAL ZONE						
Devel. Class	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1 & 2	1 acre.	90 ft.	45 ft.	± 15 ft.	± 10 ft.	50 ft.

- 234.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size up to 15%, provided there are minimal adverse environmental or aesthetic impacts.
- 234.2 **Special Requirements.** The following special requirements and regulations shall be effective if applicable.
 - a. Site Development Plan Approval as established in §500;
 - b. Off-Street Parking Regulations as established in §450;
 - c. Special Protection Areas Regulations as established in §300-348;
 - d. All "General Regulations" established in §400 - 499 of these Bylaws.
- 234.3 **Existing Residential Use in the Industrial District.** Residential uses existing in the IND district as of November 15, 1993, may continue and may be expanded, provided that any expansion does not include expansion of the lot, and that the expansion meets all dimensional requirements of the district.

These large setbacks only create less utility in the industrial zone. If the intent was to protect adjacent Res uses, a setback to the Res Zone would be a better solution

Section 235. Special Use / Medical (SU).

236. **Objective.** Copley Hospital, as the region's major health care facility, along with other organizations serves Lamoille County and some areas beyond. With a growing population and growing health care related needs, this district will provide an adequate area suitable and desirable for existing and future health care needs. Residential uses shall continue to be allowed since they are compatible with the special health care uses.

237. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Retail & Food Uses
- c. Accessory Use or Structure
- d. Family Child Care Facility (see §424.2)
- e. Home Occupation (see §423)
- f. Residential Care or Group Home (see §424.1)
- g. Dwelling Unit, Single-Family
- h. ~~Dwelling Unit, Two-Family~~

238. **Conditional Uses.**

- a. Commercial Communication Equipment
- b. Day Care Facility
- c. ~~Dwelling Unit, Two-Family~~
- d. Dwelling Unit, Multi-Family
- e. Fences (see §425.2)
- f. Health Care Facility
- g. Home Business (see §460)
- h. Planned Unit Development/Conservation Subdivision
- i. Recreation Facility/Outdoor
- j. Residential Care or Group Home serving nine or more persons (see §424.1)
- k. Structures exceeding 35 feet in Height

move from permitted to conditional

239. Area, Dimensions and Setbacks. The following requirements shall apply in this zone.

SPECIAL USE ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	8,000 sq. ft.	8,000 sq. ft.	75 ft.	35 ft.	15 ft.	10 ft.	50 ft.

239.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

*Increase minimum ~~lot size~~
Area per Res unit to
match lot size. This new density
exactly matches the density of Copley
Terrace*

Section 245. High Density Residential (HDR).

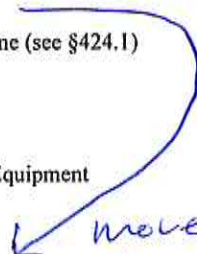
246. **Objective.** To promote affordable housing through multi-family units and/or single dwelling unit on small lots. This district shall be in close proximity to the commercial areas for walking or short distance vehicle transportation. It is also serviced by public utilities and services that allow for the high-density development.

247. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Use or Structure
- c. Family Child Care Facility (see §424.2)
- d. Home Occupations (see §423)
- e. ~~Dwelling Unit, Multi-Family~~
- f. Residential Care or Group Home (see §424.1)
- g. Dwelling Unit, Single-Family
- h. Dwelling Unit, Two-Family

248. **Conditional Uses.**

- a. Commercial Communication Equipment
- b. Community Facility
- c. Day Care Facility
- d. Dwelling Unit, Multi-Family
- e. Fences (see §425.2)
- f. Home Business (see §460)
- g. Public Offices and Facility
- h. Planned Unit Development/Conservation Subdivision
- i. Recreation Facilities
- j. Structures exceeding 35 feet in Height
- k. Transient Lodging Facility with eight or fewer guest rooms



move from permitted to conditional

249. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

HIGH DENSITY RESIDENTIAL ZONE							
Develop. Class	Minimum Lot Area Per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	4,000 sq. ft.	8 4,000 sq. ft.	75 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	10 5 ft.	10 5 ft.	50 ft.

move appropriate HDR setbacks

249.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

decrease lot size to match density

Section 250. Medium Density Residential (MDR).

251. **Objective.** To promote housing in areas relatively close to commercial areas and within walking distance to schools and shops. Public utilities are available or shall be available in the future.

252. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Use or Structure
- c. Family Child Care Facility (see §424.2)
- d. Home Occupations (see §423)
- e. Residential Care or Group Home (see §424.1)
- f. Dwelling Unit, Single-Family
- ~~g. Dwelling Unit, Two-Family~~

253. **Conditional Uses.**

- a. Clubs, Private
- b. Commercial Communication Equipment
- c. Day Care Facility
- d. Fences (see §425.2)
- e. Home Business (see §460)
- f. Dwelling Unit, Two Family
- ~~g. Dwelling Unit, Multi-Family in one or more structures on the lot~~
- h. Planned Unit Development (see §510)
- i. Public Offices and Facilities
- j. Planned Unit Development/Conservation Subdivision
- k. Recreation Facilities
- l. Transient Lodging Facility with eight or fewer guest rooms
- m. Structures exceeding 35 feet in Height

*move from ~~cond~~ permitted to conditional
delete*

254 Area, Dimensions and Setbacks. The following requirements shall apply in this zone.

MEDIUM DENSITY RESIDENTIAL ZONE							
Devel. Class	Minimum Area per Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	6,000 sq. ft.	86,000 sq. ft.	75 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	15 ft.	40.5 ft.	50 ft.

254.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- a. Site Development Plan Approval as established in §500;
- b. Off-Street Parking Regulations as established in §450;
- c. Special Protection Areas established in §202 and §300 - 348;
- d. All "General Regulations" established in §400 - 499 of these Bylaws.

equalize lot size + density

better matches built environment

Section 255. Low Density Residential (LDR).

256. **Objective.** To promote housing in areas suitable and desirable for the placement of Single-Family or Two-Family Dwelling Units on smaller lots than in rural areas. Public utilities are available or shall be available in the future.

257. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Use or Structure
- c. Family Child Care Facility (see §424.2)
- d. Home Occupations (see §423)
- e. Residential Care or Group Home (see §424.1)
- f. Dwelling Unit, Single Family
- g. ~~Dwelling Unit, Two-Family~~

258. **Conditional Uses.**

- a. Clubs, Private
- b. Commercial Communication Equipment
- c. Day Care Facility
- d. Fences (see §425.2)
- e. Home Business (see §460)
- h. ~~Dwelling Unit, Two-Family~~
- a. ~~Dwelling Unit, Multi-Family~~
- i. Planned Unit Development/Conservation Subdivision
- j. Recreation Facilities
- k. Structures exceeding 35 feet in Height
- l. Transient Lodging Facility with eight or fewer guest rooms

move from permitted to conditional

259. **Area, Dimensions and Setbacks.** The following requirements shall apply in this zone.

LOW DENSITY RESIDENTIAL ZONE							
Develop. Class	Residential Unit	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback from centerline of road	Minimum Rear Setback	Minimum Side Setback	Minimum Shoreline Setback
1	10,000 sf	24,000 10,000 sf	23.50 ft.	Within 1 foot of the existing facade line of dwellings on the street, for streets developed prior to 1970 and 35' from the centerline of the road on streets developed after 1970	15 ft.	14.5 ft.	50 ft.
2	40,000 15,000 sf	30,000 15,000 sf	24.50 ft.		15 ft.	14.5 ft.	50 ft.
3	40,000 20,000 sf	40,000 20,000 sf	23.50 ft.		15 ft.	14.5 ft.	50 ft.
All properties and uses on parcels outside the Morrisville village limits with frontage on Route 100.				All minimum setbacks from Route 100 are 200 feet. All other dimensional requirements apply according to development class.			

259.1 **Waivers.** The Development Review Board may reduce or waive the minimum setback requirements, lot size, and square footage requirement, up to 15%, provided there are minimal adverse environmental or aesthetic impacts.

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

- Site Development Plan Approval as established in §500;
- Off-Street Parking Regulations as established in §450;
- Special Protection Areas established in §202 and §300 - 348;
- All "General Regulations" established in Sects. 400 - 499 of these Bylaws.

density and lot size changes to match new areas like Cudys Falls & Morristown Corners in the LDR Zone

Section 260. Rural Residential with Agricultural Use Zone (RRA).

261. **Objective.** Agricultural and Rural Residential lands are an area of mixed forestry, agriculture, and homes.

