



TOWN OF MORRISTOWN DEVELOPMENT REVIEW BOARD

WARNED PUBLIC HEARING

COMMUNITY MEETING ROOM

43 Portland Street in Morrisville, VT 05661

6:00 PM Monday, March 31, 2025

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

The meeting will be live streamed on the Town of Morristown's website:

<https://www.morristownvt.gov/community/page/meetings-agendas-minutes>

I. CALL MEETING TO ORDER

II. AGENDA CHANGES OR ADDITIONS

III. APPROVE PRIOR MEETING MINUTES

1. Approve minutes 2-20-25
2. Approve minutes 3-12-25

IV. PUBLIC COMMENT

V. ACTION ITEMS TO BE CONSIDERED

1. None

VI. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. #2025-010 submitted by Louis J. Ferris, on behalf of L.H. & A. Realty, LLC, (f.k.a. L.H. & A Realty Limited Partnership) (SPAN 414-129-11238, Parcel ID 08089, 32 VT Route 15 East, 1.10 acres) requesting the DRB consider its "Appeal of Action of Interim Assistant Zoning Administrator Dated February 20, 2025" and received by the Town on 03-03-2025. The Appellant requests the DRB issue an order upholding the binding effect of a November 21, 2024 communication of Zoning Administrator Todd Thomas and allow the Appellant to proceed with its use of the Property in accordance with the plans provided by the Appellant. The subject property is in the Commercial (COM) Zoning District.

VII. OTHER BUSINESS

1. Trainings and DRB Correspondence
2. Board member comments & requests to staff
3. Staff permit updates and upcoming hearings

VIII. ADJOURN



**SELECTBOARD MEETING MINUTES
OF FEBRUARY 20, 2025**

Members: **Selectboard Members:** Don McDowell, Christopher Palermo, Laura Streets, Richard Craig, George Cormier; **Planning Council Members:** Etienne Hancock, John Meyer, Jamie Morris,
Absent: Wally Reeve, Josh Goldstein; **Development Review Board Members:** Gary Nolan, Donnie Blake, Paul Trudell, Mary Ann Wilson, Susanna Burnham

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Judi Alberi, Executive Assistant

PARTICIPANTS/GUESTS: Evelyn Throne, Jerry Throne, Kevin Petrochko, Ron Standcliff, Martin Green, Bob Heanue

**participating via Zoom*

5:30PM - CALL MEETING TO ORDER

Chris Palmero called the Special Meeting to order for SB, PC, & DRB at 5:30 PM at the Tegu Building.

5:31PM - AGENDA CHANGES/ADDITIONS

None

5:32PM - NEW BUSINESS

1. David White, FAICP, Principal Sterling Mountain Community Planning & Design, presentation on Planning and Zoning Administrator models commonly used by Vermont municipalities.

Chris Palermo introduced David White and shared his extensive background and experience in community planning with the members of the Selectboard, Planning Council, and the DRB in attendance. Mr. White gave a presentation covering the following items:

1. The role of a town's Planning function.
2. Staffing descriptions and roles: Planning is the work of the Planner; Regulatory function is the work of the Zoning Administrator.
3. Types of staffing alternatives: a single person doing both jobs, two separate people for the separate functions, and a Planning Office with
Planning Director and staff,
4. A comparison of similarly sized communities and their staffing options,
5. Most VT communities have a Planning Commission and a Planner; Morristown has a Planning Director and a Planning Council,
6. Duties of Planning Director, Power, and Duties of Planning Commission.

Mr. White suggested that a community of the size and complexity of Morristown & Morrisville would be too much for 1 person. Two positions make sense at a minimum either a Planner/ZA and an Asst. Planner/Deputy ZA, or a separate Planner and Zoning Administrator.

Discussion followed with the consensus for the town to have a planning commission with a planner

reporting to both the DRB and the planning commission. There was concern that one person would need administrative support to do the work of both planning and zoning. It was acknowledged that Morristown is unique, and the town needs an experienced professional to make a seamless transition assuming the workload of the planning and zoning functions.

