



**TOWN OF MORRISTOWN PLANNING COMMISSION
MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
43 Portland St. Morrisville, VT 05661
5:00 PM Tuesday, July 14, 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 from 5/29/26
2. Approve minutes from the 6/9/26 meeting.

IV. NEW BUSINESS

1. Debrief on zoning bylaw public hearing.
2. Initial discussion on AI data center regulations.

V. OLD BUSINESS

1. Continued discussion on proposed earth extraction regulations.

VI. FUTURE PLANNING AGENDA TOPICS

1. Identify 5 priorities from chapter 7 of the town plan to discuss with MACC and the Economic Development Coordinator at a future meeting.

VII. CORRESPONDENCE/NOTICES

VIII. ADJOURN



**PLANNING COMMISSION MEETING MINUTES
OF MAY 26, 2026**

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

Absent:

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Rose Belanger, Donnie Blake, Leah Hollenberger

CALL TO ORDER

Joshua Goldstein 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 5/12/26.

*Motion made by Jamie Morris to approve the minutes of 5/12/26. Motion seconded by John Meyer.
Motion carried (5/0) with amendments.*

NEW BUSINESS

1. **PUBLIC NOTICE-WARNED HEARING**
MORRISVILLE/MORRISTOWN PLANNING COMMISSION

Pursuant to 24 VSA Section 4441, the Morrystown Planning Commission will hold a public hearing on May 26th at 5:00 PM. The meeting will be held in person at The Morrystown Office located at 43 Portland street in the community meeting room.

Purpose: The purpose of these amendments is to modernize the Morrystown/Morrisville Zoning and Subdivision Bylaws to comply with recent state mandates under Act 47 (the HOME Act) and Act 181. These changes address feedback from the town attorney, eliminate regulatory ambiguity, and streamline the development review process.

Geographic Area Affected: Entire Town

Place where text can be examined: Hard copies of the proposed bylaws can be found in the Morrystown Zoning and Planning office and town clerk's office during regular business hours, the town website, and via email to tmachia@morristownvt.gov

To Participate: This is a hybrid meeting which will be held in person at the address noted above and via zoom using the link noted above.

Articles and Sections of the Bylaws that are affected: All Articles and sections of these bylaw have undergone some form of change. All Section were renumbered according to a new number sequence. While some changes were minor other sections saw significant revisions. The following is a brief summary of the sections and articles that saw more substantive revisions:

Section 201	Section 204
Section 205	Section 206
Section 310	Section 400
Section 420	Section 435
Section 450	Section 510
Section 511	Section 660
Section 710	Section 720
Section 730	Section 740
Section 750	Section 900
Article X	

The Planning Commission held a public hearing on May 26th to discuss the proposed 2026 zoning subdivision bylaw amendments. The meeting focused on listening to public comments rather than reviewing every change. Key concerns raised included definitions around incidental extraction, noise pollution regulations, and water extraction provisions. The commission clarified that these specific issues were not addressed in the current version of the bylaws due to ongoing comprehensive discussions about earth extraction regulations. The group acknowledged that additional amendments might be needed in the future, with Tyler emphasizing the importance of taking a deliberative approach to ensure the regulations are fair while addressing legitimate community concerns. After public comments from residents, the commission voted to close the public hearing.

Motion made by Jamie Morris to move the 2026 Zoning Bylaws as discussed at the 5/26/26 Public Hearing as amended on 4/30/26 and forward them to the Selectboard. Motion seconded by Wally Reeve. Motion carried (5/0).

Leah Hollenberger thanked the Commission for its extensive work on creating the 2026 Bylaws. Don Blake also thanked the Commission for their revisions to the bylaws.

FUTURE PLANNING AGENDA TOPICS

The Planning Commission will continue work on future bylaw amendments, specifically focusing on earth extraction regulations and conservation subdivision provisions, including stakeholder engagement. They will also prepare for the discussion of earth extraction regulations at the next meeting.

OLD BUSINESS

None

CORRESPONDENCE/NOTICES

None

ADJOURN

Motion made by John Meyer to adjourn. Motion seconded by Etienne Hancock. Motion carried. (5/0)

Meeting adjourned at 5:40 pm
Submitted and filed this 5/27/26.
Bonnie McDermott, Scribe

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



PLANNING COMMISSION MEETING MINUTES OF JUNE 9, 2026

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

Absent:

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Jerry Throne, Leah Hollenberger

CALL TO ORDER

Joshua Goldstein called the Planning Commission to order at 5:03 PM at the Tegu Building.

AGENDA CHANGES/ADDITIONS

None

APPROVE PRIOR MEETING MINUTES

1. Approve minutes from 5/26/26

The minutes will be approved at the next Planning Commission meeting.

Motion made by Wally Reeve to approve the minutes at the next meeting. Motion seconded by John Meyer. Motion carried (5/0).

OLD BUSINESS

1. Continued discussion on earth extraction regulations.

The earth extraction regulations will be addressed after the legal department's review, estimated near the end of July, when attorneys can fully review them due to potential litigation concerns. Jerry Throne, Chair of the Conservation Commission stated that many of his commission, members, as well as residents they have heard from, are very concerned about water extraction, as this topic is not addressed in the bylaws. The group discussed whether water extraction should be treated separately from earth extraction.

2. Continued discussion on conservation subdivision regulations.

The meeting focused on discussing conservation subdivisions and town planning priorities. It was noted that the Conservation Commission has expressed concerns about isolated pockets of conserved public land and suggested considering a fee-in-lieu of option. Josh requested that the Conservation Commission provide the Planning Commission with additional information on how the conservation subdivision regulations could be improved.

NEW BUSINESS

1. Discussion on planning priorities and outreach on the town plan.

Tyler referred to the survey regarding the town plan undertaken by UVM intern Gabriella Coutts. The Commission discussed the survey results, which showed residents' interest in greater public participation and environmental issues. Josh invited town boards and interested residents to bring their issues and thoughts about the town plan to the Planning Commission. Leah described the process of the MACC, Morrisville Alliance for Culture and Commerce, Economic and Community Development meetings, which break down into smaller groups for discussion. Josh suggested that better communication between the Planning Commission and other committees would make the best use of time by utilizing the public feedback they gather. It was suggested that Adele Taplin, Economic and Community Development, should be invited to a meeting. They also talked about ways to keep the public aware of the town plan. It was mentioned that the town plan already had stated assignments for the work of the Planning Commission, which needed attention, in addition to getting new input about town needs. It was mentioned that members may have to do outreach beyond the time of the committee meetings.

FUTURE PLANNING AGENDA TOPICS

A follow-up meeting on June 23rd was planned to discuss outreach strategies and review the current town plan's implementation progress.

CORRESPONDENCE/NOTICES

None

ADJOURN

Motion made by Wally Reeve to adjourn. Motion seconded by James Morris. Motion carried (5/0).

Meeting adjourned at 6:40 PM
Submitted and filed this 6/10/26.
Bonnie McDermott, Scribe

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

COMMERCIAL USES DEFINED

For all commercial uses with one or more defined scales, the total amount (GFA, building footprint, and similar) of the use on the lot shall be counted toward the total scale, regardless of separate tenancies, divided spaces, separate buildings, or other division of space.

Accommodations

Characteristics	
- Provides temporary accommodations for visitors, corporate clients, temporary workers, and others requiring temporary accommodations - Generally includes sleeping accommodations with bathrooms, but may or may not include kitchens/kitchenettes and living spaces - May provide common space for guests, which can include common rooms, exercise facilities, pools, office facilities, conference rooms, restaurants/bars, or a small shop to serve guests	
Definition	
An establishment with three or more temporary guest rooms available for a fee to the general public and including customary lodging services (e.g. onsite staffing at all hours, lobby space, and cleaning service) and that is of a type subject to the Vermont rooms and meals tax. Accommodation may, or may not, be owner occupied. Accommodation does not include short-term rentals. Units that meet the definition of a dwelling unit are not accommodations under this use.	
Scales	- Small – 5000 SF GFA - Medium – above 5000 SF GFA with maximum of 60 guest rooms - Large – above 5000 SF GFA with more than 60 guest rooms

Aviation Uses

Characteristics	
- Related to the airport – including the airport facilities, aviation-related uses (flight schools, mechanics, etc.) - Private aviation facilities are included	
Definition	
Fixed- and rotary-wing operations together with retail sales and service operations related to public, private, and general aviation, including aircraft sales, repair, and storage, commercial shipping and storage, restaurants, rental vehicles, flight instruction, and other uses designed to serve aviation passengers and industry.	

Commercial Outdoor Recreation

Characteristics	
Involves people recreating outdoors, but does not include motor vehicles (e.g. dirt bikes, go carts)	
Definition	
A commercial use that provides outdoor space and related infrastructure, equipment, field maintenance, and other services to serve the general public, generally for an admission or other fee. Examples include golf courses, commercial pump tracks, mountain biking or Nordic skiing centers, disc golf courses, swimming pools, mini-golf courses, archery grounds, and similar. Dirt	

bike/motocross tracks, go-kart tracks, and similar facilities for motorized recreational vehicles are Motor Vehicle-Focused Commercial.

Commercial with Outdoor Impact

Characteristics
• Uses that require significant outdoor storage of goods, materials, business vehicles or equipment, including production activities • Otherwise, general commercial or consumer-facing are this IF significant outdoor storage component
Definition
A commercial use that involves significant outdoor storage, operations, production, or recreation relative to the size of any indoor space. Outdoor impacts include, but are not limited to, storage of goods and materials, storage and use of business vehicles or equipment, outdoor production or preparation of goods or materials, and outdoor recreation space for animals. Examples include lumber yards, equipment storage or non-vehicular equipment sales, landscapers with material piles, construction yards and staging areas, recycling centers, outdoor agricultural processing, animal shelters, commercial kennels, pet daycares, or veterinary offices with outdoor play space in excess of allowed elsewhere under Article 14.11J(5), and plant nurseries or garden centers. Trucking-Centric Commercial, Motor Vehicle-Focused Commercial, and Aviation Uses are sub-types of Commercial with Outdoor Impact. If a use meets the definition of Commercial Outdoor Recreation, it is not considered to be a Commercial with Outdoor Impact use. Veterinary Offices with less outdoor space than regulated in Article 14 are considered Medical and Social Services.

Consumer-Facing Commercial

Characteristics
• Consumer-serving commercial uses, focusing on higher-customer traffic commercial activities like retail, food service, personal instruction, personal services, and similar • Generally attracts more traffic (vehicle, foot, bike) than other uses • Adds to the vitality and walkability of an area, especially when clustered and arranged in a human-focused manner • Has low outdoor impact except for a small amount (relative to the indoor size) of outdoor merchandise, signage, lighting, and/or tables/benches for customers
Definition
A commercial use that interfaces directly with the general public as customers or clients to sell goods or services. Services include those whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises. A use that exclusively sells to or serves other businesses, including wholesale customers and contractors, is not considered consumer-facing. A use that takes orders from the general public for custom or made-to-order goods is not considered consumer-facing. Examples include, but not limited to, retail, restaurant, bar, tasting room, consumer-facing financial and real estate services, indoor entertainment, arcades, museums and galleries, consumer-oriented offices, and personal services (e.g. hair salons, studio-based fitness instruction, art workshops), and similar uses. Outdoor storage of goods or materials displayed for retail sales is limited to a minimal display relative to the gross floor area of the building.

Outdoor seating for customers is allowed as part of the use and does not count as part of the GFA for scale calculation. If a gym or fitness facility has large indoor amenities (i.e. courts, tracks, pools, indoor fields, and amenities of a similar size), the use is considered General Commercial.

If a use meets the definition of Motor Vehicle-Focused Commercial, Commercial with Outdoor Impact, or Trucking-Centric Commercial, it falls into that category even if directly interfacing with the public. Accommodations and Medical and Social Services are sub-types of Consumer-Facing Commercial.

Scales	• Small – 5,000 SF GFA or less • Medium – between 5,000 SF GFA and 12,000 SF GFA • Large – above 12,000 SF GFA
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Data Center

Definition

A facility used for storage, management, processing and/or transmission of digital data that typically contains computers, network equipment, systems, servers, appliances, and other accessory components necessary for digital data operations operated by a single entity for data processing as the primary use or for the shared use of entities engaged in other primary uses for their data center uses. All data center structures on a site shall be aggregated to calculate the total scale of the use and the “footprint” of a data center may be of a standalone building or of a portion of a building containing other uses.

If a facility that meets this definition but is 5,000 SF or less, it shall not definitionally be a Data Center but shall be a General Commercial, Small.

<u>Scale</u>	• <u>Small – under 20,000 SF footprint</u> • <u>Large – 20,000 SF or greater footprint</u>
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Educational Support Facilities

Characteristics

- Related and accessory to a post-secondary Educational Facility

Definition

Commercial facilities intended to principally serve students, faculty, and staff of a post-secondary educational use that complement and are secondary to the intended post-secondary educational use of a property. This can include, but is not limited to, offices, research, retail, restaurant, cultural facilities, facilities management, technical education facilities or labs, athletic facilities, parking, student health center, agricultural facilities and learning spaces, and other similar uses, when demonstrated to be supporting the post-secondary Educational Facility.