262. **Permitted Uses.**

- a. Accessory Apartment (see §424.4)
- b. Accessory Use or Structure
- c. Family Child Care Facility (see §424.2)
- d. Home Occupations (see §423)
- e. Residential Care or Group Home (see §424.1)
- f. Dwelling Unit, Single-Family
- g. ~~Dwelling Unit, Two-Family~~

263. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to criteria set forth in §630 of this bylaw:

- a. ~~Bed & Breakfast~~ *no longer a defined use*
- b. Commercial Communication Equipment
- c. ~~Dwelling Unit, Two-Family~~
- d. Extraction of Earth Resources (See §485)
- e. Fences (see §425.2)
- f. Home Business (See §460)
- g. Personal Use Airstrips (see §495)
- h. Planned Unit Development/Conservation Subdivision
- i. Public Offices and Facilities
- j. Recreation Facility/Indoor
- k. Recreation Facility/Outdoor
- l. Seasonal Storage in Existing Barns
- m. Structures exceeding 35 feet in Height

*move
from permitted
to conditional*

Section 270. Airport Business (AB)

271. **Objective.** To provide for light industrial and business activities that are compatible and complimentary to the airport and that do not compete or conflict with the Central Business District; while clustering and buffering these activities as much as possible in order to protect the district's primary agricultural soils and the corridor's scenic quality. To also help provide the opportunity to construct a multi-use pathway between the villages of Morrisville and Stowe should the two communities decide to do so anytime in the future.

272. **Permitted Uses:**

- a. Accessory Retail and Food Uses
- b. Accessory Use or Structure less than 500 square feet in size
- c. Family Child Care Facility

273. **Conditional Uses:**

- a. Airplane Hangars on the east side of VT Route 100, provided they are on property either owned by the State of Vermont or are on a property adjacent to the State of Vermont's land, which the State of Vermont has legal rights to and control over, such as through a long term lease agreement, etc.
- b. Business/Professional Office
- c. Day Care Facility
- d. Direct Sale of Goods Produced On-Site
- e. Family Child Care Facility
- f. Fences (see §425.2)
- g. Light Industry
- h. Manufacturing
- i. Public Offices and Facilities
- j. Planned Unit Development (see §510) (NOTE, PUDs in this district are for nonresidential uses only)
- k. Structures exceeding 35 feet in Building Height
- l. Warehouse and Storage Facility
- m. Wholesale Distribution

move from conditional to permitted per DRB

add use for new transfer station

should already be here

Section 280. Innovation Zone (INN).

281. **Objective.** To provide a location where businesses, especially those needing manufacturing facilities and light industrial operations, can purchase land and build facilities that enrich their businesses, grow regional employment & enhance the tax base.

282. **Permitted Uses.**

- a. Accessory Retail and Food Uses
- b. Accessory Use or Structure
- c. Business/Professional Office *
- d. Direct Sale of Goods Produced On-Site *
- e. Light Industry *
- f. Manufacturing *
- g. Wholesale Distribution*

283. **Conditional Uses.** The following uses may be allowed after review by the Development Review Board according to the criteria set forth in §630 of this ordinance:

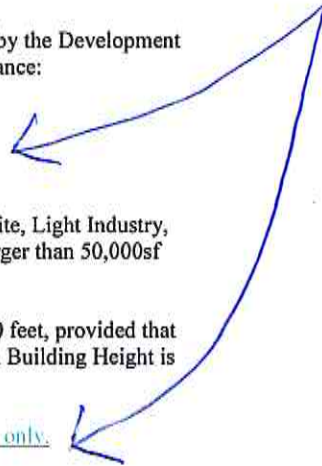
- a. Fences (see §425.2)
- b. Structures exceeding 35 feet in Building Height **
- c. Sexually Orientated Businesses ***

* Business/Professional Office, Direct Sale of Goods Produced On-Site, Light Industry, Manufacturing & Wholesale Distribution uses with Buildings larger than 50,000sf require Conditional Use review.

**Structures in this zone may have a Permitted Building Height of 50 feet, provided that the footprint of the portion of the building that exceeds 35 feet in Building Height is not greater than 10% of the total building footprint.

*** Sexually Orientated Businesses use limited to Innovation Zone I only.

Limits location of sexually explicit business for the first time to Trumbley Hill



Section 426. Ponds.

Ponds with a surface area greater than 5,000 square feet (approximately one-eighth of an acre) are an accessory use requiring a zoning permit.

- 426.1 Applications for pond permits will include the following:
 - a. Sketch of the pond location on a survey of the property (if available) or other reasonable representation of the property showing:
 - 1. setbacks from property lines, leach field, structures, and water supply
 - 2. existing slope of the pond site
 - 3. water source and method of discharge
 - 4. location and size of emergency spillway
 - 5. route of flow of outlet and/or spillway
 - b. Cross section depiction of the pond, to include dam or other form of retention
 - c. Approximate volume of water to be contained
 - d. Description of vegetative cover planned to prevent erosion

- 426.2 Ponds and supporting structures (dams, etc.) must meet the following setbacks:
 - a. Property line: 25 feet
 - b. Leach field: 100
 - c. Drilled well: 25 feet
 - d. Shallow well: 100 feet

Additionally, ponds and their supporting structures may not fall within any right-of-way or easement. No pond or dam that is upgradient to and within 1,000 feet of a town road shall have its overflow discharge draining towards or into the Town's right-of-way. Said situation is only allowable upon receipt of a stamped engineering letter that any potential overflow or failure of the pond poses no threat to the Town right to way due to topography or other natural features. All ponds applications must receive the approval of the Village/Town Road Foreman prior to the release of the zoning permit. Ponds which fall within the setbacks above may be approved as a conditional use upon review by the Development Review Board.

gives landowners a way to have a pond in this circumstance while giving the town some surety

- 426.3 State and Federal Permit Requirements:
 - 1. Any pond that impounds or is capable of impounding 500,000 cubic feet or more of water will require a permit from the VT Department of Environmental Conservation.
 - 2. No in-stream pond may be constructed without the approval of the VT Department of Fish & Wildlife. If the project involves work in a stream that drains an area of ten square miles or more, a Stream Alteration Permit may be required.
 - 3. VT Wetland Rules regulate dredging, draining, filling, grading, removal of vegetation, alteration of the flow of water into or out of a wetland and other similar activities within significant wetlands or their buffer zones. A

and other places of worship, public and private hospitals, regional solid waste management facilities, and hazardous waste management facilities.

Section 430. Non-Conformities

431. **Pre-Approved Structures.** Nothing in these regulations shall require any change in any structure, whose construction was begun in conformance with applicable laws and regulations in effect prior to the effective date of these Bylaws, and which is completed within two years from the effective date of these Bylaws.
432. **Limitations.** Any non-conforming use or structures or land may be continued indefinitely, but may not be:
- 432.1 moved, altered, or extended so as to change evidence of the use on the outside of any structure;
 - 432.2 added to by the commencement of a different nonconforming use;
 - 432.3 re-established, if the non-conforming use has been discontinued for a period of ~~one year~~ five years or has been changed to or replaced by a conforming use;
 - 432.4 restored after damage to or destruction of the nonconforming use, unless it is restored within ~~one year~~ five years from the date of damage or destruction.
 - 432.5 ~~Notwithstanding §432, any Structure that provided for a residential use on the effective date of these Bylaws, shall be able to be used for a Dwelling-Unit, Single Family use at any time, with the additional possibility of Home Occupation and Home Businesses uses, provided that the Structure was used for a residential purpose within five years from the date of the current use request and that the new use request does not make the Structure more non-conforming in regards to any dimensional setbacks.~~
433. **Work Allowed.** Non-conforming structures and uses of land may be maintained and repaired, so long as the above restrictions are observed.
434. **Temporary Uses and Structures.** Temporary permits may be issued by the Zoning Administrator for non-conforming uses incidental to construction projects, provided such permits are conditioned by the applicant(s) to remove the structure or use upon expiration of the permit in conformance with §440 of these Bylaws.
- 434.1 Such permits shall not exceed one (1) year in duration and may be renewed upon application for an additional period not to exceed one (1) year
435. **Expansion of Non-Conforming Uses.** A non-conforming use in existence on November 15, 1993 may be expanded upon Conditional Use approval by the Development Review Board, provided that any expansion does not involve any expansion of the lot, and that the expansion of the use meets all dimensional requirements for the district in which the lot is located.
436. **Expansion of Non-Conforming Structure.** Expansion of a non-conforming structure, where said expansion does not meet current dimensional requirements, may be approved upon Conditional Use review by the Development Review Board, provided that said expansion does not make the structure more non-conforming. Expansion of a Non-

*agreed upon
change regarding
non-conformity*

Conforming Structure, where the proposed expansion is entirely consistent with current dimensional requirements in the district in which the structure is located, shall be approved via administrative review.