7:00PM - ADJOURN

Motion made by George Cormier to adjourn the Selectboard. Motion seconded by Richard Craig. Motion carried. (5/0)

Motion made by Wally Reeve to adjourn the Planning Council. Motion seconded by John Meyer. Motion carried. (5/0)

Motion made by Susanna Burnham to adjourn the DRB. Motion seconded by Donnie Blake. Motion carried. (5/0)

Meeting adjourned at 7:00 pm

Submitted and filed this 2/20/25.

Bonnie McDermott, Scribe

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



DEVELOPMENT REVIEW BOARD MEETING MINUTES OF MARCH 12, 2025

Members: Gary Nolan, Lenny Wing, Susanna Burnham, Christy Snipp, Paul Trudell, Mary Ann Wilson, Donald Blake, Jr.

Absent:

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Ron Rodjenski, Town Zoning Consultant

PARTICIPANTS/GUESTS: Chris Chauvin, Tiffany Thibeault

CALL MEETING TO ORDER

Gary Nolan called the DRB Meeting to order at 6:00 PM at the Tegu Building.

APPROVE PRIOR MEETING MINUTES

1. Approve minutes of 12-11-24

Motion made by Mary Ann Wilson to approve the minutes of 12/11/2024. Motion seconded by Donnie Blake. Motion carried. (7/0)

HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. #2025-005 submitted by Chris Chauvin, on behalf of CCS Development LLC (SPAN 414-129-11317, 28 James Rd, Lot 1, 0.88 acres) requesting the DRB consider a conditional use and site plan approval for a proposed Day Care Facility caring for more than six full-time children and more than four part-time children per Section 204.5a Use Table, Section 500 Site Plan Approval, Section 630 Conditional Uses and Article IX Definitions of the 2023 Morrystown Zoning and Subdivision Bylaw. The subject property is in the Industrial (IND-1) Zoning District.

The Development Review Board discussed a proposed daycare facility at 28 James Road, reviewing the application for conditional use and site plan approval. Gary Nolan read the Application submitted by Chris Chauvin on behalf of CCS Development LLC. Chris Chauvin and Tiffany Thibeault were sworn in to the hearing to provide testimony. The board deliberated on various aspects of the project, including parking, outdoor play areas and fencing, operating hours, and necessary approvals from other departments. The building capacity is larger than the daycare is expected to need. Tiffany Thibeault, the renter, plans to use 4,000 square feet of the existing 6,000-square-foot space, with no building modifications required. The outdoor play area will be fenced, with a height of 4 to 8 feet, and is planned to be a vinyl picket fence. The building currently has 25 parking spaces, but Tiffany Thibeault (Business Owner/Operator) only needs 18. The anticipated opening of the daycare will be at the beginning of May. The operating hours were discussed, with a proposal to extend them from 7 am

until 5 pm to allow for cleaning and parent pick-ups. The existing sign will be updated with the project's name, Little Groups Learning. There will be no additional outdoor lighting, and the existing dumpsters will be relocated with their location marked on the site plan. Also, a small storage building will be added. The project will be approved with the following conditions: updating the site plan, obtaining letters from V-trans and the Morristown Water & Light Dept., and specifying the hours of operation.

Paul Trudell moved to approve the application with a second by Susanna Burnham. However, the motion and second were rescinded when Ron explained the process. The Development Review Board discussed the procedure of closing public hearings and moving into deliberations. Ron advises that the board should close the hearing before entering deliberations to avoid potential legal issues. The board then proceeded to rescind the previous motion, close the hearing, and approve the project with conditions including replacing dead trees, addressing dumpsters, and obtaining a letter from V-trans and wastewater allocations. The discussion concluded with clarification on wastewater allocation, confirming that it is typically attached to the property rather than the business.

Motion made by Paul Trudell to accept the application with the documents mentioned. Motion seconded by [Susanna Burnham](#). Motion carried (7/0).