General Commercial

Characteristics

- Does not primarily serve retail customers, but could have a small showroom 1000 square feet or 5% of total warehouse square feet, whichever is greater, for wholesale, contractors, or retail ordering.
- Includes all types of commercial – office buildings, manufacturing, commercial kitchens, etc. – that are not auto-related or trucking-centric

Definition	
A commercial use that does not meet the definitions of Consumer-Facing, Motor Vehicle-Focused, Commercial with Outdoor Impact, Aviation Uses, Trucking-Centric Commercial, Medical and Social Services, or Accommodations. This includes, but is not limited to, light manufacturing, assembly, non-motor-vehicle equipment repair and service, service-based operations (e.g., offices, technology services, and office-based financial institutions), and wholesale trade. Any storage of goods under <20,000 SF that is primarily within enclosed spaces and the use has limited or no reliance on large-scale or frequent trucking for their daily operations. This use may have drop-in or by-appointment visits from clients but does not attract passerby customers and generally receives ten (10) or fewer visitors or clients per business day.	
Scales	• Small – 5,000 SF GFA or less • Medium – between 5,000 SF GFA and 20,000 SF GFA • Large – above 20,000 SF GFA

Medical and Social Services

Characteristics	
• Uses where professionals serve the medical and psychological needs of members of the public • Need to be located on or very near to public transit • Generally attracts frequent vehicular traffic by serving patients in an appointment or as-needed/urgent schedule • Does not generally attract passerby traffic	
Definition	
Any establishment providing medical, dental, psychological, employment, disability, or other similar services to human patients by doctors, dentists, other medical professionals, social workers, psychologists, therapists, counselors, and other similar professional service providers. It does not include overnight hospitalization or accommodation. May include on-site ancillary services, like child care for use by patients and clients during service provision, or assembly, fitting, testing, and sale of products directly related to medical services from the same establishment. It does not include a retail pharmacy. <u>Overnight hospitalization or accommodation for patients and a retail pharmacy can be included as part of a Medical and Social Services, Large, but not for Small and Medium.</u>	
Scales	• Small – 5,000 SF GFA or less • Medium – between 5,000 SF GFA and 10,000 SF GFA • Large – above 10,000 SF GFA

Motor Vehicle-Focused Commercial

Characteristics	
• Related directly to automobiles and other vehicles, including sales, rental, repair, and parking. • Generally includes outdoor storage of vehicles for business use and storage of vehicles for customers (for sale, display, and/or being repaired) • Also includes uses that focus on storage and deployment of motor vehicles including taxi depots, fleet storage for transportation, and off-site storage of vehicles for rental or sale	

Also includes self-storage facilities, which are primarily accessed by motor vehicle and should not be located in areas of mixed use and/or dense housing, including	
Definition	
A use with its primary focus on motor vehicles, agricultural vehicles and attachments, and construction vehicles, including, but not limited to, the sales, rental, service, and commercial wash of motor vehicles, agricultural vehicles, and construction vehicles or use that predominantly involves transportation in a motor vehicle, including self-storage facilities, gas stations, and drive-through facilities. Facilities that include multiple motor vehicle-related activities (e.g. vehicle sales and service) should include all activities when calculating size of the use. A motor vehicle includes cars, pickup trucks, vans, motorcycles (including dirt bikes and similar), motorized scooters, golf carts, ATVs, UTVs, snowmobiles, RVs/Motor Homes, and motorized boats. Agricultural vehicles are all vehicles traditionally and currently used in agriculture, including but not limited to tractors, combines, ATVs, and UTVs, and attachments including balers, rakes, trailers, and similar. Construction vehicles are all vehicles traditionally and currently used in construction and similar activities, including dump trucks, cherry pickers, excavators, bulldozers, backhoes, and similar. E-bikes not requiring a license and motor scooters for accessibility are not motor vehicles for the purpose of this definition. Retail sales of vehicle parts is Consumer-Facing Retail.	
Scales	Small – lot size less than 1 acre Medium – lot size between 1 and 4 acres Large – lot size more than 4 acres

Trucking-Centric Commercial

Characteristics	
- Trucking-centric uses that attract/require trucking, including 24-hour operation - Trucking, shipping, distribution facilities, etc. - Does NOT include small warehouse use – e.g., storage for a retail store	
Definition	
A use where trucking is essential to the primary activities and purpose of the business. This includes any commercial use with transportation of goods, materials, or products by truck as a central aspect of its function. These businesses may include freight forwarding, distribution centers, warehousing, trucking terminals, logistics services, delivery services, and manufacturing or processing facilities that rely on the shipment of raw materials, finished goods, or other items via truck. Trucking is integral to their supply chain, operations, or service delivery, and these businesses typically require large truck access for loading, unloading, and transportation purposes. Small warehouses under 10,000 SF for storing materials, goods, and supplies for a single consumer-facing commercial use on another local site are considered General Commercial. Consumer-Facing Commercial that receives deliveries of products, linen service, or other supplies <u>directly</u> related to the primary use shall not be considered Trucking-Centric Commercial.	
Scales	<u>Small - <50,000 SF total building footprint</u> <u>Medium - 50,000 to 150,000 SF total building footprint</u> <u>Large – > 150,000 SF total building footprint</u>

XIII. Land Use

A. Goals, Objectives, Recommendations and Policies

Goal:

1. To maintain the rural/village character of Royalton, preserving scenic beauty, natural resources and the cultural assets of the Town while encouraging acceptable growth in appropriate locations.

Objectives:

1. To manage growth and development in a responsible manner that protects Royalton's natural resources and the environment, preserves the area's historic and cultural assets, and does not strain municipal facilities and services.
2. To allow for a diversity of low impact uses within the Town. **Low impact commercial and industrial uses are defined as a single commercial or industrial project that consumes less than 20 megawatts of electric power, uses less than 57,600 gallons per day (40 gallons per minute) of surface or ground water, contains no PFAS in its wastewater discharge, creates less than 20 acres of impervious surface, emits less than 70 decibels of persistent noise audible to adjacent properties, has minimal visual impact as seen from public roadways, creates at least 10 permanent, onsite jobs per every acre of impervious surface, and which does not strain community resources during construction. Any commercial or industrial use that does not meet this definition of a low impact use is considered a high impact use.**
3. **To encourage development that will help the town reduce its use of fossil fuels, and that will protect the town's surface water and ground water resources.**
4. To encourage the conservation of undeveloped land and the sustainable use of farms and forests.
5. To maintain the character and vitality of the Town villages as commercial and service hubs.

Recommendations:

1. Establish procedures for preserving the integrity of historic sites within the Town.
2. Develop regulations to control growth, development, and traffic ~~so as to~~ maintain the historic settlement pattern of compact villages separated by rural countryside.
3. Consider future adoption of limited land use regulations as necessary to preserve community values, and to ensure that growth will not outstrip the Town's ability to provide services or infrastructure at an affordable tax rate.
4. Promote the preservation of desirable existing land uses by interacting with land trusts and other conservation groups, the use of conservation easements, transfer of development rights or other innovative techniques to compensate the landowner while preserving desirable uses.

Policies:

1. Any actions taken to implement Recommendations in this Plan shall be done in a manner consistent with existing uses and the future land use patterns proposed in this Plan.
2. Customary uses of land--residences, farms, public uses, and home occupations-- shall be permitted throughout the Town. Toxic, noxious, or overly noisy uses are discouraged in all areas. However, agricultural uses employing normal and customary agricultural practices shall be deemed compatible with other uses wherever located.
3. **There shall be a 5-year moratorium, beginning on the date of adoption of this amendment to the town plan, on the siting or construction of any high-impact commercial or industrial development throughout the town.**
4. Public facilities shall be located in South Royalton Village and in Royalton Village, if suitable sites can be found.
5. Preservation of the agricultural aspects of the Town shall be encouraged.

6. Strip development is not supported. Commercial development should be located in designated land use areas (See below), re-using existing sites where possible, or in other locations specifically recommended in this plan and its amendments.
7. **Principal** retail development **shall** only be located in Village or Hamlet areas.
8. Except in the Commercial/Industrial Areas, Village Areas, and Exit 3 Development Areas, any new development shall be designed, whenever possible, to protect specific portions of land that contain special resources such as prime agricultural soils, marshes, deer wintering areas, wildlife habitat and high priority corridors or other unique wildlife areas.
9. Development shall be discouraged where emergency services access and public access is difficult, or where water sufficient for fire suppression is unavailable.
10. Development shall mitigate all traffic conditions that could overburden existing highway infrastructure or create traffic safety problems.

B. Existing and Historical Land Use

As shown on the attached Maps 1 and 2, Royalton is roughly divided in half by the White River and further partitioned by the First and Second Branches of the White River. Railroad tracks parallel the White River, as does Interstate 89, and Route 14; and Vermont Route 110 runs parallel to the First Branch as a thoroughfare to Tunbridge and Chelsea. While there is beautiful alluvial land, the Town also has much land that is hilly, ledge, or practically inaccessible. Public activity, commercial development and residential settlement are still concentrated in the White River Valley.

Historically, Royalton's land use pattern has been one of compact villages and diffuse residential development, linked by agricultural land use. South Royalton and Royalton Villages both have Village Designations, populated densely with Vermont Law School students and town residents. Many of Royalton's other residents, however, are spread throughout the town, living along the network of mostly unpaved "back roads." It is the small, compact villages and the open, working landscapes that define Royalton. Maintaining the balance between Royalton's villages and the residential and agricultural development of the areas surrounding them is essential to maintaining the Town's rural character. Home businesses, light industry and developments that can contribute to the rural character within an area like Royalton are not only welcome but encouraged.

C. Land Use Regulations and Act 250

Historically, the citizens of Royalton have generally taken a "no regulation" stance when zoning has been considered. However, when surveyed in 2014, nearly 63% of responses indicated that Royalton should have some sort of land use regulation, particularly for commercial or industrial development.

Towns without land use regulations are always at risk when a large-scale development is proposed. Because of this, State regulators have designated all towns without land use regulation as "1 Acre Towns" for the purposes of review under Act 250. As of 2019, this designation means the following:

- Any commercial or industrial developments of over one acre of property shall trigger a review under Act 250.
- The subdivision of land into six or more lots within a continuous period of five years shall trigger review under Act 250.
- Under Criterion 10 of Act 250, any proposed project must conform to all duly adopted local and regional plans. It seeks to ensure that new development respects the wishes of Vermont citizens about the future of their town and region.
- The Environmental Court has often found it difficult to interpret town plans in a regulatory proceeding because of their inherently vague and non-specific language. Town plans are generally considered visionary documents, and though not intended to be the word of law, will be used by the Environmental Board for direction if zoning laws do not exist. Considering that

Royalton does not have land use regulations at this time, the town must specify the standards it expects a developer to meet if it wants the Town Plan to have controlling weight under Act 250. We have chosen strong language below to ensure that the Town Plan gives a clear message to an environmental board if the need arises.

All projects requiring an Act 250 permit should conform to the following rules: Conformance with these requirements is necessary to be in conformance with the Royalton Town Plan under Criterion 10 of Act 250.

i. Lot Layout (Applies to all Uses)

- Avoid monotonous lot layout of equally sized and shaped lots, especially along a road frontage, **and industrial or office “parks” or “campuses” with large equally sized buildings.**
- The amount of frontage and building position will be varied from lot to lot to avoid a suburban pattern of repeated houses or other buildings situated at or near the middle of adjacent lots one after another.
- Creating more than one adjacent lot with a depth greater than four times its frontage (“spaghetti lots”) is prohibited.
- Buildings shall be located at the edges of woodlands and fields, relatively close to roads, along hedgerows, etc., in an effort to preserve tillable units, whether or not in the same ownership.
- Lay out lots to take advantage of and preserve desirable features, such as stone walls, hedgerows, fields, natural clearings, and land contours.
- Excavation for roads or buildings where excessive erosion will be likely is prohibited.
- Locate buildings and other construction such that they will not detract from the visual impact of natural or scenic features, such as bodies of water, historic resources, or ridgelines.
- In the case of multiple unit projects, buildings shall be clustered.
- On developments involving adjacent buildings or lots, driveways must be shared.
- Locate or screen light industrial and commercial uses in a way that minimizes visual impact and preserves the character of the surrounding area.
- Locate any noisy, toxic, or noxious uses where they will not be detected from public roads or neighboring uses (especially housing), and/or take all reasonable means to screen or lessen any detrimental impacts of such uses. **Uses that create persistent noise of more than 70 decibels, audible to adjacent property owners, are prohibited.** This provision does not apply to agricultural uses.

ii. Uses in Village or Hamlet Areas

- Construct buildings that are of the size and scale of other buildings in the Villages or Hamlets.
- Use traditional building massing, forms, and materials within these two settled areas.
- Where alteration of “contributing structures” (structures that are deemed architecturally or culturally significant to a historic district) within the Village Area is contemplated, such alterations shall maintain the original character.
- Within settled areas, home businesses that do not have an undue adverse impact upon the character of the area are deemed to be a use compatible with existing uses.
- Any development within the Village Areas may have an impact on the existing water supply due to the limited space. Developers must prove that their development will not have any negative effects on public or private water supplies within this area.

iii. Commercial Development (Applies everywhere)

- **Any commercial or industrial development, wherever it is located, that would draw an amount of water from the White River that would threaten the existing public water supply in South Royalton Village, is prohibited.**
- Development shall be located in clusters set back from State or Town roads.