437. **Change of Non-Conforming Use.** A pre-existing non-conforming use may be changed to a different non-conforming use upon Conditional Use approval by the Development Review Board provided that the new use does not involve any expansion of the lot, meets Conditional use standards and dimensional requirements for the district in which the lot is located, and in the view of the Development Review Board is more compatible with the surrounding area than the existing non-conforming use.

Section 440. Clean-up of Building Site.

441. **Removal of Dangerous Conditions.** Within ninety days after work on an excavation for a building has begun, or after a permanent or temporary building or structure has been destroyed, demolished, severely damaged, or abandoned, all structural materials shall be removed from the site, and the excavation remaining shall be covered over or filled to the normal grade by the owner, or the damaged structure shall be repaired or replaced. Upon approval of the Development Review Board, and if good cause has been demonstrated which prevents compliance of this regulation, an extension of the above dates may be granted.

442. Repair of Buildings. Either through the cessation of construction or via a lack of maintenance, no building shall be directly open to the elements for longer than ninety consecutive days, except that open to the elements shall also include boarded-up or broken windows even when said windows do not provide a direct openness to the elements.

new zoning to deal with vacant buildings

Section 450. Parking and Driveway Requirements.

451. **Parking Requirements.** Parking spaces shall be provided in accordance with the specifications in this section in any district whenever any new use is established or existing use enlarged.
- 451.1 For any use, public off-street parking in lieu of on-site parking may be utilized to fulfill any or part of the parking requirements if the proposed use is located within 500 feet of a municipal parking lot. The Zoning Administrator shall determine the distance between the proposed use and a municipal parking lot when determining the applicability of this section. However, The Zoning Administrator may require an applicant to seek Development Review Board approval to use off-street parking to fulfill parking requirements for the proposed use if the accessibility or availability of parking in the municipal lot is in question.
- 451.2 For any use, the sharing of on-site parking between adjoining lots is preferred and encouraged.
452. **General Requirements.** For the purpose of this Bylaw, a Parking Space, Off-Street shall consist of a space adequate for parking an automobile with room for opening doors

483. **Motor Vehicles Sales and Service or Auto Repair Facility.** In all district where permitted, motor vehicle sales and service, new or used car dealerships shall comply with the following:
- 483.1 No pieces or parts or other material or supplies associated with the vehicle sales and service are to be outside except those in a dumpster.
 - 483.2 All hazardous materials must be disposed of properly, including but not limited to: grease, oil, solvents, transmission fluids, antifreeze, paints, batteries, etc.
 - 483.3 All vehicles shall have a valid Vermont Inspection Sticker within 15 days of arriving on the property and must be in a drivable roadworthy condition, or must be moved to another approved location. Vehicles where parts have been ordered for and have not arrived shall have a total of 15 days (the time before the parts were ordered and once the parts arrive) to have a valid Vermont Inspection Sticker or the vehicle must be removed.
 - 483.4 No junk vehicles may be kept on site for more than 24 hours.
 - 483.5 Discarded tires shall not be stored within view of a public roadway.

→ discarded tires has been problematic at service stations recently

ARTICLE V. SPECIAL REGULATIONS AND PROVISIONS

Section 500. Site Development Plan Approval.

501 Any Permitted Use within any zoning district can be approved by the Zoning Administrator without a public hearing if the site plan requirements in §502 and §503 are satisfied by the Applicant.

501.1 At the discretion of the Zoning Administrator or request of the applicant, any permit application can be referred to the Development Review Board for further permitting. If the application is classified as a Permitted Use, the Development Review Board may approve the application without a warned public hearing.

502. **Site Plan Requirements.** In applying for hearing before the Development Review Board for Site Development Plan Approval, Conditional Use, Variance, Waiver, or Site Plan Approval from the Zoning Administrator, the applicant shall submit ~~4 sets~~ two full-size printed copies of the site plan maps, as well as an electronic copy of said site plan via email in a PDF format and, in addition to other supporting data to the Development Review Board including all of the following information presented in drawn form and accompanied by a written text:

1. The name, address and daytime telephone number of the person or firm preparing the map and supplying the data and information;
2. The name and address of the owner of record and of the applicant if different;
3. the date of map preparation and a bar scale showing miles or feet;
4. a north arrow with the most recent magnetic declination if available
5. existing and proposed features including streets, utility easements, rights of ways, contours labeled in feet, structures, water supplies or connections, water and sewer lines or connections, sewage disposal areas and facilities, rivers, streams, water courses, drainage ditches, culverts, bridges, swamps, marshy areas, bogs, and unusual natural and geologic features
6. A boundary survey shall be required for all Dwelling Unit Multi-Family use permits; and
7. Stormwater Treatment. When Development is not subject to a state stormwater permit, local treatment of stormwater is required during Site Development Plan Approval for all non-residential uses and Dwelling Unit Multi-Family uses with building footprints of 20,000 ft.² or larger and when an addition to an existing structures(s) results in a building footprint of 20,000 ft.² or larger. Said treatment shall be accomplished by the disconnection and infiltration of the building's roof runoff for the Water Quality Storm (or storage, treatment and release of said stormwater in soils not suitable for infiltration). A letter from an engineer (or from an individual that is determined by the permit granting authority to be qualified to offer such an opinion) affirming said treatment shall accompany all site plans requiring Stormwater Treatment. Non-compliance with this bylaw requirement shall be determined by the Zoning Administrator when the components of the stormwater system permitted under this bylaw are found to be surcharging,

← This is what I want and what the Listers Office wants. Don't need 4 plan copies.

— a reasonable ask...

malfunctioning, flooding or have standing water 72 hours after a Water Quality storm event.

503. **Additional Conditions.** The Development Review Board may impose appropriate conditions and safeguards with respect to the following:
- 503.1 Adequacy of traffic access and circulation
 - 503.2 Provision of parking
 - 503.3 Landscaping and screening per §639.3
 - 503.4 To protect the utilization of renewable energy resources

Section 510. Planned Unit Development/Conservation Subdivision (Major Subdivision required)

1. **Overarching Purposes.** The overarching purposes for Planned Unit Developments (PUDs) / Conservation Subdivisions are as follows:
- a. To encourage the permanent preservation of public open space with agricultural land, forestry land, flood zones, wildlife habitat and other natural resources including aquifers, water bodies and wetlands included therein;
 - b. To allow for greater flexibility and creativity in the design of residential developments;
 - c. To encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision;
 - d. To minimize the total amount of disturbance on the site and retain natural drainage patterns;
 - e. To further the goals and policies of the Morrisville/Morristown Town Plan;
 - f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner; and
 - g. To facilitate the construction and maintenance of public trails and associated amenities to enhance the pedestrian experience.
2. **Site Specific Purposes.** The site specific purposes for Conservation Subdivisions are to permanently protect the following Natural Resources as shown on the Agency of Natural Resources Natural Resource Atlas in dedicated open space via the following list of prioritized priorities:
- a. To protect the public water supplies (Groundwater SPA);
 - b. To protect agricultural soils listed as Prime or as Statewide;
 - c. To protect Wetlands;
 - d. To protect Rare Threatened Endangered Species;
 - e. To protect Deer Wintering Areas;
 - f. To protect Significant Natural Communities;
 - g. To protect Habitat Blocks;
 - h. To protect Vernal Pools; and
 - i. To protect steep slopes greater than 25%;

3. **Applicability.** The Conservation Subdivision process is required for all Major subdivisions in all residential zones.

4. **Sketch Plan Review.** Prior to submitting a preliminary plat application, the applicant shall host a Sketch Plan review site walk with the Zoning Administrator on the proposed development site. At the development site, the Zoning Administrator shall familiarize himself with the land and inform the applicant about the Conservation Subdivision design process. The Zoning Administrator shall bring a survey of the property (or a tax map if a survey is not found in the Land Records) and a printout of the Vermont Agency of Natural Resource's Natural Resource Atlas with the following map layers turned on: Contours, Rare Threatened Endangered Species, Significant Natural Community, Deer Wintering Areas, Habitat Blocks, Vernal Pool Confirmed, Wetlands, Soils Prime Agricultural, Groundwater SPA, Parcels, Slope.

During the Sketch Plan Review meeting the following shall be determined:

- a. **Natural Resource Identification.** Natural Resource Identification shall be accomplished for the land in question by using the aforementioned layers of the Agency of Natural Resource's Natural Resource Atlas mapping system.
- b. **House Lot Calculation.** The maximum allowable number of house lots in a Conservation Subdivision shall be determined by using the acreage of the subject land and ~~then subtracting the area of any streets therein and~~ dividing this resultant number by the Minimum Lot Size in the zone in which the subject land is located. This calculated number of lots shall determine the total number of reduced size house lots possible in a Conservation Subdivision. This house lot number may need to be amended when a survey of the subject land is completed during the Preliminary Plat Review process.
- c. **Five-Step Design Process.** The applicant shall work through the following five-step design process when laying out a Conservation Subdivision on the subject land: **Step 1.** Identify the natural resource areas, **Step 2.** Identify the potential development areas outside of the natural resource areas, **Step 3.** Within the potential development areas, identify potential house sites. **Step 4.** Lay out roads, driveways and utility corridors for the propose house lots. **Step 5.** Draw in the Lot Lines.