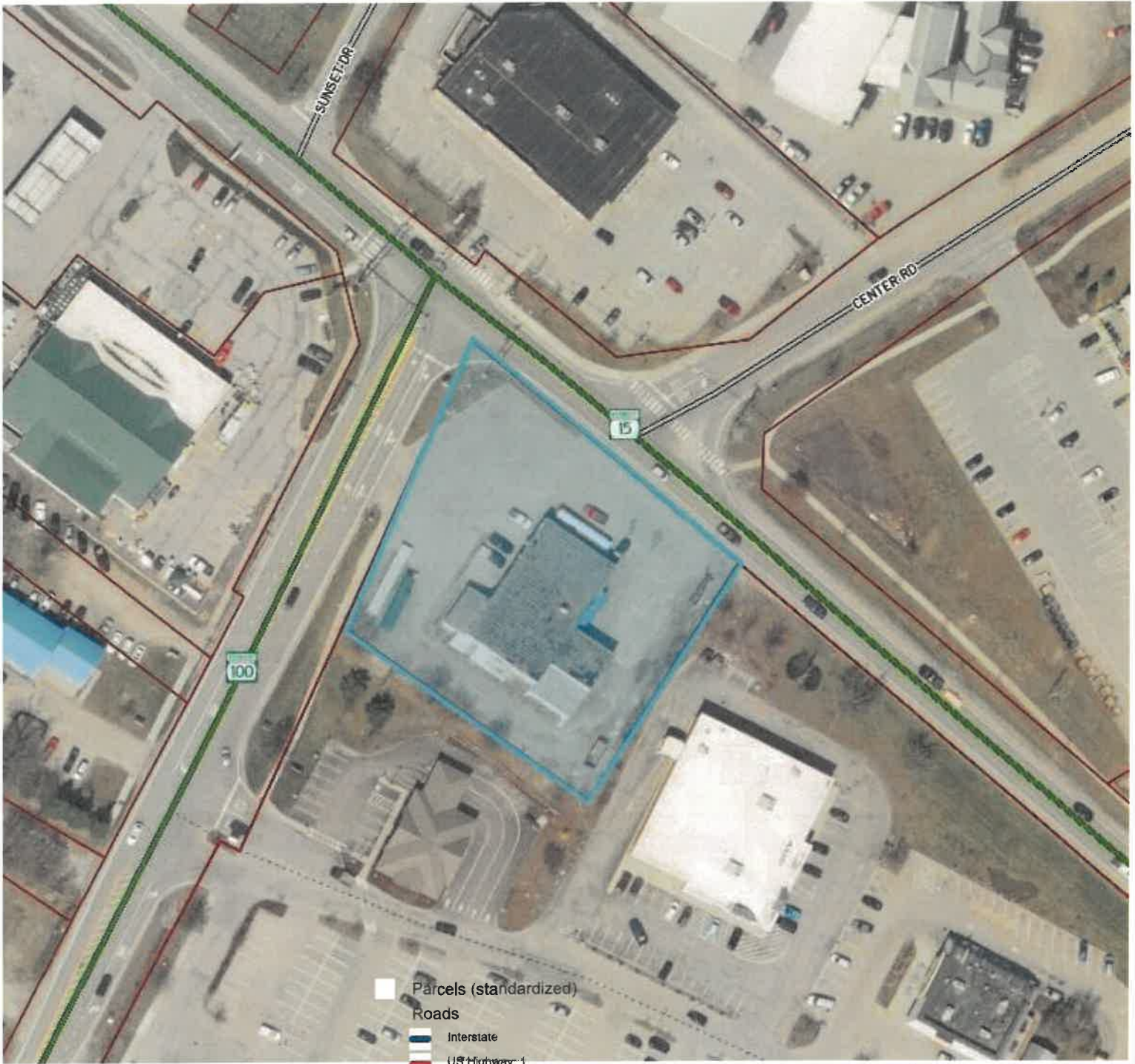
The Development Review Board discussed various administrative matters and procedural issues. They plan to reorganize the board at the next regular meeting after a special meeting on March 31st for the Louie Ferris property. The board members asked for copies of the 2023 zoning regulations on the town website, which are searchable. They thank Ron, a consultant and permit specialist, for his assistance.

ADJOURN

Motion made by Christy Snipp to adjourn. Motion seconded by Mary Ann Wilson. Motion carried. (7/0)

Meeting adjourned at 7:23 pm
Submitted and filed this 3/18/2025.
Bonnie McDermott, Scribe

Please note all minutes are in Draft form and are subject to approval at the next Development Review Board meeting.