- Where feasible, existing buildings or parts thereof shall be reused for commercial development.
- Do not locate large parking or delivery areas in front of commercial buildings. Large parking areas shall be located at the sides or rear of such buildings. Where feasible, share parking areas between adjacent uses.
- If illuminated, commercial signs shall be illuminated from above.
- Maintain trees and existing vegetation adjacent to State or Town roads. A generously landscaped buffer (using native plants and trees) shall be part of any new construction adjacent to State or Town roads.
- Share all curb cuts to State or Town roads. Minimize paved or impermeable areas.

iv. Uses at Exit 3 Interchange

Parking and Parking Lots

- Promote parking behind commercial and industrial buildings to screen parking along Routes 14 and 107.
- Encourage the consolidation and sharing of parking lots to save land and to minimize haphazard distribution of unconnected parking area serving adjacent premises.
- Create new roads and interconnected parking lots behind commercial and industrial buildings to reduce traffic congestion.
- Consolidate scattered, disorganized curb cuts into a smaller number of clearly defined entrances for safety.

Landscape and Site Planning

- Consider locating new buildings or additions with parking and service areas screened to the rear or to the side.
- Use fences and other traditional devices to define a property's relationship to the road.
- Encourage the planting of substantial trees along the roadside to help shade and give definition to the road.
- Consider new building designs that do not result in large, bulky, box-like masses, and control the scale of large buildings by grouping them into a series of smaller, attached structures.
- Design new buildings that complement the traditional buildings already in this area. Incorporate design elements that fit the context of the area through scale, massing, roof shape, orientation, shape, spacing, and exterior materials.
- As feasible, minimize building footprint to enable more efficient use of land.
- Minimize alteration of natural site features.
- Design projects to preserve existing fence lines, tree lines, hedgerows, and stone walls, whenever possible.
- Design interior and access roads with the scale of the project to help discourage excessive speeds.
- In areas of public view, screen outdoor storage of trash.
- Practice good biosecurity to ensure containment and prevent spread of invasive species.

Signage and Lighting

- Provide light levels and distribution appropriate to the use of the site and compatible with the character of the neighborhood.
- Minimize glare and light beyond the boundaries of the site.
- Utilize fixtures to reduce glare; consider the use of cut-off fixtures or shielded fixtures to direct light downward.

- Design signs and advertising features which are compatible with the surroundings, enhance the visual environment, are harmonious in color, material, size, and lighting with the use to which it relates, and are non-distracting to motorists and neighboring land uses, and discourage numerous signs for a single or related land uses.

D. Future Land Use

One of the primary considerations of this Plan continues to be how land is used and will be used in the future. Many decisions about land use, once made, cannot practically be reversed. Farm fields turned into housing units, development of scenic areas, and construction practices which result in long term erosion or ecological damage are examples which should be evaluated and approved by the Town prior to any change in land use or construction. Any development plan must consider the impact of proposed change in land use on the preservation of land for this generation and for future generations. Development proposals must promote public benefit and health.

The Town presently and in the future has need for land for public buildings, parking areas, recreational areas, schools, access routes, town forest land protecting water resources, and for various other facilities. The Town must regularly assess public land needs and, when necessary, recommend purchases or acquisition to the voters. Town investments in infrastructure shall not be made to the detriment of viable agricultural, conservation or recreation lands.

It is a goal of the Town Plan to maintain the rural/village character of Royalton, preserving scenic beauty, natural resources and the cultural assets of the Town while allowing for acceptable growth in appropriate locations. To encourage growth in a manner that does not overburden the town's ability to provide services or negatively impact the vitality of the village center, the Planning Commission is creating the following Land Use Areas:

- Village Areas
- Resource Conservation Area
- Flood Hazard/Shoreland Area
- Agricultural/Residential Area
- Commercial/Industrial Areas
- Low Density Service/Office
- Waterman Rd. Industrial
- Intermodal Industrial
- Industrial
- Farmland Conservation/Limited Development
- Residential
- Low-Density Residential
- Foxville Hamlet
- Exit 3 Access
- Flood Hazard Area
- Limited Additional Retail Area

Village Areas

The Village Areas are intended to be the cohesive core of Royalton's community. Their purpose is to support and maintain the role of the Village as the focus of many social and economic activities in the community and provide for residential, commercial, municipal, and other compatible development that serves the needs of the Town as a whole. Development should preserve the traditional social and physical

character of the village, including its historic and scenic resources, and should not tax the capability of the lands, waters, services, and facilities.

In South Royalton Village, where there is access to municipal sewer and water, density should be highest. It would be appropriate for developments that are on town sewer and water to be as dense as under ¼ acre (10,000sqft). High-density multi-unit residential development that is in character with the village should be encouraged to locate in this area. In Royalton Village, development should be as dense as onsite water and sewer will allow.

Development in Royalton's Village Areas should remain mixed use, with appropriately scaled commercial (including primary retail) and civic uses existing with high density residential. Light industrial development may be appropriate for the village area provided that it is able to fit into the village in such a fashion that it does not have an undue impact on the surrounding neighborhood.

Goals:

1. To encourage the growth of Royalton's Village Centers in keeping with the rural character of the community.
2. To provide a location for higher density residential and commercial development at a scale that does not negatively impact Royalton's ability to provide services or the rural and natural character of the area.

Policies

1. Commercial uses, higher density multi-unit housing, and accessory dwelling units are encouraged in the Village Center Areas.
2. All development within the village areas must be consistent with the existing character of the neighborhood.
3. Primary retail establishments (excluding those retail establishments that require substantial area for parking or storage of materials) must be located within the Village Center Areas or Foxville Hamlet Area.

Limited Additional Retail Area

This area is near the designated village area of Royalton but is separated from it by a railroad underpass that limits walkability. It is centrally located between the two village areas of Royalton and South Royalton. The existing retail business in this area, Welch's True Value Hardware, is a key business in town and attracts many customers throughout the week. The parking lot could easily serve an additional retail business.

Goals:

1. To provide an appropriate location for new retail which would benefit the community, but which could not feasibly be located within the designated village centers.
2. To fully utilize the existing infrastructure and traffic patterns by allowing the existing parking lot to be shared with an additional business.
3. To prevent sprawl and maintain the rural character of the area between the two village centers along Route 14.

Policies:

1. Appropriate uses for this area are service establishments and primary retail. Examples of such uses might include a grocery store or a pharmacy.
2. Future development that unduly harms the economic viability of Royalton, South Royalton, and Bethel villages as economic centers for the Town is discouraged.
3. New commercial development should utilize the existing driveway and parking lot if feasible
4. Any industrial uses, or retail uses which would create costly repair and maintenance of Route 14 and related roads, are prohibited.

5. Lighting levels and noise levels shall not unreasonably impact neighboring land uses.

Foxville Hamlet

Historically, this area has served as the location of several homes, and small businesses. The purpose of this land use area is to continue to encourage small-scale mixed-use development in a concentrated area. Some areas along the White River are subject to flooding. Land east of Route 14 has the greatest potential for new development.

The types of uses appropriate in this area include small-scale primary retail, service establishments and housing. All development within the Foxville Hamlet Area should be designed ~~so as~~ to fit with the historic character of the area.

Goal:

1. To retain the traditional character of Foxville, allowing for the development of a variety of village uses.

Policies:

1. The density of development should reflect the existing settlement pattern and physical land capability. Densely settled development should be encouraged, where practical.
2. Design features which contribute to the amenity values should be employed. These could include provision of sidewalks, trees, public open spaces, traffic calming measures, and the identification of historic landmarks.
3. Mixed uses, including small-scale primary retail and service establishments and housing, should be encouraged.

Resource Conservation Area

The purpose of the resource conservation area is to protect the natural resource value of lands that are essentially undeveloped; lack direct access to arterial and collector roads; are important for wildlife and wildlife habitat; have high potential for commercial forestry use; are unsuitable for land development; or include irreplaceable, limited, or significant natural, recreational, archaeological, historical, or scenic resources. Its further purpose is to protect higher elevations that have shallow soils and fragile vegetation and that provide significant recharge to the ground and surface water supplies of the Town and the region. No public sewer and water facilities are planned for these areas. Due to the limited facilities and services proposed for the area and the critical resources located within it, only certain uses are allowed. These are: low-density residential development, limited outdoor recreation uses, conservation uses, and forestry practices that are compatible with the area purposes and do not require additional facilities and services. Development that generates high traffic or requires trucking is not appropriate in the Resource Conservation Area.

Goal

1. To maintain and preserve the rural areas of Royalton by limiting the density and intensity of development.

Policies

1. Low-density residential, limited outdoor recreation, conservation and forestry uses are appropriate uses for this area. Commercial development that is not associated with a home occupation, recreational, agriculture or forestry businesses is not appropriate in this area.
2. Density of development in this area shall be not less than 20 acres per two units.
3. Multi-unit housing is not appropriate in the Low-Density Resource Conservation Area.
4. Planned Unit Developments are not appropriate in the Low- Density Resource Conservation Area.

5. In locations defined as exhibiting significant wildlife habitats, planning for land development or subdivision should be sensitive to the economic, social, cultural, recreational, or other benefits to the public of the habitat.

Flood Hazard/Shoreland Area

This area contains those lands which are considered subject to flood hazard as described and designated by the Federal Flood Insurance Administration on Royalton's Flood Hazard Boundary Map. This map was issued in 2006 and serves as the official map. In order for Royalton to continue participation in the National Flood Insurance Program, it has adopted and will continue to enforce a permanent flood plain zoning bylaw regulating development activities within the flood hazard areas. For more detail about Floodplain, see the Chapter III, Natural, Scenic and Historic Resources.

By definition the boundaries on the Flood Hazard Boundary Map represent the 500-year base flood or the flood having a one percent chance of being equaled or exceeded in any given year.

The purpose of the flood hazard/shoreland area is to: prevent increases in flooding caused by undue development of lands in flood hazard areas; minimize losses due to floods in Royalton or in downstream towns; preserve and enhance high quality waters; protect public safety; provide for the beneficial use of public waters by the general public; protect shorelands; maintain a low density of development; promote high standards for permitted development to eliminate potential contamination of downstream waterways and floodplains due to flooding.

Permitted development within this area shall protect public access to the rivers or ponds, be compatible with the visual quality of the area, protect existing vegetation, and not cause any water pollution problems. Building on land that has been elevated above the flood hazard level in the flood hazard area is prohibited. New residential, commercial, or industrial development within the Flood Hazard Area is prohibited. Outdoor recreational or agricultural uses are encouraged.

2. New development within the 500-year floodplain is prohibited excluding properly designed outbuildings and renovations that meet the requirements for Flood Hazard regulation as stipulated by the Federal Emergency Management Agency.

Goal:

1. To protect the citizens of Royalton and the quality of our waterways as natural and recreational resources by using sound planning practices within designated Flood Hazard Areas.

Policies:

1. Only agriculture, recreational and open space uses should be allowed in floodplains.

2. New development within the 500-year floodplain is prohibited excluding properly designed outbuildings and renovations that meet the requirements for Flood Hazard regulation as stipulated by the Federal Emergency Management Agency.

Recommendations

1. The Planning Commission should regularly review the Flood Hazard section of the Royalton Flood Hazard Regulations to ensure that it remains up to date with the requirements of FEMA and the NFIP.

2. The Planning Commission should add additional protections for the Flood Hazard Area, and areas outside the FHA (Including the River Corridor Area) that are prone to flooding or flood damage. These should be incorporated into the Royalton Flood Hazard Regulations.

3. The Planning Commission should create an additional buffer zone around mapped Flood Hazard Area to protect lands immediately adjacent to these areas from flood damage.

4. The Planning Commission should adopt stream buffers around upland brooks and streams to protect the river corridor areas from erosion damage.

Agricultural/Residential Area

The purpose of the agricultural/residential area is to protect lands with an economic capability for agriculture that are now predominately undeveloped except for uses associated with agriculture or forestry, and to ensure that residential and other compatible uses are placed at densities appropriate with the physical capability of the land, and available municipal services. Planned residential developments and land uses that preserve the potential of the land for agricultural production are permissible. Open space, conservation, certain forms of outdoor recreation, and other uses which preserve the rural character of these areas are encouraged.

The extension of public water supply and sewage disposal systems are not planned for this area. Therefore, only low-density residential and recreational development that utilizes existing facilities, which can adequately dispose of its sewage, and that is compatible with the area purposes should be permitted. Any proposed Development should not harm any irreplaceable, unique, or scarce resources or any natural areas. Density within this land use area should remain disperse, particularly in areas that are not served by existing roads.

Goal

1. To maintain and preserve the rural areas of Royalton and encourage the continued vitality of the working landscape while allowing appropriate residential growth.

Policies

1. To encourage a mix of residential, home occupations, agricultural, forestry and recreational uses in this area.
2. This area shall allow only low impact commercial development, as defined in Objective 2 above, provided that the type of development does not require heavy trucking or generate an amount of traffic that is inconsistent with the surrounding area.
3. Development with a density or intensity that is similar to or greater than that of Royalton's Villages is inappropriate in this area.
4. Planned unit developments of no greater than 25 units per development that are designed with the specific purpose of preserving agricultural land for active agricultural use may be appropriate in this area provided that they do not have an adverse impact on town services.
5. Density in the Agricultural/Residential Area should be no greater than two units per five acres.