5. **Preliminary Plat Review.** The applicant shall submit a formal subdivision plan that will be reviewed by the Zoning Administrator that incorporates the design given genesis by the Sketch Plan Review process, as well as the following requirements:

- a. **Preliminary Plat Information:** The plan detail requirements found in §770 & §780 of the Bylaws regarding Preliminary Plat submittals.
- b. **Reduction of Dimensional Requirements for Conservation Subdivisions.** The following reduced dimensional requirements apply for Conservation Subdivisions when a minimum of 50% on the subject property is to be permanently protected as open space:
 - 1. Lot frontage shall not be less than 2550 feet;
 - 2. Setbacks shall not be less than one-half of the required setbacks specified by the zone in which the subdivision is proposed;

Todd suggested change

Clarification

3. The DRB may waive minimum side setback requirements for multi-unit developments that utilize party-walls to encourage more compact development when doing so furthers the Purposes of this Bylaw;
4. The Development Review Board may allow the reduction of the minimum Lot size to no less than shall not be less than one-quarter one-third of the required lot size specified by the zone in which the subdivision is proposed provided that the Board deems that doing so furthers the Purposes of the Bylaw;
5. The total footprint of the development may be reduced by up to 50% (i.e. a ten acre lot that would normally yield 5 two-acre lots could become a conservation subdivision with the same five lots on 2.5 development acres with another 2.5 acres of open space); and
6. Only lots on the street to be created by the Conservation Subdivision are to benefit from the reduced area, setback and frontage requirements. No reductions of frontage, setbacks and area shall be allowed on any lot that fronts on an existing Street not created via a Conservation Subdivision.

← gives flexibility

← MPC agreed to changes for CCS Trombley Hill Project

6. Open Space Requirements.

- a. A minimum of 50% on the subject property shall be permanently protected as open space and shown on the Final Plat and said open space shall be placed on a separate parcel from the building lots or within a permanent easement on adjoining land.
- b. The open space lot must abut at least half of the proposed house lots and the open space shall be contiguous. Open space may still be considered abutting and/or contiguous if a roadway separates it. The Development Review Board may waive this requirement during Final Plat Approval when it is determined that allowing the proposed open space design will better promote the purpose and intent of this Bylaw.
- c. The open space shall include a majority of the Natural Resource Areas identified during Sketch Plan Review.
- d. Acceptable uses of the dedicated open space include: recreation, walking trails, bike paths, view vistas, parklands, agriculture, forestry or a combination of these uses. The Board may allow open space uses not specified in this section if it finds the proposal consistent with the purpose and intent of this Bylaw during the §750 Final Plat Approval process.
- e. Disturbed Areas within Open Space: not more than one-half of dedicated open space shall be disturbed or altered from its present condition. At the discretion of the Board, already disturbed areas may be considered as contributing towards this requirement when a reclamation plan is in place – the regrading and replanting of a gravel pit as an example.
- f. Open space shall not include land set aside for the road's right-of-way.
- g. Dedicated open space may be used for a communal sewerage disposal system serving the subdivision. However, mounded communal wastewater systems and individual septic systems shall not be allowed in the open space.
- h. Engineered drainage systems such as retention, detention and infiltration ponds, shall not be allowed within the open space.

← gives flexibility

- i. Storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space.
- j. The ownership of the Open Space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization or land trust whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Town of Morristown or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein
- k. A maintenance easement shall be granted to the Town if the open space is to be retained in private ownership or to be owned by the homeowner's association. Said easement over such land shall ensure its perpetual maintenance and provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance.
- l. The protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for new house construction within the subdivision. The use of boulders unearthed during construction or other reasonable measures shall be used to delineate the open space and ensure it is not encroached upon by construction equipment or later by abutting lot owners.
- m. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the house lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths.

around the drip lines of trees and plantings that are to remain on the site and may be damaged by construction activity. The DRB may require that existing trees to be saved in the area affected by the development shall be replaced with large tree specimens (up to 6" caliper) in the event of death during or after site development.

- c. Landscaping plans shall emphasize the use of both deciduous and coniferous shade trees in available yard area, especially front and side yards and parking areas. Shade trees shall be placed to interrupt the façades of buildings, to visually reduce the scale and bulk of large buildings, to integrate the site with the surrounding landscape and to enhance environmental quality (i.e., wildlife habitat, soil stabilization, stormwater retention, air quality, energy conservation). Shade trees are especially important in instances where street trees are not practical because of site constraints. Shade trees shall be of sufficient size to achieve the desired effect, but in no event shall they be smaller than 2.5" - 3.0" caliper (trunk diameter), measured at a height of five (5') feet, or, in the case of coniferous trees, a minimum of 8' - 10' in height. Said trees shall be relatively long-lived (i.e. over 60 years) species with a high tolerance for soil compaction. Landscaping plans shall also emphasize the use of street trees along road frontage. In instances where a planting strip is required along road frontage, at least 1 street tree shall be planted for each 30 linear feet of landscaping strip. Such trees shall be planted along the edge of the road right-of-way, and shall be a minimum of 2.5" - 3.0" caliper (trunk diameter), measured at a height of 5 feet, unless otherwise specified by the DRB upon consideration of site conditions and be an appropriate species of nursery stock deciduous shade tree - not conifers, but native species, aside from Ash Trees, shall be used when possible;
- d. Landscaping beds should enhance the general appearance of the site, define planting strips and buffer areas and reduce the amount of grass lawn area; such beds are not to be considered a substitute for tree plantings.
- e. All plantings shall be installed according to accepted horticultural standards. Plant species should be hardy for zone three or hardier as defined in University of Vermont Extension Service's "Landscape Plants for Vermont". Sizes of trees and plantings shall be specified and shall be appropriate in terms of function and size.
- f. The owner shall ensure proper watering and fertilization for plant viability and shall replace dead and dying trees for a period of one year after planting.
- g. Adequate planted screening shall be required that is robust enough to shield any home-site, including a home-site across a roadway, from view of a ground mounted solar array that is greater than 15 kilowatts and requires a Certificate of Public Good from the Public Service Board

Solar screening addition

639.4 Site Protection and Restoration.

- a. Topsoil shall be preserved and redistributed on all regraded surfaces and disturbed areas and shall be stabilized by plantings, sodding, mulching and/or

Required to replace our old Act 250 Bylaw per state.

Section 660. Local Act 250 Review of Municipal Impacts.

- 661. In accordance with Title 24 V.S.A. 4420, the Development Review Board is hereby authorized to undertake local Act 250 review of municipal impacts caused by a "development" and/or "subdivision," as such terms are defined in Title 10 V.S.A. Chapter 151.
- 662. With respect to such "developments" and/or "subdivisions", the Development Review Board, pursuant to the procedures established under Title 24 V.S.A. Chapter 36 (the Municipal Administrative Procedures Act), shall hear applications for local Act 250 review of municipal impacts at a duly warned public hearing.
- 663. All applicants for Act 250 permits for such "developments" and/or "subdivisions" in Morristown shall go through this review process, unless all of the following apply:
 - 663.1 The applicant can establish to the satisfaction of the Development Review Board that the applicant relied on a determination by the Natural Resource Board's local district coordinator that Act 250 jurisdiction did not apply to the development and/or subdivision in question and, based upon that reliance, the applicant obtained local permits without complying with the requirement for local Act 250 review.
 - 663.2 The Natural Resource Board's local district coordinator's jurisdictional ruling was later reconsidered or overturned on appeal, with the result that Act 250 jurisdiction does apply to the "development" and/or "subdivision" in question.
 - 663.3 The Development Review Board waives its local Act 250 review jurisdiction in the interest of fairness to the applicant.
- 664. Determinations by the Development Review Board regarding whether or not to waive its local Act 250 review jurisdiction shall not be subject to review.
- 665. At the Development Review Board's local Act 250 review proceedings, the applicant shall provide, at the minimum, all of the information relating to Act 250 Criteria 6, 7, and 10 requested in the Act 250 Application Forms and demonstrate to the satisfaction of the Development Review Board that the proposed "development" and/or "subdivision":
 - 665.1 Will not cause an unreasonable burden on the ability of the City to provide educational services (Act 250 Criterion 6).
 - 665.2 Will not cause an unreasonable burden on the ability of the City to provide municipal or governmental services (Act 250 Criterion 7).
 - 665.3 Is in conformance with the duly adopted Municipal Plan (Act 250 Criterion 10).