- Parcels (standardized)
 Roads
 Interstate
 US Highway, 1
 State Highway
 Town Highway (Class 1)
 Town Highway (Class 2,3)
 Town Highway (Class 4)



LEGEND

1" = 108 Ft. 1cm = 13 Meters
 S MAP IS NOT TO BE USED FOR NAVIGATION

March 10, 2025 1: 1,295

NOTES

Map created using ANR GIS mapping technology.



66.0 0 33.00 66.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Vermont Agency of Natural Resources

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no implied warranty with respect to the data on this map.

**TOWN OF MORRISTOWN
APPEAL OF ACTION OF INTERIM ASSISTANT ZONING ADMINISTRATOR
DATED FEBRUARY 20, 2025**

Appellant: L.H. & A. REALTY, LLC by Louis J. Ferris

Property Address: 32 VT Route 15 Parcel 08089 Morristown, VT ("Property")

Appellant Mailing Address: P.O. Box 1580 Deland, FL 32721

**To: Secretary of Morristown Development Review Board
Chair of Morristown Development Review Board
_____, Morristown Town Clerk
Kevin Petrochko, Interim Assistant Zoning Administrator**

NOTICE OF APPEAL

1. Factual Background

On November 19, 2024 the Appellant, LH & A Realty, LLC, by its duly authorized agent, Louis J. Ferris, submitted to the Morristown Zoning Department a package detailing its proposed use of its property located at 32 VT Route 15 in Morristown ("Property"). See Exhibit A., Application.

In response, on November 21, 2024, then Morristown Zoning Administrator Todd Thomas allowed Appellant's proposed use of the Property as depicted on Exhibit A. without further review or the issuance of any permits. See Exhibit B., November 21, 2024 Action. In reliance on this action, Appellant has negotiated with several prospective tenants for the Property, at least one of which is on the verge of entering into a long-term lease for a section of the Property.

On February 20, 2025, current Morristown Interim Assistant Zoning Administrator Kevin Petrochko issued an action in which the Town of Morristown attempted to backtrack from the November 21, 2024 Action. See Exhibit C., February 20, 2025 Action.

2. Notice of Appeal.

LH & A Realty, LLC, by its duly authorized agent, Louis J. Ferris, pursuant to 24 VSA § 4465 and Section 640 of the Morristown/Morrisville Zoning and Subdivision Bylaws (“Bylaw”), hereby appeals the February 20, 2025 Action.

As the owner of the Property, the undersigned is an Interested Person under 24 VSA Chapter 117. Note that LH & A Realty, LLC is the successor entity to LH & A Realty Partnership.

The Property is a 1.1 acre parcel developed with a pre-existing car dealership at 32 VT Route 15, (former site of McMahon Chevrolet) with associated improvements.

The regulatory provisions that are the subject of this appeal are:

Appellant’s planned use of the Property, see Exhibit A, was administratively approved by the November 21, 2024 Action, which allowed Appellant’s requested proposed use of the Property, see Exhibit A., without further review or the issuance of any permits. The November 21, 2024 Action was not appealed and therefore became final and binding on all parties, including the Town.

Without waiver of Appellant’s argument that the November 21, 2024 Action is final and binding and resolves this matter completely, the Town’s subsequent February 20, 2025 Action,

which is the subject of this appeal, attempted to retract the November 21, 2024 Action and change the criteria for reviewing Appellant's already approved application, ignored the preexisting development of the Property and also injected irrelevant, incorrect, inapplicable and spurious standards of review into the Town's purported review process. The following Sections of the Bylaw, cited in the February 20, 2025 Action under appeal here are not applicable to this project, including without limitation, Sections, 401, 402, 206, 490, 204.4, 404 (with reference to 19 VSA Section 1111 and 24 VSA 4416), 479, 502(f), 502(h), and the 2022 sidewalk policy.

Appellant seeks the following relief: The Appellant requests a ruling that it be permitted to use the Property in accordance with the plans and site plan submitted as Exhibit A., without the need for further review, as set forth in the November 21, 2024 Action. See Exhibit B.

In the event that relief is not granted, but without waiver, Appellant seeks a ruling that the Town review Appellant's proposed use of the Property not as set forth in the February 25, 2025 Action, but in a manner that accounts for its pre-existing nature and applies only applicable and relevant review criteria.