Commercial/Industrial Areas

The purpose of the commercial/industrial areas is to provide commercial, industrial, and institutional uses to serve the Town and the region. The character of the areas will be protected and enhanced by uses providing adequate parking facilities and suitable landscaping and screening. All uses will be located and designed so as to enhance the existing structures in the area and provide for a smooth traffic flow. The area must be serviced by good transportation facilities and public utilities.

Royalton's Commercial/Industrial Areas include locations that have direct access to Route 14. The Commercial/Industrial area located near the Foxville Hamlet area also has potential access to the New England Central Railroad. Because both Commercial/Industrial Areas are located adjacent to Villages or Hamlet Areas, the types of commercial and industrial development allowed in these areas must be limited to those uses that will not have an adverse impact on the character of the area.

The density of development within the Commercial/Industrial Areas shall be as high as onsite septic and water suitability allows. Allowed density should not unduly increase traffic.

Goals:

1. To provide land for industrial activity in an area that has potential use of rail facilities for freight.
2. To ensure that safe and efficient access to Route 14 is maintained.
3. To promote the retention of active agricultural land and to maintain the character of Royalton's two historic villages.
4. To evaluate the impact of any future use on the historic character of the immediate area.

Policies:

1. Industrial uses dependent on rail freight should be allowed and encouraged in this area, provided that access for heavy trucks is from Route 14 north of the underpass in Foxville.
2. Projects that generate excessive amounts of vehicular traffic, noise, dust, vibration, or similar interference with the Foxville Hamlet or Village Areas should be discouraged.

Route 107 Low Density Service/Office

This area includes those properties on both sides of Route 107 extending generally from McCullough's Quick Stop property to Lucky's Trailer Sales. Development in this area is primarily service oriented. Several buildings in the area represent notable examples of vernacular design appropriate for the area.

Uses that are appropriate in this area include service establishments and office uses. Density of development in this area should be moderately dense, which is consistent with existing development. Density could possibly be increased if the entire area were served by a shared onsite sewer and water system, but only if the increased density maintained the current character of the area.

Goals:

1. To maintain and promote small-to-medium scale non-residential service and office development that reflects quality site and building design standards.
2. To incorporate access management techniques to minimize new access points, combine existing points where possible, and develop safe intersection nodes so that the function of Route 107 as a minor arterial road is not compromised.

Policies:

1. Appropriate uses for this area are service establishments and office uses. Examples of such uses might include self-storage facilities, equipment rental, medical facilities, health clinics, community care homes, and insurance offices.
2. Primary retail, and municipal uses are not appropriate in this land use area. unless such activities are subordinate to a service or office use. Additional gas stations are inconsistent with the planning goals for this area.
3. Future development that unduly harms the economic viability of Royalton, South Royalton, and Bethel villages as economic centers for the Town is discouraged. Superstores and fast-food establishments are inappropriate uses for this area.
4. **This area shall allow only low impact commercial and industrial uses, as defined in Objective 2 above, including** planned unit developments such as office parks, professional offices, and similar uses, but should incorporate access management, service roads, and high-quality New England vernacular architectural design. Notwithstanding the above, projects that cause, or contribute to unsafe conditions or unreasonable congestion, with respect to Route 107 and related roads, are discouraged.
5. Future developments should be planned with access management techniques to maintain or reduce traffic conflicts, avoid costly highway improvements, and preserve public investment in Route 107 as a minor arterial road.

Waterman Road Industrial Area

The purpose of the Waterman Road Industrial Area is to encourage the light industrial development in a location that has primary access to and egress from the intersection of Waterman Road and Route 107. Most existing development in this area is not visible from the rest of town, Interstate 89, and Route 107. A few single-family residences and farmsteads are located in the area. Much of the land comprising the area is formerly farmland or wooded. Slope gradient ranges from slight to moderate. Much of the land has been converted to industrial uses since the opening of Interstate 89. It has been acknowledged that the junction of Waterman Rd. and Route 107 is not well suited to heavy truck traffic due to the poor access design. To address this problem, the first 1,000 feet of Waterman Road and its intersection with Route 107 should be re-aligned to reduce traffic hazards.

Uses that are appropriate in this area include light industrial uses that are compatible with the surrounding area. Density of development in this area should be moderately dense, which is consistent with existing development. Density could possibly be increased if the entire area were served by a shared onsite sewer and water system, but only if the increased density maintained the current character of the area.

Goals:

1. To provide for light industrial uses of a scale and design that complements the character and style of existing industrial/research facilities within the area.
2. To encourage appropriate road and intersection improvements to maintain safe and efficient access and egress for large trucks from this area.
3. To ensure that new growth in the area does not unnecessarily or unreasonably endanger public investment in Waterman Road, Route 107, or Route 14.
4. To encourage the development of a park-and-ride lot in an appropriate, safe, and visible location as close to the interchange as possible.

Policies:

1. **This area shall allow only low impact industrial uses, as defined in Object 2 above.** Examples might be low impact machine tool facilities, warehousing including self-storage, commercial recycling (including commercial junk yards), research and development labs, manufacturing facilities, and small business Incubators. All development shall be designed and operated ~~so as to~~ conform to applicable health and environmental regulations. Efforts should be made to adequately address visual impacts on the surrounding area.
2. Commercial uses, such as retail sales, gas stations, motor vehicle dealerships, stores, or uses predominately used by the general public are not appropriate in this area.
3. Future non-residential land use development should be planned and constructed to minimize adverse effects on existing residential uses within the area.
4. No land use shall create or contribute to unsafe or hazardous conditions at the intersection of Waterman Road and Route 107. Where development is determined to create such a condition, the Town and the State of Vermont should seek a financial pro rata share or contribution from perspective permittees to cover costs for improvements.
5. Through truck traffic is discouraged from using Waterman Road as a short cut between Route 14 north and Route 107. Developments that increase truck traffic on the upper end of Waterman Road are also discouraged.

Intermodal Industrial

This area generally represents the low-lying area between Route 107 Low Density Service Area and the White River. The area is subdivided by the New England Central Railroad, with some areas subject to periodic flooding. The State of Vermont Highway Garage complex covers a portion of the area. Road

access is limited to Route 107. Visibility from Route 107 and Interstate 89 is limited due to intervening land uses, elevations, and land cover.

Rail freight transportation is growing, both nationwide and in New England. This trend is likely to continue. Growth of this industry can reduce long-distance truck traffic, reduce wear and tear on heavily traveled highways, and move goods more efficiently. Planning should allow for rail dependent industries to locate to this area. The purpose of the Intermodal Industrial Area is to provide future development with an area that is ideally suited to the intermodal freight industry. The area has few serious development constraints, is under-utilized, and any truck traffic generated from this location would have relatively short and easy access to Interstate 89. To accomplish such future development, a cooperative master planning effort between the Town, the State of Vermont, affected landowners, and New England Central Railroad will be necessary. As a part of this process, a review of alternatives and costs for rail siding/transfer facilities and a safe and single access should be included.

Uses that are appropriate in this area include industrial development that requires rail access. Such uses must be compatible with the surrounding area and may not represent a potential health hazard or nuisance to the community. Density of development in this area should be moderately dense, which is consistent with existing development. Density could possibly be increased if the entire area were served by a shared onsite sewer and water system, but only if the increased density maintained the current character of the area.

Goals

1. To provide for industrial uses benefiting from or dependent on rail facilities, particularly where increased rail freight will reduce truck traffic on the region's roads.
2. Create a detailed intermodal transportation plan for the area through a collaborative process.

Policies

1. **This area shall allow only low impact industrial uses, as defined in Objective 2 above**, which require rail access and intermodal transfer to trucks are the preferred land uses for this area and should be encouraged to locate here.
2. A single access road or a common interior loop road should be encouraged to provide safer access to and reduce loss of valuable land in this area.
3. Uses shall not create excessive noise.
4. Lighting levels shall not unreasonably impact neighboring land uses.
5. Uses which would create costly repair and maintenance of Route 107 and related roads are discouraged.
6. No industry should be promoted which creates or handles hazardous wastes or similar materials.

Farmland Conservation /Limited Development

This area is the gateway to Royalton and Bethel from Interstate 89. The scenery is exceptional as viewed from Routes 14 and 107, and Interstate 89. Intensive structural development of any type could significantly diminish scenic values. Land use policy should be directed at conservation of key areas. Compensation to landowners for the purchase of lands or interests is critically necessary if the overall goals for this area are to be accomplished. Purchase of development rights or other means to conserve these lands by the State or non-profit conservation land trusts should be a high priority. Project planning and site design should be carefully evaluated to ensure that goals and policies for this area could be achieved.

This area covers active farmland, farm complexes, and land subject to flooding immediate to the interchange. Much of the area contains primary agricultural soils. A sizable portion of this area is located within the flood plain of the White River. Public policy at the national and state levels clearly discourages using active farmland for non-agricultural uses. Vermont's Act 250 statutes generally prohibit large-scale developments or subdivisions from reducing the value of primary agricultural soils, unless no reasonable alternative exists.

Density in this area should be low – consistent with more rural areas in town, with uses such as agriculture and non-commercial outdoor recreation being the primary focus. Commercial or industrial development that is not related to agriculture is inappropriate for this area. Residential development, particularly in areas adjacent to the Flood Hazard Area, is discouraged.

Goals

1. To promote the conservation of primary and secondary agricultural land, soils, and other farm related resources.
2. To manage future land use in a manner that maintains or enhances rural agricultural character, scenic amenities, and recreational resources.
3. To advance development of a protected gateway to the villages of Royalton with consideration of open space surrounded by historic and new compatible development.
4. To sustain agriculture where conditions enable these farms to remain viable.

Policies

1. The preferred land uses are agriculture, non-commercial outdoor recreation, and accessory uses or structures related to these uses.
2. Where high value agricultural conditions are identified, only limited small-scale clustered or peripheral development should be encouraged, to protect such resources and to prevent unnecessary land fragmentation.
3. Construction of new homes or businesses within the limits of or immediately adjacent to the 500-year flood plain is an inappropriate land use.
4. Construction of utilities, roads, or other physical modifications which reduce the productivity of agricultural activities shall be discouraged.
5. Utilization of the Vermont Housing and Conservation Program (VHCP) or similar programs to acquire interests or easements on land should be pursued by the Town, in cooperation with landowners and conservation land trusts. Such easements are perpetual voluntary agreements between landowners and land trust where landowners receive compensation. As an alternative to conservation easements, rights of first refusal and fee simple purchase should be considered.
6. To ensure a balanced use of land, project designers are encouraged to concentrate new development within a portion of a parcel offset by retention of open space or agricultural land.

C. Site Restoration.

After completion of construction, suitable grading or seeding shall be done to restore the condition of any disrupted portion of a site.

16.04 Excavation and Grading**A. General.**

All excavating and filling required for construction of improvements shall be as specified within this Section. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavation material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of top soil shall be provided to cover overall finished slopes. This material shall be spread uniformly over all finished slopes. All streets shall be graded from property lines to property line to approved grade and cross section.

B. Fill.

No stumps, wood, roots, sod, other fibrous materials or refuse shall be used as fill.

C. Embankments.

Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The materials for embankment shall be placed in successive horizontal layers not exceeding six (6) inches in depth extending across the entire fill area. They shall be spread by a bulldozer or other acceptable method, and shall be thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

D. Subgrade.

Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with the acceptable material and the process of leveling and rolling continued until no further depression results.

E. Side Slopes.

Side slopes in embankments and on roadside drainage ditches shall descend one (1) foot vertically for at least each two (2) feet horizontally (2 on 1). Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least (2) feet horizontally (2 on 1). Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally (1 on 6). Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slopes shall not be graded so as to extend beyond the limits of the street right-of-way onto land not part of the subdivision unless a suitable slope easement has been properly established and granted by the affected property owner.

16.05 Bedrock Removal and On-Site Processing in Connection with Development**A. General Requirements.**

The removal and on-site processing of bedrock in connection with land development approved under these Regulations shall be permitted, subject to the standards and conditions of this section and Article 12 (Steep Slopes). See Section 14.11G (Earth Products) for resource extraction standards. If bedrock is planned to be removed or it is reasonably foreseeable that

bedrock may need to be removed, an application for development must include a proposed Bedrock Removal and On-Site Processing Plan.

B. Minor and De Minimis Amounts and Duration.

The removal of bedrock that is de minimis in amount and duration (in the full discretion of the Administrative Officer or Development Review Board as determined under subsection (C) below) shall not require submission of a Bedrock Removal and On-Site Processing Plan and is not subject to the standards of this Section. For the purposes of this Section, minor and de minimis amounts and duration shall include:

- (1) Removal performed by human-operated non-hydraulic jackhammer, and,
- (2) Hydraulic jackhammering of limited duration that in no case may exceed 40 total hours for the area covered by the highest-level applicable permit (subdivision, site plan, or zoning permit) and in no case be operated outside the hours of 8 AM to 5 PM.

C. Review Authority.

Proposed Bedrock Removal and/or on-site processing under this section shall be reviewed by the Development Review Board except for bedrock removal associated with development that either:

- (1) Is to be reviewed as an Administrative Site Plan under Section 14.04D, or
- (2) Requires only a zoning permit unaffiliated with a new site plan or new subdivision approval.