Board with a State WW permit approving the water supply prior to receiving subdivision approval.

840.6b Municipal Wastewater System. Connections to the municipal wastewater system may be subject to approval by the system's local governing body. The applicant may be required by municipal wastewater system rules to hook up to municipal systems within a certain proximity. If extensions are required by local ordinances or by State wastewater rules, the applicant must be able to demonstrate the ability to obtain all permits necessary to extend wastewater utilities.

840.6c Community Wastewater Systems. Community systems may be required to be designed in such a way that they may eventually be connected to a municipal wastewater system. Articles of association or similar arrangements are required to address long-term care and maintenance of these systems by the users.

840.6d Compliance with State Wastewater Regulations. All new parcels shall demonstrate compliance with standards for wastewater systems as set forth in the rules adopted by the Agency of Natural Resources and the Department of Health of the State of Vermont.

1. Where an application has received a Vermont DEC Wastewater Permit, copies of the permit shall be submitted with the subdivision application.
2. Where deferrals of state permits are proposed, a signed letter from a site technician will be required certifying that the parcel(s) can meet current state requirements governing the placement and available capacity of wastewater facilities.

I don't think we need to require land-lines and cable in 2016 - an age of cell phones, direct-TV, etc.

840.7 Electric Service, Telephone, Cable Television for Major Subdivisions. The subdivider shall coordinate the subdivision's design with the utility companies and submit a plan prepared with their cooperation showing all line extensions necessary to serve the subdivision. Such plan shall be integrated with a systematic program for distribution of service to the entire area around the subdivision now or in the future. Common rights-of-way shall be utilized whenever possible and, when required in accordance with §870.1a, the distribution systems shall be installed underground.

840.8 Fire Protection Facilities for Major Subdivisions. Adequate water storage or distribution facilities for fire protection within the subdivision shall be provided to the satisfaction of the Development Review Board. Where required by the Development Review Board or the Fire Chief, the subdivider shall install fire

Floodproofed or Floodproofing - Any combination of structural and nonstructural additions, changes, or adjustments to Structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, Structures and their contents.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe Area - The land in the Flood Hazard Areas subject to a one percent (1%) or greater chance of flooding in any given year and is designated Zone A or A1 through 30 on the Flood Insurance Rate Map. In case of streams or rivers this is usually the area between the outer boundary of the floodway and the 100 year flood boundary.

Gas Station - (See also Motor Vehicle Service Station)

Garage, Lawn, or Porch Sale - Temporary sale of personal property belonging to household residents conducted by those residents from a lawn, porch, or accessory Building adjoining a dwelling. (See §487)

Ground Water Source Protection Area (SPA) - An area designated by the State of Vermont, Agency of Natural Resources as a public drinking water source and recharge zone, and given special protection in §300 through 309 of these Bylaws.

Health Care Facility - Includes sanitarium, clinic, rest home, nursing home, convalescent home, home for the aged, and any other place for the diagnosis and treatment of human ailments.

Home Occupation - An accessory business conducted within a minor portion of a dwelling by the residents thereof, such that the floor area dedicated to the business use is less than 25% of the total floor area of the dwelling unit. Home Occupations shall be subject to the provisions outlined in §423 of these bylaws.

Home Business - A commercial use housed in the principal dwelling, an accessory Building, or on property owned or rented by the business owner for their primary residence. A Home Business is an accessory use that is clearly incidental and secondary to the residential use of the property. All Home Businesses under this definition must conform to the requirements specified in §460 of these bylaws. Motor Vehicle Service Station & Motor Vehicle Sale and Repair Facility are not eligible Home Business uses.

to stem the recent on-slaught of garages (common) that neighbors always despise.

LCPC - The Lamoille County Planning Commission, see Regional Planning Commission.

Legislative Body - The Selectboard of the Town of Morristown.

Light Industry - Manufacturing which does not conduct large scale, direct processing of raw earth materials ("Raw earth materials" does not include: timber, wood, clay, tree sap, animal hides and fur or

Residential Use - Dwelling Unit, Single-Family, Dwelling Unit, Two-Family, Dwelling Unit, Multi-Family, group homes serving no more than eight qualifying persons.

Retail Delivery of Goods & Services - Any enclosed business concerned primarily with the sale of produce, products, goods, equipment, or commodities. This shall exclude any drive-up service, free-standing retail stand, gasoline and/or fuel service, motor vehicle repair service, new and used car sales and service, trailer and mobile home sales and service.

Restaurant - An establishment where food and drink is available to the general public. Alcoholic beverages may or may not be served, but shall only be incidental to the serving of food. Restaurant use does not include uses for Drive-In Restaurant or Refreshment Stand and Bar.

Road - see "Street."

Salvage Depot - Any enclosed Structure used for the collection, storage, processing, or resale of waste paper, rags, scrap metal, auto parts, or other scrap or discarded goods, materials, and machinery.

Seasonal Storage - The storage of items that are only used seasonally, such as but not limited to cars, motorcycles, campers, boats, RV's, snow machines, etc., excludes "mini storage" units

Setback - The distance from the nearest portion of the footprint of a Structure to any lot line including the Street centerline. For purposes of this section, a structure shall not include: (1) eaves, sills, pilasters, gutters, leaders, cornices, chimneys, and roof overhangs; (2) the footprint of stairs to first floor of a Structure; (3) ramps or other Reasonable Modifications under The Fair Housing Act; (4) Fences & (5) Signs.

Sexually Orientated Businesses - an inclusive term that describes the following businesses: a sexually orientated cabaret, a sexually oriented cinema, a sexually orientated store that sells sexually orientated materials such as, but not limited to, videos, images, and toys. Said definition shall not prohibit the sale of lingerie or a lingerie store.

✓ defines sexually explicit businesses so they can be regulated by location

Shall - Denotes a mandatory requirement.

Shelter: Any facility whose primary purpose is to provide temporary or transitional shelter for people for a period not to exceed five days in a calendar year. Guests of a Shelter shall not be under the influence of drugs or alcohol at any time while they are residents of said shelter.

↖ establishes a definition of shelter even though it has not been placed in a zone for this zoning change

Shoreline - The bank or edge of a watercourse, as used to determine the shoreline setback requirement. For the purpose of these bylaws, the following watercourses are covered by this definition: Lamoille River, Lake Lamoille, named brooks identified on the Town of Morristown Property Maps (Jacob Brook, Mud Brook, Beaver Meadow Brook, Sterling Brook, Kenfield Brook, Ryder Brook, Lawrence Brook, and Bedell Brook)

Sign - Any device, Structure, Building or part thereof, which is used to bring a subject to the attention of the public.

Towers - A Structure that is intended to send and or receive signals from satellite or ground based through the air/atmosphere; including but not limited to radio, television, telecommunications, beeper, pagers, wireless phones, two way radios, HAM radios, and other types of transmitting or receiving Structures.

Town Clerk - The Town Clerk of the Town of Morristown.

Town Highway, Class 1 - Town highways designated by the Transportation Board which are parts of a State Highway route and which carry a State Highway route number.

Town Highway, Class 2 - Town highways designated by the legislative body of the municipality with the approval of the Transportation Board for securing trunk lines of improved highways from town to town and to places which by their nature have more than normal amounts of traffic.

Town Highway, Class 3 - All other traveled town highways, other than Class 1, or Class 2, designated by the legislative body of the Municipality, after conference with a representative of the Transportation Board.

Town Highway, Class 4 - All other town highways, including trails and pent roads, other than Class 1, 2 and 3 highways, designated by the legislative body of the Municipality.

Town Highway Notation - For clarification of definitions of Town Highways (Class 1, 2, 3 & 4) reference is hereby made to 19 V.S.A. §17 as now in force, or as may be from time to time amended. Where conflicts or confusion arises between the referenced standards and the above definitions, the referenced standards shall apply.

Transient Lodging Facility - Any Structure or combination of structures on the same lot containing four or more bedrooms that are designed to be rented as sleeping units for persons on a temporary basis. An existing Structure of combination of Structures on the same lot containing three or less bedrooms that may or may not be rented as individual sleeping units for persons on a temporary basis shall be allowed by-right as part of any residential use in all zones. This definition shall include: "bed and breakfasts," "hotels," "inns," "motels," "lodges," and "hostels."

→ Puts traditional B&B's + internet B&B's on the same playing field

Warehouse and Storage Facility - Includes warehouses, bulk storage facilities, and other similar Structures provided that all long-term storage is located within the Structure(s).

Water Quality Storm - The 0.9 inch storm event as determined by the unified storm sizing criteria found in the most recent edition of The Vermont Stormwater Management Manual published by the Agency of Natural Resources.