The grounds for granting the requested relief include, without limitation: The Town is bound by the November 21, 2024 Action. In reliance on the November 21, 2024 Action, Appellant has negotiated extensively with prospective tenants, a process by which Appellant and the tenants have committed considerable resources to these efforts. At least one of these tenants is on verge of committing to a long-term lease of the a section of the Property. Even if the Town is not bound by the November 21, 2024 Action, the February 21, 2025 Action, which is the subject of this Appeal, improperly interprets the Bylaw's applicability to the Appellant's plans

for the Property, and also misstates the applicability to Appellant's proposed use of the Property imposed by authorities independent of the those created by the Bylaw.

The requested relief is proper because the Town is bound by the November 21, 2024 action of its then Zoning Administrator, an action relied upon by Appellant to its detriment and a decision and action which is also in accord with a proper interpretation and application of the Bylaw as applied to the Property. Further, the process the February 20, 2025 Action attempts to impose on Appellant's proposed use the of Property is not in accordance with law in that it attempts to impose review inapplicable and irrelevant standards of review on Appellant's use of the Property.

CONCLUSION

The Appellant respectfully requests that the Development Review Board issue an order upholding the binding effect of the November 21, 2024 communication of Zoning Administrator Todd Thomas and allow the Appellant to proceed with its use of the Property in accordance with the plans set forth on Exhibit A.

DATED at Morrisville, Vermont this 3th day of March, 2025.

L H & A Realty, LLC

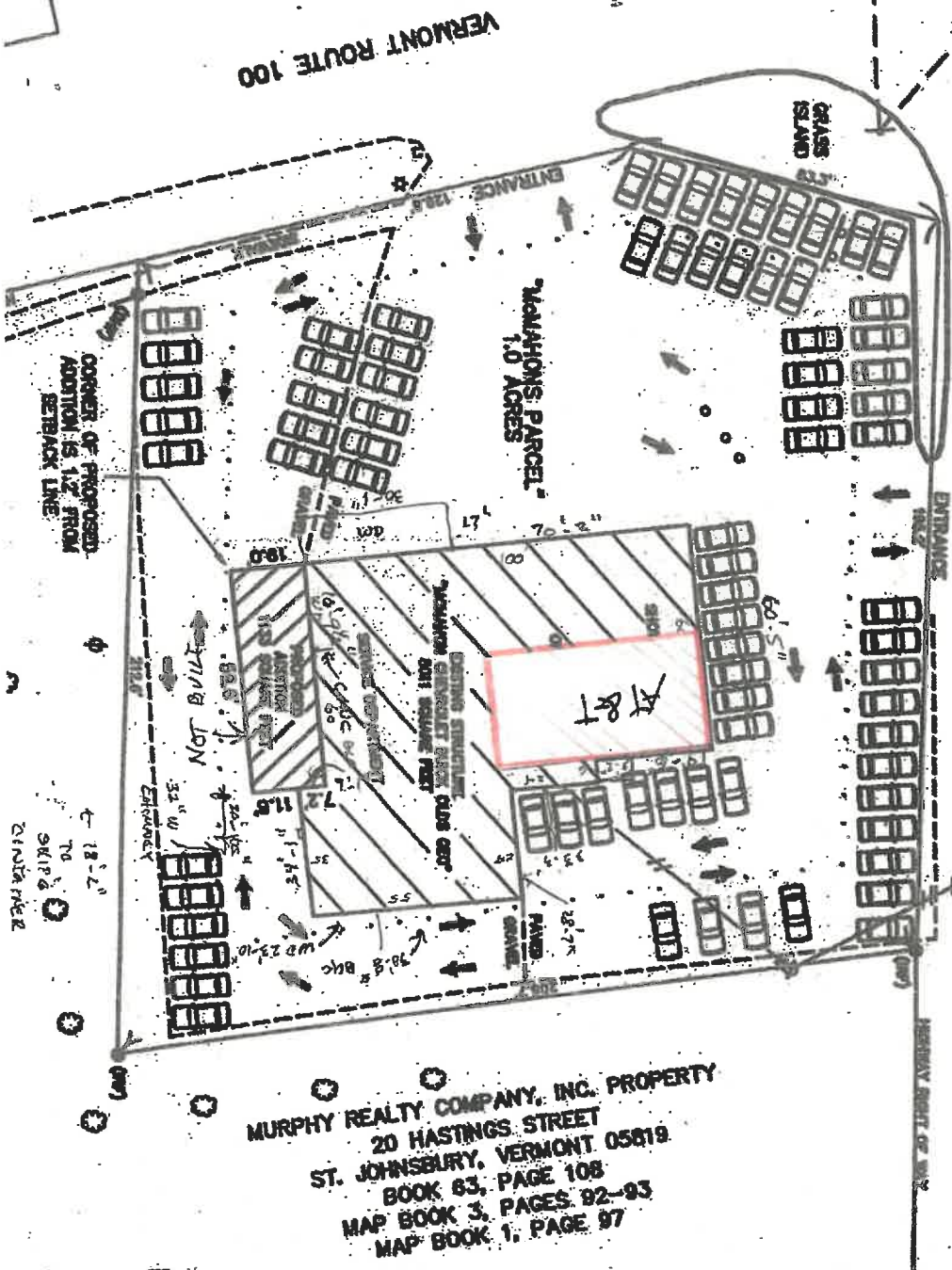
A handwritten signature in black ink, appearing to read "L H & A Realty LLC".