In those circumstances, the Administrative Officer shall review applications under this section.

D. Reasonably Foreseeable.

The Development Review Board or Administrative Officer, as applicable, shall have the authority to compel a subsurface exploration in connection with an application where there is reasonable evidence that bedrock removal exceeding the Minor and De Minimis Amounts in Subsection (B) will be necessary. Such evidence may include but shall not be limited to bedrock mapping, experience with land nearby, presence of outcroppings, and expert testimony.

E. Submittal Timing.

The applicant shall submit the Bedrock Removal and On-Site Processing Plan with the stage of development application they select as most appropriate to the scale and scope of the proposed removal.

- (1) Notwithstanding this subsection (E), the Development Review Board or Administrative Officer, as applicable, shall have the authority to compel submittal of the Plan at any stage of review where they deem it necessary for the review and decision.

F. Submittal Requirements.

The application shall include, at a minimum, specific information pertaining to the following factors.

- (1) A map or plan sheet showing the property where bedrock removal is proposed
- (2) Volume, location, and depth of excavation
- (3) Location of any on-site processing
- (4) Proximity to roads or adjacent properties.
- (5) Existing grade and proposed grade created by removal of material.
- (6) Proposed method(s) of bedrock removal
- (7) Proposed method(s) of on-site processing

- (8) Demonstration of how the proposed means, methods, and execution of the removal balances the following objectives:
- (a) Limit duration. Factors considered in duration are the length of the removal period from start to finish, the number of active days in that period, the work period each day from start to finish, the total active time in a given day, and time of day (e.g. morning, workday, evening). In no case shall bedrock removal be allowed outside of the hours of 8 AM to 5 PM.
 - (b) Limit level of noise. Factors considered in noise limitation include moments of high intensity noise (i.e. a blast) vs. long periods of noise (i.e. chipping), and use of sound blocking measures (e.g. blast mats, positioning of equipment, and construction sequencing), methods of sorting, etc.
 - (c) Limit impact to built environment. Factors considered in limitation of impact to built environment include planning to avoid or limit impacts to all public infrastructure and privately-built features, and impacts to existing vegetation.
 - (d) Limit Cost. Factors considered in limiting cost include balancing all of the above factors with cost, especially where cost increases are small relative to the overall value of the project.
- (9) If blasting is proposed, a Blasting Plan as described in the Vermont Blasting Plan Guidance Document or as updated or replaced
- (10) The Development Review Board or Administrative Officer may require submission of a plan for the remediation of the bedrock removal site at the conclusion of the operations to a stable condition, including grading, seeding and planting, fencing, erosion control, drainage, and any other appropriate measures.
- (11) Other information deemed necessary by the Development Review Board or Administrative Officer, as applicable, to issue a decision.

G. Review and Conditions of Approval.

The Development Review Board or Administrative Officer, as applicable, shall review how the Bedrock Removal and On-Site Processing Plan balances the objectives identified enumerated in Subsection F(8) above, compliance with the Vermont Blasting Plan Guidance Document, and site remediation (if applicable), and may impose conditions in its approval on the following:

- (1) Duration of the permit for any appropriate length of time at the full discretion of the Development Review Board or Administrative Officer, as applicable.
- (2) Hours and days of bedrock removal and on-site processing operation, transportation routes, and anticipated amount of material to be removed (in cubic yards).
- (3) Required notification of the City and properties in the immediate vicinity of the approved schedule of bedrock removal or any requested changes to the approved schedule.
- (4) Other site-specific conditions deemed necessary by the Development Review Board or Administrative Officer.

H. Unanticipated Bedrock Discovered During Construction.

If the need for bedrock removal exceeding the thresholds identified in subsection (B) is identified after approval, an application for amendment to the relevant approval or permit shall be required.

No new retail fueling shall be permitted within one thousand (1,000) linear feet in any direction from the property boundaries of an existing gasoline filling station or service station.

E. Processing and Storage.

- (1) Hours of operation, including hours of truck delivery or pick-up activities, shall be limited by the DRB consistent with the character of the adjacent neighborhood and proximity to residential areas and residentially-zoned lands.
- (2) The DRB shall have the authority to limit the total square footage that may be devoted to processing and storage on any lot or within any one building to ensure compatibility with adjacent land uses.

F. Alteration of Existing Grade

- (1) **Approval Required.** The removal from land or the placing on land of fill, gravel, sand, loam, topsoil, or other similar material in an amount equal to or greater than twenty (20) cubic yards, except when incidental to or in connection with the construction of a structure on the same lot, shall require the approval of the Development Review Board. The Development Review Board may grant such approval where such modification is requested in connection with the approval of a site plan, planned unit development or subdivision plat. This section does not apply to the removal of earth products in connection with a resource extraction operation (see Section 14.11(G), Earth Products.)
- (2) **Standards and Conditions for Approval.**
 - (a) The Development Review Board shall review a request under this Section for compliance with the standards contained in this Section 14.11(F). An application under this section shall include the submittal of a site plan, planned unit development or subdivision plat application showing the area to be filled or removed, and the existing grade and proposed grade created by removal or addition of material.
 - (b) The Development Review Board, in granting approval may impose any conditions it deems necessary, including, but not limited to, the following:
 - (i) Duration or phasing of the permit for any length of time.
 - (ii) Submission of an acceptable plan for the rehabilitation of the site at the conclusion of the operations, including grading, seeding and planting, fencing, drainage, and other appropriate measures.
 - (iii) Provision of a suitable bond or other security in accordance with Section 17.15 adequate to assure compliance with the provisions of these Regulations.
 - (iv) Determination of what shall constitute existing grade as defined in Article 2.

G. Earth Products

- (1) **General Requirements.** The conduct of a resource extraction operation that involves the removal of loam, gravel, stone, fill, topsoil, sod or similar substance, except when incidental to or in connection with the construction of a building on the same lot, shall be permitted in any district, except as limited by the Environmental Resource Protection Standards and Interstate Highway Overlay District, subject to site plan approval by the Development Review Board after public notice.
- (2) **Review Authority.** Notwithstanding any other provisions within these Regulations, applications under this Section 14.11(G) shall be reviewed by the Development Review Board in all Zoning Districts and the City Center FBC District.

- (3) **Exemption.** The provisions of this section shall not apply to the removal of earth products from an operating farm, nursery, cemetery, or stormwater facility previously approved by the Development Review Board or Administrative Officer, to the extent that such removal is necessary to the operation of same.
- (4) **Site Plan Requirements.** An application for the removal of more than twenty (20) cubic yards within one (1) calendar year period shall include the submittal of a site plan showing the area from which earth products are to be removed. Also, the application shall include specific information pertaining to the following factors and such other information as the Development Review Board may require. At minimum, the following information shall be required:
- (a) Depth of excavation, in proximity to roads or adjacent properties.
 - (b) Existing grade and proposed grade created by removal of material.
 - (c) Effect upon public health and safety.
 - (d) Creation of a nuisance.
 - (e) Effect upon the use of adjacent properties by reason of noise, dust or vibration.
 - (f) Effect upon traffic hazards in residential areas or excessive congestion or physical damage on public ways.
 - (g) Erosion potential due to removal of vegetative cover.
- (5) **Conditions of Approval.** The Development Review Board, in granting its approval, may impose conditions on the following:
- (a) Duration of the permit for any length of time that the Development Review Board deems appropriate.
 - (b) Submission of an acceptable plan for the rehabilitation of the site at the conclusion of the operations, including grading, seeding and planting, fencing, drainage, and other appropriate measures.
 - (c) Hours of operation, routes of transportation, and amount of material to be removed.
 - (d) Provision of a suitable bond or other security in accordance with Section 15.15 adequate to assure compliance with the provisions of these Regulations.
- (6) **Removal of Earth Products within Flood Plain District.** Within the Flood Plain District, excavation of earth products shall be prohibited in such cases where it is anticipated that such excavation will lower the level of the water table or will interfere with the natural flow patterns or reduce the flood storage capacity.

H. [Reserved]

I. Seasonal Mobile Food Units.

Seasonal mobile food units shall be subject to site plan review and the following requirements:

- (1) A proposed seasonal mobile food unit shall provide evidence of a valid Commercial Caterer License from the Vermont Department of Health.
- (2) A seasonal mobile food unit may have temporary outdoor seating for a maximum of sixteen (16) people. Temporary outdoor seating shall be placed directly on the ground with no foundation or underlying structure.
- (3) A seasonal mobile food unit shall not be permitted to operate between the hours of 9:00 pm and 7:00 am.

Town of Morristown, Vermont

Earth Extraction Operations & Dust Control Regulations

Tiered Approach | Conceptual Outline

Tiered Earth Extraction Report 6-3-26

Introduction: The purpose of this document is to provide draft regulations on earth extraction with a focus on dust control regulations. Earth Extraction means any activity involving the removal, excavation, quarrying, blasting, crushing, screening, or stockpiling of rock, ledge, soil, gravel, or other earth material. The Planning Commission is interested in adopting a tiered approach to regulating earth extraction and the corresponding dust associated with this activity. The tiered approach is intended to scale the regulations based on the intensity of the activity. This introduction is intended to provide a general overview of the different tiers. Please see the specific tier sections for more specific information on each tier.

Tier 1.

The purpose of this tier is to regulate earth extraction of 1,000-5000 cubic yards of material associated with residential projects with none of the material being used for sale offsite. The standards in this section are intended to provide additional protection to abutting properties and the public at large. The following is a list of some of the regulations in this section:

- Basic dust control regulations at the operator's discretion to make sure visible dust standards are met.
- 24 hour's notice in advance of blasting operations.
- Plan to prevent dust and mud tracking onto public roads.

Tier 2.

The purpose of these regulations is to regulate residential or commercial extraction between 5,000 and 10,000 cubic yards of extraction or the sale of more than 1,000 cubic yards of materials. This tier has stricter regulations than Tier 1 but is not as restrictive as Tier 3. The following is a list of some of the regulations in this section:

- A fugitive dust control plan with clear standards for compliance with visible dust standards.
- Required dust control measures.
- 48 hour's notice for blasting operations.
- Required windbreak and vegetative buffers.
- Specific standards for truck exit measures.

Tier 3.

The purpose of these regulations is to regulate all projects over 10,000 cubic yards of material. This is the strictest of the tiers and would only apply to larger projects.

- More stringent fugitive dust control standards than Tier 2.
- More stringent dust control measures.
- 72 hours' notice for blasting operations.
- Site reclamation plan for the site when extraction ceases.
- Required setbacks for extraction equipment.

Disclosure: It is important to note that these draft regulations are very much open to change. Their main purpose is to help frame the issue and show what a tiered approach to earth extraction could look like. Further refinement of the particular regulations found in this document will be required; however, the basic framework outlined in this approach would allow the town to tailor the regulations to the intensity of the project.

Regulatory References

Reference	Description
VAPCR 5-211	Vermont Air Pollution Control Regulation — Prohibition of Visible Air Contaminants.
VAPCR 5-231(4)	Vermont Air Pollution Control Regulation — Requires all reasonable precautions to prevent particulate matter from becoming airborne at quarries and gravel pits.
Vermont DEC Air Quality	Vermont Department of Environmental Conservation, Air Quality & Climate Division. dec.vermont.gov
EPA Fugitive Dust Control Best Practices (2022)	U.S. EPA guidance on fugitive dust control plan elements, hierarchy of control methods, and monitoring. epa.gov
40 CFR Part 60 Subpart OOO	Federal air regulation for nonmetallic mineral processing operations.
MSHA (30 CFR Part 56)	Mine Safety and Health Administration standards for surface metal and nonmetal mines.
Vermont Planning Act (24 V.S.A. §4414)	Grants municipalities authority to regulate uses of land and structures, including performance standards for operations generating dust.
Morristown/Morrisville Zoning and Subdivision Bylaws (2023) §485	Current bylaw provision governing Extraction of Earth Resources via the Special Industry Use.

Definitions

Earth Extraction Operation:	Any activity involving the removal, excavation, quarrying, blasting, crushing, screening, or stockpiling of rock, ledge, soil, gravel, or other earth material.
Fugitive Dust:	Particulate matter that becomes airborne from earth extraction operations and is not emitted through a stack or duct. Includes dust from drilling, blasting, crushing, vehicle traffic, stockpiles, and wind erosion.
Active Work Area:	The immediate area within which extraction equipment is operating at any given time, typically defined as within 50 feet of the operating equipment.
Sensitive Receptor:	A residence, school, childcare facility, hospital, public water supply intake, or other location where dust exposure poses an elevated risk to human health or the environment.
Dust Control Plan / FDCP:	A written plan describing all dust-generating activities and the measures to be taken to prevent, reduce, and monitor airborne dust emissions from the site.
Visible Dust:	Any emission of particulate matter that is detectable to the unaided human eye under normal daylight conditions.
Off-Site Sale or Use:	The transfer, sale, conveyance, or delivery of extracted earth material to any party other than the landowner of the extraction site, or the use of extracted material at a location other than the extraction site.
Residential Extraction:	An earth extraction operation conducted in connection with residential site preparation where extracted material is not sold or conveyed off-site.
Commercial Extraction Operation (Option E):	Any earth extraction activity conducted for commercial purposes, including quarrying or aggregate production, or extraction of material primarily for sale, exchange, or off-site use.