Waterbody - Means all watercourses such as brooks, streams and rivers; also includes ponds, lakes and wetlands. Is intended to apply to both natural and man-made situations and includes seasonal flows as well as year round flows.

ARTICLE X. ZONING DISTRICT BOUNDARIES

Section 1000. Central Business (CB).

Traveling in a clockwise direction around the district, from a point beginning on the northwest corner of lot 69 on tax map 21 east to the intersection with the railroad right-of-way. From the railroad right-of-way on the east west to the Lamoille River on the eastwest. Traveling against the current of the Lamoille River on west to line projecting due north from northwestern corner of lot 205 on tax map 21. The running along entire the eastern property line of the cemetery on lot 193 on tax map 21 to a point of intersection with Richmond Street. Then traveling south on Richmond Street to a point of intersection with the southeast corner of the library property. Then traveling west along the front of the library and further west along Upper Main Street to a point of intersection with Portland Street. A line projection from the northeastern corner of lot 192 on tax map 21 on the east to the northwestern corner of lot 178 on tax map 21 on the west. The western property lines of lots 178 and Then crossing Upper Main Street on an angle to the northeast corner of lot 15 on tax map 21 from the northwestern corner of lot 178 on tax map 21 on the north due south to a line 125' south of the centerline of Main Street. Then west to the centerline of Congress Street and then to a point 200' south of the centerline of Main Street. Then west from said point to the centerline of East High Street and then north to the intersection of East High Street and Main Street and then west along A Street to the centerline of the Lamoille River. Then traveling north along the Lamoille River to the Bridge Street Bridge. Then heading west along Bridge Street to include lots 55, 56, 57, 58, 59, 60, 61, 62 and 65 on the south side of said street. Then moving north to along the western property line of lot 69 on tax map 21 to the point of beginning.

- Brings north side of Upper Main St by Puffer Church into CB zone

Section 1010. Commercial (COM).

1011. Commercial Zone #1 (COM 1).

From a point beginning at the northernmost corner of lot 181 on tax map 8 traveling in a clockwise direction around the district. The centerline of Route 15/Route 100 from the northernmost corner of lot 181 on the west to the western property line of lot 165 on tax map 8. The western and northern property line of lot 165 on tax map 8. The western and northern property line of lot 156 on tax map 8. The eastern property line of lot 157 on tax map 8. The northern property lines of lots 154, 148, 153, 152, 151, 150, 134, and 130 on tax map 8. The northern property lines of lots 90, 91, 92 and 93 on tax map 8. The eastern property lines of lots 90 to its intersection with the northeast corner of lot 72 on tax map 8. Then along the northern property lines of lots 66-1 & 66-3 and then down the eastern property line of parcel 66-3 to a point of intersection with the centerline of Route 15. Then across Route 15 and west to the eastern property line of lot 71, then crossing James Road and then along the southern property lines of lots 71-5 and 75 on tax map 8 to the centerline of Munson Avenue on the west. The centerline of Munson Avenue from the southwestern corner of lot 75 on tax map 8 on the north to the centerline of Harrel Street on the south. The centerline of Harrel Street from the centerline of Munson Avenue on the west, but including lot 139 on tax map 21, to the centerline of Route 100 on the west.

Then turning south along the centerline of Route 100 to the southeast corner of lot 86 on tax map 21. Then turning west along the southern boundary of lot 86 and continuing along the southern boundary of lot 87. Then turning back north along the western boundaries of lots 87, 88, 113, 115, 127, 128 and 129 until a point of intersection with the Village/Town Boundary. Then from said point of intersection along the Village/Town Boundary on the east to a point 1,000' west of Route 100 on the west. A line projection 1,000' west of the centerline of Route 100 from a point where the Village/Town Boundary is 1,000' west of the centerline of Route 100 on the south to a point where the centerline of Route 15/Route 100 is 1,000' west of the centerline of Route 100 on the north. The centerline of Route 15/Route 100 from a point 1,000' west of the centerline of Route 100 on the east to the centerline of the junction of Route 15/Route 100 and Needle Eye Road on the west. The centerline of Needle Eye Road from the junction of Needle Eye Road and Route 15/Route 100 on the east to the western most corner of lot 181 on tax map 8 on the north and then continuing along the same line to the western most corner of lot 180. The western property line of lot 180 on tax map 8 from the centerline of Needle Eye Road on the south to the centerline of Route 15/Route 100 on the north.

1012. Commercial Zone #2 (COM 2).

From the intersection of the town/village boundary and the southern right-of-way line of the Alternate Truck Route in lot 328 on tax map 7, south along the town/village boundary crossing the centerline of Route 100 to a point of intersection with the town/village boundary and Route 100, then along the southern right-of-way line of Route 100 west to a point of intersection with the western right-of-way line of Jersey Way, and then south along the westerly edge of the Jersey Way right-of-way to the southernmost point of intersection with lot 3 on tax map 7 fronting on Jersey Way, and then west along the southern lot line of lot 3 and lot 4 on tax map 7 to the intersection of the town/village boundary in lot 6 ~~of tax map 328~~, then projecting on the same plane from this point of intersection westward across parcel 07-007-01 to a point of intersection with the Truck Route and then north along the town/village boundary, ~~crossing the centerline of Route 100, then west along the northern right-of-way line of Route 100 to intersection the southern right-of-way line of the proposed Alternate Truck route,~~ and then northeast along the right-of-way line of the proposed Alternate Truck Route to the point of beginning at the intersection of the town/village boundary in lot 328 on tax map 7. ~~Also as shown for reference purposes on a map entitled "Proposed Lower Village Gateway Commercial District Morristown, Vermont" dated July 2010 and prepared by LCPC.~~

→
extends
COM zone
across front
of Cheng
property

Section 1020. Business Enterprise (BE).

Beginning at the intersection of Bridge St and the Town/Village Boundary on tax map 7, then south along the town/village boundary ~~passed to a point of the intersection with the Truck Route,~~ but including parcel 07-328-1 directly to the northeast, then from the aforementioned point of intersection of the Village/Town boundary and the Truck Route, turning south along the Truck Route until a point of intersection is made with LaPorte Road / Route 100, then crossing LaPorte Road / Route 100 and turning south down Jersey

→
Truck
Route Change

down Jersey Way along the eastern boundaries of lots 2 & 3 on tax map 7, then turning west at the southeast corner of lot 3 and running along the southern boundaries of lots 3, 4 and 6, then turning north at the southwest corner of lot 6 and traveling along the western boundary line of lot 6 until a point of intersection with LaPorte Road / Route 100, from said point on LaPorte Road / Route 100 heading southwest along the road, continuing south on Route 100, passing the intersection of Morristown Corners Road, to the southern boundary of lot 9 on tax map 7, then west along the southern boundary of lot 9 to Ryder Brook, then north along Ryder Brook, crossing Morristown Corners Road and continuing north along Ryder Brook until the southern boundary of lot 320 that is on the east side of Ryder Brook, then turning east from Ryder Brook along the southern boundary of lot 320, then turning north at the eastern boundary of lot 320, and then along the eastern boundaries of lots 319 and 301 to the point of intersection with Bridge Street, then crossing Bridge Street to include parcels 301, 301-2 & 301-3 on tax map 7 and then returning there from the point of beginning at the intersection of Bridge Street and the village/town boundary.

Truck Route Change

Section 1040. Mixed Office Residential (MOR).

From a point beginning at northwestern corner of lot 178 on tax map 21, the intersection of Richmond Street and Park Street traveling in a clockwise direction around the district. A line projection from the northwestern corner of lot 178 on tax map 21 on the west to the northeastern corner of lot 192 on the east. The From the intersection of Richmond Street and Park Street, traveling north to the eastern property line of lot 193 on tax map 21 from the southeastern corner of lot 193 on tax map 21 on the south to the northeastern corner of lot 193 on tax map 21 on the north. A line projected due north from the northwestern corner of lot 205 on tax map 21 from the northwestern corner of lot 205 on the south to the centerline of the Lamoille River on the north. The centerline of the Lamoille River from line projection due north from the northwestern corner of lot 205 on tax map 21 on the west to a line projection due north from the intersection of the northeast corner of the Morristown School property and Route 15A on the east. A line projection due north from the intersection of Route 15A and the northeast corner of the Morristown School property from the Lamoille River to the north to the centerline of Route 15A to the south. The centerline of Route 15A/Park Street from northwestern corner of Morristown School property to the east to the northwestern corner of lot 48 on tax map 22 on the west. The western property line of the Morristown School property from the centerline of Park Street to the north to the centerline of Main Street to the south. The eastern property line of lot 71 on tax map 22 from the centerline of Main Street to the north to 125' south of the centerline of Main Street to south. 125' south of the centerline of Main Street from the eastern property line of lot 71 on tax map 22 on the east to the western property line of lot 15 on tax map 21 to the west. The western property lines of lot 15 and 178 on tax map 21 from 125' south of the centerline of Main Street to the south to the northwestern corner of lot 178 on tax map 21 on the north to the intersection of Upper Main Street. Then east along Upper Main Street to the library property and then continuing east along the front of the library to the intersection of