Louis J. Ferris

A handwritten signature in black ink, appearing to read "Louis J. Ferris".

VERMONT ROUTE 15

**TO
WOLCOTT**



MURPHY REALTY COMPANY, INC. PROPERTY
20 HASTINGS STREET
ST. JOHNSBURY, VERMONT 05819
BOOK 63, PAGE 108
MAP BOOK 3, PAGES 92-93
MAP BOOK 1, PAGE 97

SITE DEVELOPMENT PLAN FOR
L. H. & A. REALTY COMPANY, INC.
"MADAGONS PARCEL"
ROUTE 15 & ROUTE 100
MORRISVILLE, VERMONT SCALE: 1" = 30'

DEED REFERENCE
MORRISTOWN LAND RECORDS

M. V. MANAGEMENT, INC.

L. H. & A. REALTY COMPANY, INC.

BOOK 110, PAGE 405
DATED JULY 18, 1966

OWNERS: L.H. & A. REALTY COMPANY, INC.

P.O. Box 447
Newburyville, VT. 05661

PLAN PREPARED BY: POLYMER SURFACING, INC.
 RR. 1 BOX 1078
 JOHNSON, VT. 05656

THE PROPERTY IS LOCATED IN THE COMMERCIAL DISTRICT
 BEARING LOT NO. 1 ACRES
 UNIMPROVED FRONTAGE - 30 FEET ON A PUBLIC HIGHWAY
 SIDE - 40 FEET
 REAR - 20 FEET
 DEPTH - 40 FEET
 HIGHWAY FRONTAGE - 40 FEET
 DEPTH - 40 FEET
 HIGHWAY FRONTAGE - 40 FEET
 DEPTH - 40 FEET
 HIGHWAY FRONTAGE - 40 FEET
 DEPTH - 40 FEET

RE: McMahon's Plans for AT&T lease
at 32 VT Rte. 15 E Inbox

 Todd Thomas Nov 21, 2024   ...
to me Shawn

Thanks for sending along this attachment Louis. No local zoning permits are needed from my office to convert part of the old McMahon's space into a new AT&T store. The only thing that AT&T will need from me before they open at 32 VT Rte. 15 E is approval of their sign package and the lighting there of. There is no fee for this approval from my office, and it is generally handled via email.

Please let me know if you have additional questions. I am happy to help if you do. Thanks!

Kind regards,

Todd Thomas, AICP & CFM

Planning Director, Zoning Administrator, & Health Officer

802-888-6373

TThomas@MontpelierVT.gov

From: Louis j Ferris <louisferris@gmail.com>
Sent: Thursday, November 14, 2024 2:09 PM
To: Todd Thomas <TThomas@montpeliervt.gov>
Cc: Goodell, Shawn <shawn.goodell@vermont.gov>
Subject: McMahon's Plans

Ron Rodjenski

From: Zoning <zoning@morristownvt.gov>
Sent: Thursday, February 20, 2025 2:02 PM
To: louisjferris@gmail.com
Cc: Ron Rodjenski; Brent Raymond
Subject: Parcel #08089 / 32 VT Route 15 / Applicant: Ferris, Louis / proposed lease use
Attachments: VT 15 East 32 Ferris corner lot - VTRans Letter 24 VSA 4416 b.pdf;
RSG_Morristown_Northend Circulation Study_FINAL REPORT_09302011.pdf;
zoning_bylaws_2023_(1).pdf

Good afternoon Mr Ferris,

Thank you for the building renderings prepared by Greg Paus, the floor plan sketch and the site plan sketch for the property owned by LH&A Realty Limited Partnership, including the proposal for an awning with the AT&T logo.