Table 1 —Comparison with Morristown §485 Special Industry Use

This table compares the three tiers with the special industry used noted in the 2023 zoning and subdivision bylaws for Morristown located in section 485.

Feature / Requirement	Tier 1 (1,000–5,000 cy Residential No Off-Site Sale)	Tier 2 (5,000–10,000 cy or Any with Off-Site Sale >1,000 cy)	Tier 3 (>10,000 cy Any Project)	Current §485 Language (Morristown Zoning Bylaws 2023)
Permit Trigger	Residential project generating >1,000 and up to 5,000 cy; no off-site sale	Residential or commercial project generating >5,000 up to 10,000 cy; OR any project >1,000 cy with off-site sale	Any project generating >10,000 cy regardless of off-site sale	Removal of rock, soil, sand, or gravel for sale (except incidental to development on same parcel) requires DRB approval after a site rehabilitation plan is approved at a public hearing. No volume-based thresholds. Extension of a non-conforming operation by DRB only (§485.8).
Dust Control Plan	Basic Dust Control Plan submitted with permit application	Full FDCP submitted to DRB for approval before operations begin; optional independent consultant at applicant's expense	Full FDCP required before permit issued; DRB may require independent consultant at applicant's expense; annual update; posted on-site in weatherproof enclosure	No dust control plan of any kind required. §485.10 allows the DRB to attach additional conditions as it may find necessary for public safety and general welfare, which could include a plan requirement, but none is mandated.
Visible Dust Standard	No visible dust crossing property line	No visible dust crossing property line; proactive suppression required before dust is generated	Zero visible dust beyond active work area (within 50 ft of equipment); continuous suppression required; operations suspended immediately if systems inoperative	§485.6: All power-activated sorting machinery or equipment shall be equipped with satisfactory dust elimination devices. No visible dust performance standard or property line prohibition.
Water Suppression	Required; method at operator discretion	Required at all active extraction and processing points: drilling, crushing, screening, conveyors, haul roads, stockpiles	Automated misting systems required at extraction face; pre/post-blast misting (10 min before, 15 min after); all processing equipment continuously suppressed	No water suppression requirement. §485.6 requires "satisfactory dust elimination devices" on power-activated machinery but specifies no suppression methods.
Haul Road Treatment	Graveled access apron at public road	Water or approved suppressant on internal roads; 10	Roads paved, calcium chloride treated, or EPA-certified polymer	§485.6: No power-activated sorting machinery within 300 ft of any street or property line.

Feature / Requirement	Tier 1 (1,000–5,000 cy Residential No Off-Site Sale)	Tier 2 (5,000–10,000 cy or Any with Off-Site Sale >1,000 cy)	Tier 3 (>10,000 cy Any Project)	Current §485 Language (Morristown Zoning Bylaws 2023)
	exit; reasonable precautions to prevent tracking	mph speed limit posted; 50 ft graveled apron at public road	suppressant; 10 mph limit; wheel wash station at every exit; daily road sweep	No haul road treatment, speed limit, access apron, or wheel wash requirement.
Stockpile Management	Wetting or covering during dry or windy conditions; best efforts	Stockpiles >500 cy covered or stabilized; 100 ft setback from property lines	All stockpiles covered or stabilized within 24 hrs; 150 ft setback; misting during loading and unloading	§485.5: No stockpiling of materials within 200 ft of any street or other property line. §485.6: No stockpiles greater than 50 ft high. No cover, wetting, or stabilization requirement.
Blasting	24 hr abutter notice; 7:00 am–5:00 pm weekdays only	48 hr abutter + ZA written notice; 8:00 am–4:00 pm weekdays; misting at blast zone before and after detonation	72 hr abutter + ZA written notice; 9:00 am–3:00 pm weekdays; no blasting >15 mph wind or during inversions; licensed blaster documentation; pre/post misting	§485.5: No blasting within 200 ft of any street or other property line. No abutter notification requirement, no time-of-day restrictions, no weather limits, no licensed blaster requirement, and no blast dust misting provision.
Buffer / Windbreak	None required	25 ft vegetated buffer along residential and road frontages; native species; removable post-operation with ZA approval	50 ft vegetated buffer all property lines; 100 ft near schools, childcare, water supply; native tree/shrub species; replaced within one growing season if lost	§485.5: No excavation, blasting, or stockpiling within 200 ft of any street or property line. §485.6: No power-activated machinery within 300 ft. These are safety setbacks, not vegetated buffers or windbreaks.
Monitoring & Recordkeeping	Complaint log; 3-year retention	Quarterly self-inspection log; complaint log; 5-year retention	Monthly inspection on ZA-approved form; complaint log with weather data; Annual Dust Control Report to ZA by March 1; 7-year retention; open to public	No monitoring or recordkeeping requirements of any kind. §485.10 allows DRB to attach conditions but mandates nothing. No inspection log, complaint log, annual report, or retention period is required.
Enforcement	NOV + order to cease operations	NOV within 48 hrs; cease operations; civil fines; DRB revocation referral	1st: NOV + cease; 2nd: 5-day suspension + civil fine + DRB hearing; 3rd: revocation + bond forfeiture; independent	§485.8: Extension of an existing non-conforming operation shall only be permitted by the DRB. §485.10: The DRB may attach any additional conditions as it may find necessary for the

Feature / Requirement	Tier 1 (1,000–5,000 cy Residential No Off-Site Sale)	Tier 2 (5,000–10,000 cy or Any with Off-Site Sale >1,000 cy)	Tier 3 (>10,000 cy Any Project)	Current §485 Language (Morristown Zoning Bylaws 2023)
			monitor at operator's expense.	safety and general welfare of the public. No tiered penalty structure, no NOV procedure, no civil fine schedule.
Financial Assurance	None	None	Performance bond, escrow account, or irrevocable letter of credit required before permit issued; covers cost of dust impact remediation and buffer/vegetation restoration.	§485.1: Before approval of any new or proposed extension of a soil, sand, or gravel operation, a performance bond shall be secured from the applicant sufficient to ensure the abandoned site is left in a safe, attractive, and useful condition. Bond covers redevelopment as a park, lake, recreation area, or other usable open space.
Site Reclamation	Not addressed	Not addressed	§485 language directly incorporated in Section __.07: removal to improve land contours; no pits or steep slopes unless provision to refill; graded smooth; cut slopes and spoil banks not permitted to remain; 4" topsoil, fertilized, mulched, seeded under ZA supervision; topsoil stripping for off-site sale prohibited	§485.2: Removal to improve land contours; no pits or steep slopes unless provision to refill. §485.3: Sites graded smooth and left in neat condition; cut slopes/spoil banks not permitted; 4" topsoil, fertilized, mulched, seeded to ZA satisfaction. §485.9: Stripping of topsoil for sale or use on other premises prohibited.
Drainage	Not addressed	Not addressed	§485 language directly incorporated in Section __.05(F): all surface drainage affected by excavation controlled by owner to prevent erosion debris from filling drainage courses, streets, or private property	§485.4: 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 drainage control provisions require ZA approval.
Equipment Setbacks	Not addressed	Not addressed	§485 language directly incorporated in Section __.08: no excavation, blasting, or stockpiling within 200 ft of any	§485.5: No excavation, blasting or stockpiling of materials within 200 ft of any street or other property line. §485.6: No power-activated sorting

Feature / Requirement	Tier 1 (1,000–5,000 cy Residential No Off-Site Sale)	Tier 2 (5,000–10,000 cy or Any with Off-Site Sale >1,000 cy)	Tier 3 (>10,000 cy Any Project)	Current §485 Language (Morristown Zoning Bylaws 2023)
			street or property line; no power-activated sorting machinery within 300 ft; all such machinery must have satisfactory dust elimination devices	machinery or equipment within 300 ft of any street or other property line; all such machinery shall be equipped with satisfactory dust elimination devices.
Slopes	Not addressed	Not addressed	§485 language incorporated in two sections: no pits or steep slopes unless provision to refill, all excavation slopes in excess of 1:2 shall be adequately fenced as determined by the ZA.	§485.2: The digging or creating of pits or steep slopes shall not be permitted, unless provision is made to refill such pit. §485.7: All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.
Best Suited For	Residential site work: home sites, driveways, accessory structures; no commercial sale of material	Residential or commercial projects with off-site material sale; moderate-scale operations	Large commercial quarrying; aggregate production; high-volume extraction near sensitive receptors	§485 applies to all commercial extraction for sale (rock, soil, sand, gravel) not incidental to development on the same parcel, operating as a Special Industry Use in applicable zoning districts. No scale-based differentiation.

Tiered Approach | Tiers 1, 2, and 3

Tier Applicability — Summary

The applicable tier is determined by the volume of material to be extracted and whether extracted material will be sold or used off-site:

- Tier 1 applies to residential extraction projects generating more than 1,000 and up to 5,000 cubic yards of material.
- Tier 2 applies to residential or commercial extraction projects generating more than 5,000 and up to 10,000 cubic yards, OR any project generating more than 1,000 cubic yards where extracted material will be sold or used off-site.
- Tier 3 applies to any extraction project generating more than 10,000 cubic yards, regardless of whether material is sold or used off-site.

Where a project’s characteristics could place it in more than one tier, the more stringent tier shall apply. The Zoning Administrator shall determine the applicable tier at the time of permit application.

Tier-Specific Definitions

Residential Extraction Project:	An earth extraction operation conducted in connection with residential site preparation, including but not limited to construction of a dwelling, driveway, accessory structure, or on-site utility installation, where extracted material is not sold or conveyed off-site.
Commercial Extraction Operation:	Any earth extraction activity conducted for commercial purposes, including quarrying, aggregate production, or the extraction of material primarily for sale, exchange, or off-site use by a party other than the landowner.
Off-Site Sale or Use:	The transfer, sale, conveyance, or delivery of extracted earth material to any party other than the landowner of the extraction site, or the use of extracted material at a location other than the extraction site.

Tier 1 — Residential Projects | 1,000 to 5,000 Cubic Yards | No Off-Site Sale

Section __.01 — Purpose (Tier 1)

These regulations apply to residential extraction projects generating more than 1,000 and up to 5,000 cubic yards of material where no extracted material will be sold or used off-site. These regulations are adopted to protect the public health, safety, and welfare of town residents and abutting property owners by minimizing airborne dust, consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4).

Section __.02 — Applicability (Tier 1)

These provisions apply to residential earth extraction operations meeting the volume thresholds above, including ledge blasting, aggregate crushing, and related activities conducted in connection with residential site preparation. Residential projects with less than 1,000 cubic yards of extraction are exempt from these regulations.

Section __.03 — Dust Control Plan (Tier 1)

A. All applicants shall submit a Dust Control Plan as part of their permit application. The Plan shall identify:

- The types and locations of dust-generating activities on the site;
- The dust suppression methods and equipment to be used at each activity area;
- The water source(s) available for dust suppression; and
- The name and contact information of the individual responsible for dust control compliance.

B. The Dust Control Plan shall be kept on-site during all operations and made available to the Zoning Administrator upon request.

Section __.04 — Visible Dust Standard (Tier 1)

No visible dust from any earth extraction operation shall be permitted to cross a property line or reach a public road. This standard is consistent with VAPCR 5-211, which prohibits visible air contaminants.

Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.

Section __.05 — Dust Suppression Measures (Tier 1)

Operators shall implement dust suppression appropriate to site conditions, including but not limited to:

- Water spraying at the active extraction face, drilling areas, and rock processing equipment;
- Water application on internal haul roads at a frequency sufficient to prevent visible dust;
- Wetting or covering of material stockpiles during dry or windy conditions; and
- Minimizing material dropped from heights that would generate airborne dust.

The specific method of suppression is at the operator's discretion provided the visible dust standard in Section __.04 is maintained.

Section __.06 — Blasting Operations (Tier 1)

Prior to any blasting operation, the operator shall notify all abutting landowners and the Zoning Administrator at least twenty-four (24) hours in advance. Blasting shall be conducted only between 7:00 a.m. and 5:00 p.m. on weekdays, unless otherwise approved by the Zoning Administrator.

Section __.07 — Public Roads (Tier 1)

The operator shall take reasonable precautions to prevent dust and mud from being tracked onto public roads. This includes use of a graveled access apron at site exits or other equivalent measures.

Section __.08 — Complaints and Corrective Action (Tier 1)

The operator shall maintain a written log of all dust-related complaints received from the public or town officials, together with a record of corrective actions taken in response. This log shall be retained for a minimum of three (3) years and made available to the Zoning Administrator upon request.

Section __.09 — Enforcement (Tier 1)

Upon a verified violation of the visible dust standard or any provision of this section, the Zoning Administrator shall:

- Issue a written notice of violation requiring immediate corrective action; and/or
- Upon failure to achieve compliance, order the suspension of dust-generating operations until compliance is restored.

Tier 2 — Residential or Commercial Projects | 5,000 to 10,000 CY, or Any Project with Off-Site Sale >1,000 CY

Section __.01 — Purpose (Tier 2)

These regulations apply to residential or commercial extraction projects generating more than 5,000 and up to 10,000 cubic yards of material, or to any project generating more than 1,000 cubic yards where extracted material will be sold or used off-site. These regulations are adopted to protect the public health, safety, and welfare of residents, abutting landowners, and the broader community by establishing enhanced standards for controlling airborne dust. These provisions are consistent with and supplement Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and reflect industry best practices for fugitive dust management.