Put after CB Zone change, remove from MOR zone

1093. **Medium Density Residential # 3 (MDR 3).** Traveling in a clockwise direction around the district, from a point beginning at the intersection of the Village/Town Boundary and the Long Bridge on Bridge Street heading north to the southern property line of lot 37 on tax map 20. Turning southeast east along the southern property line of lot 37 on tax map 20 to the centerline on the railroad right of way on the east. Then following the railroad right-of-way southeast to a point of intersection with the Truck Route. Then heading north along the Truck Route until the Village/Town Boundary. Then traveling east along Village/Town Boundary to a point of intersection with lot 129 on tax map 21. Then turning south along the rear property lines of lots 129, 128, 127, 115, 114, 88, 87 arriving at the southwest corner of lot 86. Then east along the southern property line of lot 86 to the intersection with Brooklyn Street. Then north on Brooklyn Street to the intersection of the Village/Town Boundary. Then southeast along the northern boundary of lot 140 to the shared property line with lot 138. Then south along this property line and along the rear property lines of lots 141, 142, 143, 144 and 145 to a point of intersection with the Lamoille River. The heading south with the current of the Lamoille River to the point of intersection with the railroad right-of-way. Then traveling west along the railroad right-of-way, across the Truck Route, until a point of intersection with the northeast corner of lot 69 on tax map 21. Then west along Bridge Street until the point of beginning.

Section 1100. Low Density Residential Districts.

1101. **Low Density Residential #1 for Jersey Way area (LDR 1).** From a point beginning at the intersection of northern edge of Route 100 South and the Village/Town Boundary traveling clockwise around the district. ~~The intersection of the Village/Town Boundary from the northern edge of and Route 100, heading northeast along the Truck Route bridge south on the south to the centerline of the Lamoille River on the north, and then turning southeast. The centerline of the Lamoille River from the Village/Town Boundary on the west to the centerline of Ward's Pond Brook on the east. The centerline of Ward's Pond Brook and a line projection of the centerline of Ward's Pond Brook from the Lamoille River on the north to the center line of Route 100 South on the south. The centerline of Route 100 south from Ward's Pond Brook on the east to the centerline of Randolph Road on the east. The centerline of Randolph Road from the centerline of Route 100 South on the north to the junction of Randolph Road and Washington Highway on the south. The centerline of Washington Highway from the junction of Randolph Road and Washington Highway on the west to the northeastern corner of lot 241 on tax map 23 on the east. The northeastern corner of lot 241 on tax map 23 along the southern property line of lot 14-1 on tax map 24. The southwestern corner of property line 14-1 along the northern property line of lot 13 on tax map 24. The southeastern corner of lot 13 on tax map 24 along the eastern property lines of lots 13, 12, 11-1 and 11 on tax map 24. The eastern property line of lot 25 on tax map 13 from the southwestern corner of lot 11 on tax map 24 on the north to a point 1,465' south of the centerline of Washington Highway on the south. A line through lots 26 & 31 on tax map 13 from a point 1,465' south of the centerline of Washington Highway on the west to a point 1,950' from the centerline of Washington~~

Truck Route Clarification

Highway on the east. The Village/Town Boundary from a point 1,950' south of the centerline of Washington Highway on the north to the northwestern corner of lot 19 on tax map 13 on the south. The Village/Town Boundary from the northwest corner of lot 19 on tax map 13 on the east to the corner of the Village/Town boundary where it turns north on the west. Then northeast along the western boundary of lot 331, including the portion of parcel 07-007-01 that is not part of the Section 1012 COM 2 Zone, then northerly along the Village/Town boundary to the southeastern corner of lot 7-1 on tax map 7. The southern boundaries of lots 7-1 and 7 to the centerline of Route 100. The centerline of Route 100 east along the western boundaries of lots 7 and 7-1 on tax map 7 to the Village/Town Boundary at the northeastern corner of lot 7-1. The northeastern corner of lot 7-1 on tax map 7 along the Village/Town Boundary to where the Village/Town Boundary meets the Lamoille River.

— other half of Cheng property change

1102. **Low Density Residential #2 for Park Street area (LDR 2).** From a point beginning at a line projection from the northeast corner of the Morristown School property that intersects the centerline of the Lamoille River and travels in a clockwise direction around the district. From the beginning point in the centerline of the Lamoille River, then traveling east from the intersection of the Morristown School property to the western property line of lot 33 on tax map 8. The Village/Town Boundary from the centerline of the Lamoille River on the north to the southeastern corner of lot 23-07 on tax map 8. A line projection from the southeastern corner of lot 23-07 on the east to the southeastern corner of lot 29-1-2 on tax map 8 on the west. Then west along the southern property lines of lots 22, 29-1-2, 29-1-4, 29-1-6 and 29-1-3 to a point of intersection with lot 43 on tax map 22 (the Morristown School property). Then north along the eastern property line of the Morristown School property from the southwestern corner of lot 29-1-3 on tax map 8 on the south to the centerline of Route 15A on the north. A line due north from the intersection of the Morristown School property and Route 15A from the centerline of Route 15A on the south to the centerline of the Lamoille River on the north.

1103. **Low Density Residential #3 for Cadys Falls (LDR 3).** Traveling in clockwise direction, from a point beginning at the intersection of Cadys Falls Road and the Lamoille River, turning west along the river passing the southern boundary of Lot 07-212 to a point where the westernmost boundary of 07-213 abuts the river, then turning north away from the river along the western boundary of lot 07-213 to a point of intersection with Lot 07-214, then traveling west along the southern boundaries of Lots 07-214 & 07-215, then turning north along the western boundary of Lot 07-215 to a point of intersection with Griggs Road, from said point turning east on Griggs Road, but including Lots 07-233 & 07-234, to a point of intersection with the southwest corner of Lot 07-236, then turning north along the western boundary of Lot 07-236 and continuing in the same northerly direction along the eastern property line of Lot 07-232 until a point of intersection with Lot 07-244-3, then turning briefly east until the intersection with Lot 07-244-1, then turning north and then northeast along the western boundary of Lot 07-244-1 and continuing in the same direction along the western boundary of Lot 07-245 until a the

— add Cadys Falls zone to Village zoning for the first time

point of intersection with Cadys Fall Road, then turning south on Cadys Falls Road until a point of intersection with the northern boundary line of Lot 07-252, then heading east along the northern boundary line of Lot 07-252 until the point of intersection with the Lamoille Valley Rail Trail, then turning south along the Lamoille Valley Rail Trail until a point of intersection with the northernmost point of Lot 07-262, then traveling in a southwesterly direction along the westernmost boundary to Lot 07-262 to a point of intersection with Needle's Eye Road, then traveling southeast on Needle's Eye Road, including Lot 07-264, until the intersection with the easternmost point of Lot 07-294, then turning south and then west along the boundaries of Lot 07-294 to a point of intersection with the Lamoille River, then turning west with the flow of river to the point of beginning - at the intersection of the Lamoille River & Cadys Falls Road.

1104. Low Density Residential #4 for Morristown Corners (LDR 4). Traveling in a clockwise direction, from a point beginning at the intersection of Morristown Corners Road and the westernmost boundary of Lot 07-038, then running to the northeast along the rear boundaries of Lots 07-146, 07-147, 07-148 until the northern most point of Lot 07-153, then turning to the east from said point to the intersection with Stagecoach Road, then north on Stagecoach Road to a point of intersection with the northernmost point of Lot 07-169, then turning east along the northern boundary of Lot 07-169 to a point of intersection with Lot 07-179, then turning south along the eastern or rear boundaries of Lots 07-169, 07-170, 07-171 until the point of intersection with Lot 07-178 and Morristown Corners Road, crossing Morristown Corners Road to include Lots 07-019, 07-020 & 07-021 to the east side of Stagecoach Road and then crossing Stagecoach Road to include Lots 07-036, 07-037 & 07-038 on the west side of Stagecoach Road, then crossing Morristown Corners Road and heading northeast to the point of beginning.

*— adds Morristown
Corners to Village
Zoning for the
first time*

Section 1110. Rural Residential/Agricultural (RRA).

All lands in the Town, excluding the Village of Morrisville, and the following Zones in the Town: AB, BED (partial), COM (partial), IND 2, IND 3, INN1, INN 2, SI and parcels 07-007 & 07-007-01 in LDR 1.

Section 1120. Sewer Service.