A zoning permit application is required because this is new proposed land development per Section 401 of the 2023 Morrisville / Morristown Zoning and Subdivision Bylaws ("Bylaw") and is defined as "Retail Sales of Goods & Services" per Section 204.5a, the AT&T Store is a "Permitted" use in the COM-Commercial Zoning District). The zoning permit application must be deemed complete by the administrative officer before reviewing it for compliance with the Bylaw, including Site Plan Approval per Section 402.

For your consideration, some examples of the state statute and local bylaw provisions to be addressed by you in a complete application are:

- Bylaw Section 206 includes, for example, subsection (k) which prohibits parking between the building and the road from which it derives frontage, subsection (m) requires a lighting plan per Section 490, and subsection (o) which allows waivers from Section 206, if granting such waivers will meet at least two of the goals specified in Section 204.4.
- Bylaw Section 404 requires proof of 19 VSA 1111 approval from the State of Vermont Agency of Transportation for the new use. Additionally, a Site Plan review followed by a Vtrans letter is required by 24 VSA 4416, b as part of the complete zoning permit application.
- Bylaw Section 474 (c) requires the applicant to calculate the sign dimensions on the proposed awning (i.e. limited to 25% maximum of the awning surface).
- Bylaw Section 479, a limits window signage placed on the inside of the building to 50% of the window glass and if illuminated, that inside sign area shall be smaller than 10 square feet.
- Bylaw Section 502 (f) requires a boundary survey
- Bylaw Section 502, h requires all trash/recycle containers to be screened from public streets.

- The town's 2022 sidewalk policy, including the 2011 RSG "Circulation Study" adopted within the 2020-2030 Morristown/ Morrisville Town Plan may require installation of sidewalks beyond what is currently existing, attached policy for your reference. This includes a town plan requirement for sidewalks in the Commercial District on Page 8: "As the Commercial Zone continues to be developed and redeveloped, sidewalks and other pedestrian friendly amenities must be included so this area is not auto-dependent."

The zoning permit application review will initially be conducted by the administrative officer and may be referred to the Development Review Board Section 501. Such determination will be made upon review of a substantially complete application, and you will be provided with the required application fees.

The prior documents you provided will be marked "incomplete" application pending submittal of the application form, submittal documents required to comply with the current bylaw, and fees,

§ 4465. Appeals of decisions of the administrative officer

(a) An interested person may appeal any decision or act taken by the administrative officer in any municipality by filing a notice of appeal with the secretary of the board of adjustment or development review board of that municipality or with the clerk of that municipality if no such secretary has been elected. This notice of appeal must be filed within 15 days following the date of that decision or act, and a copy of the notice of appeal shall be filed with the administrative officer.

Please make any email replies as 'reply all' to include the zoning team members copied here. We are happy to schedule a Zoom meeting to answer any questions or concerns.

Kevin Petrochko

Interim Assistant Zoning Administrator

Town of Morristown, VT

43 Portland Street | PO Box 748

Morristown, VT 05661

zoning@morristownvt.gov

(802) 888-6371

TRACTOR SUPPLY COMPANY NORTHEAST LLC

5401 VIRGINA WAY

BRENTWOOD TN 37027

VERMONT CVS PHARMACY LLC

C/O CVS HEALTH CORPORATION

ONE CVS DRIVE WOONSOCKET RI 02895

AUBUCHON REALTY CO INC

73 JUNCTION SQUARE DR

CONCORD MA 01742-3049

SAVOY-TEXAS LLC

C/O KEY POINT PARTNERS

155 DORSET STREET S. BURLINGTON VT 05403

L H & A REALTY LLC.

PO BOX 1580

DELAND FL 32721