Section __.02 — Applicability (Tier 2)

These provisions apply to all earth extraction operations meeting the Tier 2 thresholds above, including rock quarrying, ledge blasting, aggregate crushing, screening, and related activities requiring a permit under this bylaw.

Section __.03 — Fugitive Dust Control Plan (FDCP) (Tier 2)

A. Prior to the issuance of any earth extraction permit, the applicant shall submit a written Fugitive Dust Control Plan (FDCP) to the Development Review Board (DRB) for review and approval through conditional use review. No operations shall commence until the FDCP is approved. The DRB may retain a qualified environmental consultant at the applicant's expense to review the Plan.

B. The FDCP shall include, at minimum:

- A site map identifying all dust-generating activity areas, access roads, stockpile locations, and property boundaries;
- A description of dust suppression methods and equipment for each activity area, including water sources, application rates, and equipment specifications;
- Identification of sensitive receptors within 1,000 feet of the extraction area (residences, schools, water bodies);
- Wind and weather conditions under which operations must be modified or suspended;
- A complaint response procedure; and
- The name and qualifications of the individual responsible for FDCP implementation.

C. The FDCP shall be kept on-site during all operations and provided to the Zoning Administrator upon request.

Section __.04 — Visible Dust Standard (Tier 2)

A. No visible dust from earth extraction operations shall cross a property line or reach a public road or right-of-way. This standard applies at all times during active operations.

B. Dust suppression measures shall be activated before visible dust is generated, not in response to it. Operators shall not wait for visible dust to appear before applying suppression.

Reference: Vermont Air Pollution Control Regulation 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4) — Reasonable precautions to prevent particulate matter from becoming airborne.

Section __.05 — Required Dust Suppression Measures (Tier 2)

Operators shall implement the following dust suppression measures at a minimum:

A. Extraction Face and Drilling

- Water injection through drill bits or surface water spraying shall be applied continuously during all drilling operations;
- Water misting or suppression shall be applied at the active extraction face during and after blasting and mechanical excavation.

B. Crushing and Screening Equipment

- Water spray nozzles or misting systems shall be installed and operated at all crushers, screening equipment, and conveyor transfer points;
- Equipment enclosures or shrouds shall be used where feasible to contain dust at the point of generation.

C. Haul Roads

- All internal unpaved haul roads shall be treated with water or an approved dust suppressant at a frequency sufficient to prevent visible dust;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A graveled or paved apron of not less than 50 feet shall be maintained at the public road access point.

D. Stockpile Management

- Stockpiles exceeding 500 cubic yards shall be covered with tarps, treated with a dust-binding agent, or stabilized with surface crusting material;

- Stockpiles shall be set back a minimum of 100 feet from any property line.

E. Wind Conditions

- During sustained wind events exceeding 20 miles per hour, the operator shall increase the frequency of water applications or suspend dust-generating operations until wind conditions subside.

Section __.06 — Blasting Operations (Tier 2)

A. Prior to any blasting operation, the operator shall provide written notification to all abutting landowners and the Zoning Administrator at least forty-eight (48) hours in advance.

B. Blasting shall be permitted only between 8:00 a.m. and 4:00 p.m. on weekdays excluding state and federal holidays.

C. Water misting equipment shall be activated in the blast zone prior to and immediately following each detonation to suppress blast dust.

Section __.07 — Windbreaks and Buffers (Tier 2)

A. A vegetated buffer, earthen berm, or retained natural vegetation of not less than 25 feet in depth shall be maintained along all property lines abutting a residential use, public road, or public right-of-way. The buffer shall be maintained in healthy condition throughout the life of the operation.

B. Once extraction operations have permanently ceased, the property owner may remove the vegetative buffer with prior written approval from the Zoning Administrator. Native vegetation shall be retained and or used.

Section __.08 — Truck Exit Measures (Tier 2)

The operator shall install and maintain a rumble strip, wheel wash station, or equivalent measure at each site exit to prevent mud and dust from being carried onto public roads. Public road access points shall be inspected daily and cleaned as needed.

Section __.09 — Monitoring and Recordkeeping (Tier 2)

A. The operator shall conduct a quarterly self-inspection of all dust control measures and maintain a written inspection log documenting the date of inspection, conditions observed, and any corrective actions taken.

B. A log of all dust-related complaints shall be maintained, together with the operator's response and corrective actions. Logs shall be retained for a minimum of five (5) years and provided to the Zoning Administrator upon request.

Section __.10 — Enforcement (Tier 2)

A. Upon a verified violation of any provision of this section, the Zoning Administrator shall issue a written notice of violation specifying the nature of the violation and requiring corrective action within forty-eight (48) hours.

B. Failure to achieve compliance within the time specified may result in:

- Suspension of earth extraction operations pending correction;
- Civil fines as provided by this bylaw; and/or
- Referral to the Development Review Board for permit revocation proceedings.

Tier 3 — Any Project | More than 10,000 Cubic Yards

Section __.01 — Purpose (Tier 3)

These regulations apply to any earth extraction project generating more than 10,000 cubic yards of material, regardless of whether extracted material is sold or used off-site. These regulations establish strict performance standards for the control of airborne dust. The town finds that uncontrolled dust from large-scale rock quarrying and earth extraction poses a direct risk to public health, diminishes quality of life for neighboring residents, and may harm aquatic and terrestrial ecosystems. These provisions are adopted consistent with Vermont Air Pollution Control Regulations VAPCR 5-211 and 5-231(4) and are grounded in current industry best practices for fugitive dust management.

Section __.02 — Applicability (Tier 3)

These provisions apply to all earth extraction operations generating more than 10,000 cubic yards, including rock quarrying, ledge blasting, aggregate crushing, screening, material handling, and related activities requiring a permit under this bylaw.

Section __.03 — Fugitive Dust Control Plan (FDCP) — Required Prior to Approval (Tier 3)

A. No earth extraction permit shall be issued until a Fugitive Dust Control Plan (FDCP) has been reviewed and approved by the Development Review Board (DRB) through conditional use review. The DRB may retain a qualified environmental consultant at the applicant's expense to review the Plan.

B. The FDCP shall include all of the following:

- A scaled site plan identifying all dust-generating areas, haul roads, stockpile locations, buffers, and sensitive receptors within 1,500 feet;
- A complete inventory of dust-generating activities and equipment with manufacturer specifications;
- A detailed description of suppression methods, water sources, application rates, and equipment at each dust generation point;
- A weather monitoring protocol specifying operational limits for wind speed, temperature, and drought conditions;
- A complaint response and public notification procedure;
- A monitoring and recordkeeping schedule; and
- Emergency shutdown procedures for uncontrolled dust events.

C. The FDCP shall be updated annually and resubmitted to the Zoning Administrator. Material changes to extraction areas or equipment shall require an amended FDCP prior to implementation.

D. The approved FDCP shall be posted on-site in a weatherproof enclosure at the main site access point.

Section __.04 — Zero Visible Dust Standard (Tier 3)

A. No visible dust from any earth extraction operation shall be permitted to become airborne beyond the active work area. For purposes of this section, the active work area is defined as within 50 feet of the equipment or activity generating the dust.

B. Dust suppression measures shall be continuously active during all dust-generating operations. Operations shall be suspended immediately if suppression systems are inoperative.

C. If visible dust is observed reaching the site boundary or public road by any town official or verified complaint, the operator shall immediately suspend the dust-generating operation and shall not resume until corrective measures have been implemented and verified.

Reference: VAPCR 5-211 — Prohibition of Visible Air Contaminants; VAPCR 5-231(4); EPA Fugitive Dust Control Best Practices (2022).

Section __.05 — Required Dust Suppression Measures (Tier 3)

All of the following measures are required. Operators may not substitute or omit measures without prior written approval from the Zoning Administrator.

A. Extraction Face, Drilling, and Blasting

- Water injection through drill bits shall be used continuously during all drilling operations;
- Automated water misting or atomized mist cannon systems shall be deployed at the active extraction face during all mechanical excavation;
- Pre-blast misting shall be activated for a minimum of 10 minutes before detonation; post-blast misting shall continue for a minimum of 15 minutes following detonation.

B. Crushing, Screening, and Processing Equipment

- All crushers, screening equipment, and conveyor transfer points shall be equipped with integrated water spray or atomized misting systems operated continuously during processing;
- Equipment enclosures with dust-tight seals shall be installed on all screening equipment;
- Operators shall consider local exhaust ventilation (LEV) systems at primary crushing stations where feasible.

C. Haul Roads and Vehicle Traffic

- All internal haul roads shall be paved, treated with calcium chloride, or treated with a polymer-based dust suppressant certified by the U.S. EPA;
- A maximum vehicle speed of 10 miles per hour shall be posted and enforced on all unpaved internal roads;
- A wheel wash station shall be installed and maintained at each public road access point. All vehicles shall pass through the wheel wash before exiting the site;
- Public road access points shall be swept or washed at the end of each operating day.

D. Stockpile Management

- All material stockpiles shall be covered with tarps or treated with an EPA-certified dust-binding or crusting agent within 24 hours of formation;
- Stockpiles shall be set back a minimum of 150 feet from all property lines;
- Active stockpile loading and unloading shall be conducted with misting systems in operation.

E. Weather and Wind Conditions

- Operations shall be suspended when sustained wind speeds exceed 15 miles per hour at the site, unless automated misting systems can demonstrably prevent off-site dust migration;
- A wind monitoring instrument shall be maintained at the site and readings logged during all operational hours.

F. Drainage

- 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.

G. Slope Fencing All excavation slopes in excess of 1:2 shall be adequately fenced as determined by the Zoning Administrator.

Section __.06 — Blasting Operations (Tier 3)

A. The operator shall provide written notification to all abutting landowners and the Zoning Administrator at least seventy-two (72) hours prior to any blasting operation.

B. Blasting is permitted only between 9:00 a.m. and 3:00 p.m. on weekdays, excluding state and federal holidays. No blasting shall occur when wind speed exceeds 15 mph or during temperature inversions that may concentrate dust at ground level.

C. Pre-blast water misting shall be activated a minimum of 10 minutes before detonation. Post-blast suppression shall be maintained for a minimum of 15 minutes following each detonation.

D. Blast design shall be documented by a licensed blaster and retained in the site file for inspection.

Section __.07 — Site Reclamation (Tier 3) (Existing §485 Language)

A. 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.

B. 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.

D. Stripping of topsoil for sale or for use on other premises, shall be prohibited.

Section __.08 — Equipment Setbacks (Tier 3) (Existing §485 Language)

A. No excavation, blasting or stock piling of materials shall be located within two hundred feet of any street or other property line.

B. 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.

Section __.09 — Buffers and Windbreaks (Tier 3)

- A. A vegetated buffer, earthen berm, or retained natural vegetation of not less than 50 feet in depth shall be maintained along all property lines.
- B. Where the extraction site abuts a residential use, school, childcare facility, or public water supply watershed, the buffer depth shall be increased to not less than 100 feet.
- C. Vegetated buffers shall consist of native tree and shrub species of sufficient density to function as a wind barrier. Buffer plantings shall be replaced within one (1) growing season if they die or are removed.

Section __.10 — Monitoring, Recordkeeping, and Reporting (Tier 3)

- A. The operator shall conduct a monthly visual inspection of all dust control measures. Inspection results shall be recorded on a standardized form approved by the Zoning Administrator, documenting conditions, suppression system status, and any corrective actions.
- B. A dust complaint log shall be maintained and shall include the date and time of complaint, nature of complaint, weather conditions at time of complaint, and the operator's response and corrective actions.
- C. The operator shall submit an Annual Dust Control Report to the Zoning Administrator by March 1 of each year summarizing: operations conducted in the prior year, dust suppression measures used, complaints received and resolved, and any changes proposed to the FDCP.
- D. All records shall be retained for a minimum of seven (7) years and shall be open to public inspection upon request.

Section __.11 — Financial Assurance (Tier 3)

As a condition of permit issuance, the operator shall provide a performance bond, escrow account, or irrevocable letter of credit in an amount determined by the DRB to be sufficient to cover the cost of remediating off-site dust impacts and restoring any affected buffers or vegetated areas.

Section __.12 — Enforcement and Penalties (Tier 3)

- A. Upon a first verified violation, the Zoning Administrator shall issue a written notice of violation and order immediate corrective action. Operations shall be suspended until compliance is demonstrated.
- B. A second violation within any twelve (12) month period shall result in:
 - Mandatory suspension of operations for a minimum of five (5) business days;
 - A civil penalty as set forth in this bylaw; and
 - Automatic referral to the DRB for a permit compliance hearing.
- C. A third or subsequent violation shall be grounds for permit revocation and forfeiture of any performance bond.
- D. The town may engage an independent air quality monitor at the operator's expense following a second or subsequent violation to assess ongoing compliance.
- E. The DRB may attach any additional conditions as it may find necessary for the safety and general welfare of the public.
- F. Extension of an existing non-conforming operation shall only be permitted by the DRB.