From a point beginning where the Village/Town Boundary and Bridge Street meet along the eastern edge of Lake Lamoille traveling in a clockwise direction around the district. The intersection of the Village/Town Boundary and Bridge Street along the eastern edge of Lake Lamoille north along the Village/Town Boundary to the western edge of lot 37 on tax map 20. The western edge of lot 37 on tax map 20 to the centerline of the railroad right of way. The centerline of the railroad right of way from the Village/Town Boundary on the south to the point where the centerline of the railroad right of way is 2,000' west of the centerline of Route 100. 2,000' west of the centerline of Route 100 from the point where the centerline of the railroad right of way is 2,000' west of the centerline of Route 100 on the south to the centerline of Needle Eye Road on the north. The centerline of Needle Eye Road from a point 2,000' west of the centerline of Route 100 on the west to



RE: Removal of Section 660

From David W. Rugh <drugh@firmspf.com>

Date Fri 2/6/2026 9:03 AM

To Tyler Machia <tmachia@morristownvt.gov>

Hi Tyler,

We understand that Section 660 was approved by the Selectboard when it adopted zoning amendments in 2016, so the Selectboard can approve a set of zoning bylaw amendments now that removes Section 660. While local Act 250 review of municipal impacts could be enacted through a public vote, that didn't happen in Morristown, so there's no need to have a public vote or any different procedure for removing Section 660. It can be removed the same way it was enacted – through the Selectboard's vote on a set of zoning bylaw amendments.

If Section 660 is removed, then the DRB would no longer have authority to review Act 250 applications for municipal impacts under the applicable criteria – Criteria 6, 7 and 10. Instead, when an Act 250 application gets filed, the Selectboard with the Town Manager's assistance will be given the authority to decide when and how to participate in Act 250 proceedings and whether the projects have municipal impacts. The Town Manager would typically fill out what's called a "Municipal Impact Questionnaire" for the applicant, and if the Selectboard was concerned about the application or believed the project didn't conform to one or more of the Act 250 criteria, then the Town can participate as a party in the District Commission proceedings. In short, the DRB would no longer have a role, except for it's normal role to review the local zoning application.

In our experience very few municipalities have enacted local review of Act 250 municipal impacts under 24 V.S.A. § 4420. This is largely because it requires the DRB to engage in a contested administrative proceedings using the process set out in the Municipal Administrative Procedures Act ("MAPA"). This procedure is rather burdensome for most boards comprised of volunteers, as it requires the DRB to follow the rules of evidence in hearing testimony and considering exhibits, as well as the creation of a clear record, and if appealed, detailed transcripts need to be made of the proceedings, etc. Instead, what most municipalities do is let their selectboards decide when to participate and how extensively. This allows the DRB to do its job – make decisions on zoning applications – and leaves the "politics" of determinations about an application's compliance with the Act 250 criteria to those elected to make those decisions.

If you have further questions, please let me know.

Thanks,
Dave

David W. Rugh, Esq.
SP&F Attorneys, P.C.
171 Battery Street
P.O. Box 1507
Burlington, VT 05402-1507
Phone: 802-660-2555

drugh@firmspf.com

From: Tyler Machia <tmachia@morristownvt.gov>
Sent: Friday, February 6, 2026 8:47 AM
To: David W. Rugh <drugh@firmspf.com>
Subject: Removal of Section 660

Hello David,

As we discussed, the PC is considering removing Section 660 from the bylaw. The PC would like to know if this is possible to do. They would also like to know how this would impact the town's ability to weigh in on projects that need ACT 250 review if they forgo local review. They also want to make sure this would not adversely impact the town and subject it to additional regulation by not reviewing ACT 250 criteria locally.

Sincerely
Tyler Machia
802-696-8785
tmachia@morristownvt.gov

Under Vermont's **Act 181 (2024)**, Tier 1B status is designed for "transition areas" locations like village centers and planned growth areas that want to encourage housing but may not yet have the full administrative "on-the-record" capacity required for Tier 1A.

Unlike Tier 1A (which provides a full Act 250 exemption), **Tier 1B** provides an Act 250 exemption specifically for **housing projects of 50 units or fewer on 10 acres or less**.

Tier 1B Application Checklist

According to 10 V.S.A. § 6033(c), a municipality must meet the following statutory requirements to be mapped as a Tier 1B area:

- **Formal Opt-In Resolution:** The municipal legislative body (Selectboard or City Council) must pass a formal resolution requesting Tier 1B status for specific areas.
- **Regional Planning Coordination:** The area must be identified as a "Center" (Downtown or Village), "Village Area," or "Planned Growth Area" on the Regional Planning Commission's (RPC) **Future Land Use Map (FLUM)**.
- **Confirmed Planning Process:** The town must have a municipal plan and planning process that is currently confirmed by the RPC under 24 V.S.A. § 4350.
- **Full Land Use Bylaws:** The municipality must have adopted **both** permanent zoning and permanent subdivision bylaws.
- **Infrastructure Minimums:** The area must be served by public water and wastewater infrastructure; **OR**
 - If one or both are missing (common in Village Areas), the municipality must demonstrate that the **soils are adequate** to accommodate a community wastewater system for compact housing.
- **Flood and River Corridor Protections:** The Tier 1B area must either **exclude** all flood hazard areas and river corridors; **OR**
 - The town must have adopted flood hazard and river corridor bylaws that meet or exceed state standards for those areas.
- **Administrative Capacity:** The municipality must self-certify (via the resolution) that it has the staff, officials, or contracted professional capacity to support development review and zoning administration.

Retention Checklist (Maintaining Status)

To retain Tier 1B status, the municipality and the area must continue to meet the standards evaluated by the **Land Use Review Board (LURB)**:

- **Maintain "Confirmed" Status:** If the town's plan expires or the RPC revokes its confirmation of the planning process, the Tier 1B status is at risk.
- **Bylaw Consistency:** Any amendments to zoning or subdivision bylaws must continue to further "Smart Growth" principles and not create broad exemptions that undermine the local review process.
- **Periodic LURB Review:** The LURB reviews the Regional Plan (including the Tier 1B designations) every **8 years**. The town must participate in the RPC's update process to ensure the boundaries and data remain accurate.
- **Act 250 Permit Monitoring:** While new housing under 50 units is exempt, the **Natural Resources Board (NRB)** still enforces *existing* Act 250 permits in Tier 1B areas. The town must ensure that local permits do not conflict with active state permit conditions that still apply to the land.

The Role of Section 660 vs. Statutory Requirements

Section 660 in Morristown's Bylaw allowed the Development Review Board (DRB) to review projects under **Act 250 Criteria 6 (Education), 7 (Municipal Services), and 10 (Town Plan)**. Under 10 VSA § 6086(d), a local permit is "presumptive evidence" of compliance with those specific criteria. While this process is helpful for developers in the Act 250 process, it is **not** a standalone requirement for Downtown Designation under 24 VSA § 2793. The primary regulatory requirements for designation are:

- **Confirmed Planning Process:** A town plan approved by the Regional Planning Commission (Morristown's 2022 Plan is confirmed).
- **Permanent Zoning and Subdivision Bylaws:** (Morristown has these).
- **Historic/Design Review:** The municipality must have a local historic district or a design control district to protect the "character" of the downtown.

2. Why Removal of Section 660 is Likely "Safe"

Morristown's regulatory framework already provides the essential components that the state looks for in a designated downtown:

Required Component	Morristown Status
Historic District / Design Review	The 2023 Bylaws include robust design review standards and historic preservation guidelines. These fulfill the requirement for "regulations that adequately regulate the physical form and scale of development" (24 VSA § 2793(b)(4)).
Municipal Capacity	The town plan and staffing levels demonstrate capacity. The removal of a specific "Act 250-style" hearing (Sec 660) does not strip the town of its legal authority to regulate development; it simply removes a specific procedural "shortcut" for Act 250.
Capital Budget & Program	Morristown maintains a capital plan for infrastructure (water/sewer, sidewalks), which is a key pillar of designation renewal.

3. Impact of Act 181 (2024)

It is important to note that Vermont is currently transitioning all "Downtown Designations" into a new framework called **"Step 3 Centers"** under Act 181.

- **Automatic Transition:** Legacy Downtowns (like Morristown) will automatically transition into the new program.
- **The Technical Conclusion:** Because the state is actively trying to *exempt* downtowns from Act 250, requiring a town to maintain a "Local Act 250 Review" section in its bylaws would be counter-intuitive to current state policy.

Summary Assessment

Removing Section 660 does not violate the core requirements of 24 VSA § 2793. As long as **Bylaws** maintain the **Design Review District** and **Historic District** standards (which protect the "character" of the core), and the **Town Plan** remains confirmed, the town meets the statutory threshold for designation. Section 660 was a procedural tool for Act 250 coordination, not a prerequisite for the designation itself.