Public Summary

The Planning Commission asked whether the Town may use its zoning bylaws to adopt a tiered approach to regulating earth extraction operations. Tiered regulation based on the size or intensity of a particular use like an earth extraction operation is generally permissible; however, the applicable review criteria or standards must be clear, administrable from a technical and practical perspective, and enforceable. The Town's existing zoning regulations already provide tools to review impacts from earth extraction operations and impose conditions addressing dust, noise, drainage, erosion, setbacks, and site operations. However, adopting specific, technical regulations that are not tied to performance standards but that require monitoring the quantity of certain air pollutants in emissions from such facilities is problematic for both practical and legal reasons.

In the first instance, we have significant practical concerns about the ability of the Town to reliably enforce such standards. In Vermont, jurisdiction over air pollutants and monitoring rests with the Agency of Natural Resources because it has been formally delegated that authority from the U.S. Environmental Protection Agency (EPA) and because it has the technical expertise to accurately measure and monitor emissions, which is no small feat. It would be very rare for a Vermont municipality, even one as sophisticated as Morristown, to have the staff expertise (scientists), technical equipment, and reliable methods to accurately measure air pollutants in a manner that would be admissible in an enforcement proceeding. As such, it's best that the Town defer to the experts in air pollutant monitoring and enforcement at ANR.

Aside from the costs and technical challenges with attempting to regulate ongoing air emissions or dust levels through zoning, any zoning approval that imposes an on-going monitoring requirement is likely unenforceable. It is likely unlawful for a zoning approval to impose on-going, post-construction monitoring conditions due to Vermont's strong policy of repose, meaning that municipal zoning decisions are entitled to finality once the 30-day appeal period passes. As the Vermont Supreme Court held in a 2017 opinion, any condition of approval requiring post-construction monitoring of a project's impacts that might then allow the DRB to subsequently alter or change permit conditions offends the principle of finality. While this does not prevent a Town from enforcing a violation of its performance standards, the Town cannot require a project owner or developer to engage in on-going compliance monitoring and expect future changes to continuously mitigate a project's impacts.

CHAPTER 7: IMPLEMENTATION PLAN

The objectives identified in each chapter of the town plan are repeated below with an indication of when the action is anticipated to occur, and the parties responsible for that action.

Chapter #	Objective	Time Period	Responsible Party
1	<u>Create and charge a board with studying the dual town name issue, with the goal of initiating a Selectboard, Village Trustee, or Town Meeting action that results in a binding vote on adopting a singular name for our community.</u>	1 year	Selectboard & Village Trustees
1	<u>This plan supports studying what it would entail to update the Village Charter, as there is like some benefit to be had by expanding the village boundary lines into developed sections of town.</u>	2 years	Selectboard & Village Trustees
2	<u>Current efforts to expand the Pleasant St. parking lot should be supported and funded by the Selectboard within the next 2 budget years.</u>	2 years	Selectboard
2 & 4	<u>The Selectboard should also create and begin to fund a capital account that, as the balance grows over the years, could eventually be used to create a deck of parking accessed from Hutchins Street, located above, but preferably beneath, the surface of the existing municipal parking lot on Pleasant Street.</u>	1 year	Selectboard
2	<u>The Planning Council should work with the Selectboard to help spur the redevelopment of both the Nepvue Building on Portland Street, and the Sunoco gas station at our main downtown intersection</u>	When either property comes onto the market	Planning Council
2	<u>The Planning Council should work with the Copley Trust to see if there is an appetite for funding a boardwalk along the Lamoille River that parallels Portland Street (linking Lower Main Street to Bridge Street), that includes lighting, benches, etc., with a purpose of relinking downtown Morrisville to its riverfront.</u>	When the owner of 90 Lower Main St. agrees to boardwalk location	Planning Council
2	<u>The Planning Council should open up a dialogue with the Bishop Marshall School Board about rezoning the school's land.</u>	1 year	Planning Council
3	<u>The Selectboard should allocate funding to update the North End Circulation Study so it contains post Truck Route traffic data. The Selectboard should also entertain if a similar study should be undertaken for the roads in</u>	4 years	Selectboard

	<u>downtown Morrisville given the recent growth in housing units therein.</u>		
3	<u>The Selectboard, with assistance with the Planning Council, should also work with the School Board and nearby property owners to open up a new access driveway to the school that obviates the need for all the traffic that comes down Elmore and Upper Main Streets from driving down past the fire station just to reverse direction up Copley Avenue.</u>	2 years	Selectboard
4	<u>The Selectboard should develop a permit process for all future point connections to the stormwater system on Brooklyn Street, with said permit process designed to protect the capacity of the system by slowing the rate that stormwater arrives at the swirl separator.</u>	2 years	Selectboard
4	<u>The Selectboard should look to acquire any adjacent properties that come on the market to ensure that there is ample room to expand the fire station, if needed, at a later date.</u>	Ongoing	Selectboard
4	<u>This plan supports continuing the current ½ penny on the Grandlist of annual funding from Town Meeting through the 2030 lifecycle of this plan (but terminating said funding in 2031), plus sourcing other grant funds, to help ensure the preservation of what is believed to be the 2nd oldest home in Morrisville.</u>	Ongoing	Selectboard
4	<u>To support awareness, and the accessibility of recreational amenities in our community, the Selectboard should look to employ someone part-time to staff the recently resurrected Parks & Recreation Committee.</u>	1 year	Selectboard
4	<u>The Committee should create an online calendar, and list of recreational amenities in the community, including: tennis and basketball courts, groomed Nordic ski trails, athletic fields, fitness and nature trails, the running track, the school gyms, and the 2 playgrounds.</u>	1 year	Recreation Committee
4	<u>If allowed by the pending state and federal relicensing permits for MW&L's hydro-electric facility on B Street, the Selectboard should open a dialogue with the Village Trustees regarding adding recreational opportunities within a leased, or acquired, portion of the Clark property that surrounds the dam.</u>	2 years	Recreation Committee

4	<u>The Planning Council should work with the Mt. Vernon Lodge at 65 Portland Street on a plan to turn the south facing side lawn of that building into angled parked.</u>	2 years	Planning Council
4	<u>The Planning Council should plan when a level of parking might need to be created above, or preferably beneath, the Copley Municipal Parking lot (with a Hutchins Street entrance to the lower parking level located behind the Nepveu Building, and with the existing parking surface becoming the top deck parking elevation, or the site of a community building).</u>	8 years	Planning Council
4	<u>The Selectboard should secure the old rail car loading area lease at the bottom of Pleasant St, from VTrans when it expires in 2031 so a proper parking lot can be built that services the downtown, and rail trail users at the kiosk. The Selectboard should reach out to VTrans in the interim to try to take over the lease before 2031.</u>	Prior to 2031	Selectboard
4	<u>The current status with the village paying property taxes to the town for property, including light poles, located outside the village for non-revenue producing properties (with most of the money being sent to Montpelier for education) should come to an end, either via the sale of the subject properties, or the possible expansion of the village line, so most of these properties can be located inside the village limits, and thereby become tax exempt.</u>	2 years	Village Trustees
5	<u>The Planning Council, in consultation with the Historical Society, should immediately evaluate if a demolition delay provision belongs in the town's zoning bylaw for contributing structures in Morrisville's original 1983 historic district.</u>	1 year	Planning Council
5	<u>The Planning Council, with an assist from the Historical Society, should evaluate if the historic district should be enlarged again to the south down E. High Street, Congress Street, Summer Street, Court Street, and Maple Street, as there are many largely intact historic homes in this primary residential section of the village that will be nearing 200 years in age by the time the 2022-2030 town plan expires.</u>	3-5 years	Planning Council
5	<u>The Planning Council should also examine if zoning per 24 VSA, §4414(f) should be adopted for the downtown's initial historic district</u>	2 years	Planning Council

5	<u>The Morristown Historical Society should help preserve the Civil War Bell hanging on the corner of Upper Main and Maple Streets by allocating the time, and resources, needed to help the owners of the bell, the Lamoille Valley Grace Brethren Church, preserve it, and make it available for public viewing.</u>	2 years	Planning Council & Historical Society
5	<u>The Morristown Historical Society, with backing from the Planning Council, should investigate the steps needed to designate the Grace Brethren Church, with the Civil War bell hanging in its spire, as a State and potentially even a National Historic Landmark.</u>	1 year	Historical Society
5	<u>The Conservation Commission, and the Selectboard, should work towards the purchase and conservation of the 82 acre “Bugby Springs” property (and creating recreational opportunities thereon).</u>	1 year	Conservation Commission
5	<u>The Planning Council, and Conservation Commission, should work to see if preserving the natural areas and existing scenery on our side of Elmore Mountain is attainable via instituting a design review district, or adopting an elevation limitation for new development.</u>	5 years	Planning Council
5	<u>The Planning Council should evaluate if wildlife and forest connectivity should be designated as §340 Environmental Resource Areas in the zoning bylaws to promote the health, viability, and ecological function of these important areas.</u>	3 years	Planning Council
5	<u>The Planning Council, and the Conservation Commission, should evaluate what zoning tools might be available to help better protect Molly’s Bog, and Joe’s Pond.</u>	3 years	Planning Council
5	<u>The Conservation Commission should also work towards conserving the private lands that encroach upon Molly’s Bog, and Joe’s Pond.</u>	Ongoing	Conservation Commission
6	<u>The School Board should evaluate the construction of a larger field house. Concurrent with the construction of the new field house, the school’s outdoor recreational facilities are also in need of attention. In order to allow that a regulation-sized track be rebuilt, it is recommended that the baseball field be repositioned, the tennis courts be replaced.</u>	2-3 years	School District

6	<u>To alleviate a longstanding traffic problem, the Selectboard, or the School Board, should purchase a right-of-way to connect Upper Main Street to Copley Avenue</u>	1-2 years	School District & Selectboard
8	<u>Direct new housing into the core of the village and adjacent parts of the town, support business growth in areas zoned for such, and reinforce the rural character of our town via the continued existence of the agricultural, low density residential, and open land in the rural parts of the town that create the sweeping and cherished views of our countryside.</u>	Ongoing	Planning Council
9	<u>An overarching objective for our community is to encourage the protection and use of local renewable energy resources, to reduce reliance on out-of-state energy resources, and to especially reduce reliance on expensive out-of-state nonrenewable energy resources</u>	Ongoing	Selectboard & Village Trustee
9	<u>Encouraging greater efficiency, affordability, and energy conservation is a primary objective that must be kept in the forefront of all energy related decision making.</u>	Ongoing	Selectboard & Village Trustee
9	<u>The Planning Council should study if it would be worthwhile to develop thermal energy standards, or more simply, to offer a density bonus to encourage developers to use heat pumps within new townhouses and new multi-family construction, so efficient heat and air conditioning can be readily available for these new households.</u>	1 year	Planning Council
9	<u>Given the town's significant fuel use, the Selectboard should make fuel efficiency a leading component in the decision-making process when municipal vehicles are purchased. The Selectboard should also consider setting a generous fixed fuel budget every year with the goal of spending unused funds when fuel prices are low on improving the efficiency of the town's energy use.</u>	Ongoing	Selectboard
9	<u>The Selectboard should immediately look to convert the interior lighting in town owned buildings to LED bulbs to create additional energy and cost savings.</u>	1 year	Selectboard
9	<u>The Selectboard should evaluate the town's daily energy costs of \$665 to operate to find savings through achieving greater efficiencies.</u>	Ongoing	Selectboard

10	<u>This plan therefore supports the Selectboard creating a housing committee that is charged with promoting the creation of all forms of new housing, including new affordable housing, and suggesting what incentives might be offered to help developers create more housing.</u>	1 year	Selectboard & Planning Council
11	<u>The Selectboard shall exercise all the political avenues available if the Green Mountain Care Board attempts to move critical hospital operations, like Mansfield Orthopedics, out of Morrisville, to ensure the continued existence of the hospital, with the hospital offering future health care services that are at least on par with current levels.</u>	Ongoing	Selectboard
11	<u>The Planning Council should also study if there are creative ways to encourage the creation of ecologically friendly car-free housing that could be built along both the rail trail and the adjacent banks of Lake Lamoille.</u>	3 years	Planning Council
12	<u>The Planning Council should reach out to the residences at 416 Bridge Street, 965 Cadys Falls Road, 48, 51, & 69 North River Street that are believed to be in the flood zone to discuss the benefits of carrying flood insurance.</u>	3-5 years	Planning Council
12	<u>The Planning Council should study the remote Special Flood Hazard areas in the town that have not had a flood study to determine if it is logical to adopt the river corridor layer, and to develop companion zoning restrictions.</u>	3-5 years	Planning Council
13	<u>Draft zoning bylaw changes that require major development and redevelopment projects in the downtown to provide pedestrian and bicycle amenities, such as sidewalks, bike lanes, bicycle parking, and other streetscape improvements.</u>		Planning Council
13	<u>Improve and expand the existing trail system that accesses Oxbow Riverfront Park, including formalizing the footpath that connects the park to the terminus of Foundry St.</u>		Conservation Commission
13	<u>Add an access point, or footpath, connecting Foundry Street to the Rail Trail, which would formalize Rail Trail access at each side of the Oxbow park peninsula, and also create a small walking loop through Oxbow Park that is accessed from the Rail Trail.</u>		Conservation Commission