



TOWN OF MORRISTOWN DEVELOPMENT REVIEW BOARD
WARNED PUBLIC HEARING
COMMUNITY MEETING ROOM OF THE OLD TEGU THEATER
43 Portland Street in Morrisville, VT 05661
6:00 PM Wednesday, April 30, 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 3-31-25

IV. PUBLIC COMMENTS

V. ACTION ITEMS TO BE CONSIDERED

VI. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. #2025-021 submitted by Victor Russell, on behalf of Victor & Novia Russell (Parcel 12101-01, 274 Golf Course Rd., Morristown) requesting subdivision of 2.76-acre Parcel 12101-1 to be reduced to 1.38 acres and creation of 12107-7 of 1.38 acres, including a Waiver Request per Section 204.4 for reduction of dimensional requirements (minimum lot size) up to 25%. This application to be reviewed under the 2023 Morristown Morrisville Zoning and Subdivision Regulations. The administrative officer may review the minor subdivision concurrently with this application per Section 611.3 following the DRB's decision on the lot size waiver request.
2. #2025-019 submitted by James Quinn, on behalf of Pack and Park Self Storage, LLC (Parcel 07328, 568 Laporte Rd., Morrisville), requesting an automated gate 24-feet wide by 6-feet high slide gate with keypad in/out per Sections 425.1 of the 2023 Morristown Morrisville Zoning and Subdivision Regulations which requires DRB review of all fences not otherwise exempt. The property is in the Commercial and High Density Residential Zoning Districts.
3. #2025-020 submitted by Diane K. Cote, on behalf of Diane K. Cote Revocable Trust (Parcel 07009, 1126 Laporte Rd., Morristown), requesting to amend permit 2024-027 regarding the sidewalk requirement and the Morristown Sidewalk Policy approved by the Selectboard lastly in 12/19/2022. The request comes under Section 400 of the 2023 Morristown Morrisville Zoning and Subdivision Regulations requiring zoning permits for changes in use. The property is in the Low Density Residential Zoning District.
4. #2025-011 submitted by Matthew Percy, on behalf of Dale E. Percy, Inc. (Parcel 16099-09, 0 Elizabeths Lane, Morristown), requesting to subdivide +/- 32.65-acre parcel 16099-9 into 6 new parcels: 16099-18 (0.50 ac), 16099-19 (0.68 ac), 16099-21 (0.82 ac), and 16099-23 (Open Space), 16099-30 (0.66 ac), 16099-09 becomes +/- 7.02 acres. Merge 16098 (4.34 ac) into new Parcel 16099-23 for 25.11 acres of Open Space. Parcel 16099-15 merges into 16099-14 to become 1.39 acres. This application is Phase 3 of a Planned Unit Development to be reviewed under Section 510 of the 2023 Morristown Morrisville Zoning and Subdivision Regulations. The property is in the Rural Residential Area Zoning District.

VII. OTHER BUSINESS

1. Update on draft DRB Rules of Procedure

VIII. ADJOURN



DEVELOPMENT REVIEW BOARD MEETING MINUTES OF MARCH 31, 2025

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

Absent:

ADMINISTRATION and STAFF: Brent Raymond, Town Manager/Interim Zoning Administrator; Kevin Petrochko, Interim Assistant Zoning Administrator; Ron Rodjewski, Consultant

PARTICIPANTS/GUESTS: Jerry Throne, Ronald Stancliff, Charlie Burnham

CALL MEETING TO ORDER

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

AGENDA CHANGES OR ADDITIONS

Add under Other Business as 4: Elect Chair and Vice Chair

APPROVE PRIOR MEETING MINUTES

1. Approve minutes 2-20-25

Motion made by Mary Ann Wilson to approve the minutes of 2/20/2025. Motion seconded by Donnie Blake. Motion carried. (5/0/2) Christy Snipp and Chris Wiltshire abstained.

2. Approve minutes 3-12-25

Motion made by Mary Anne Wilson to approve the DRB minutes of 3/12/2025. Motion seconded by Donnie Blake. Motion carried. (6/0/1) Chris Wiltshire abstained.

PUBLIC COMMENT

None

ACTION ITEMS TO BE CONSIDERED

1. None

None

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.**

Those sworn in were:

Louis Ferris Jr
Louis Ferris Sr
Brent Raymond
Kevin Petrochko
Ron Rodjenski

Paul Trudell recused himself as a DRB member due to a conflict of interest.

The meeting revolved around the hearing of appeals and development applications, specifically focusing on a property submitted by Lewis J. Ferris on behalf of L.H. and A Realty LLC. The property, located at 32 VT Route 15E is in the commercial zoning district. The appellant requested the DRB to uphold the email determination of a November 21st 2024 communication of former zoning Administrator Todd Thomas and allow the appellant to proceed with its use of property, in accordance with the plans provided by the appellant. The subject property is in the commercial zoning district. The applicant, Louis Ferris Jr, presented his case, stating that the goal is to bring new business to a well-known vacant property at the crossroads of Morristown. He also mentioned that they have been working with multiple prospective tenants and had been in correspondence with the former zoning administrator, Todd Thomas, who offered them an executive approval to permit and allow them to move forward with the project.

The discussion also touched on the need for permits and the potential for delays in the project timeline. Ron clarified that the retail use is a permitted use in the commercial district and that an administrative permit could be approved quickly if certain criteria are met. The conversation ended with the board members discussing the issue of change of use and the need for a permit. Brent, Ron and Kevin consulted the legal department, who determined that an email from Todd Thomas to L.H.&A Reality was not a decision in keeping with the Zoning Bylaws.

Motion made by Chris Wiltshire to go into a deliberative session. Motion seconded by Susanne Burnham. Motion carried. (7/0/1). Paul Trudell recused himself due to a conflict of interest from the hearing.

Motion made by Chris Wiltshire to come out of the deliberative session. Motion seconded by Mary Ann Wilson. Motion carried (7/0/1). Paul Trudell recused himself due to a conflict of interest from the hearing.

OTHER BUSINESS

1. Trainings and DRB Correspondence

Ron informed the committee there is self-taught online training through VLCT on Planning and Zoning available to the DRB members. Also, he can arrange specific DRB in-house training in areas requested by members. He recommended the following topics: Stowe-Highlands law, and the 1111 requirements of VTrans. There will be a VLCT Planning and Zoning Training in May.

2. Board member comments & requests to staff

The DRB members have several requests. One was to have site plans enlarged enough so that the details could be seen easily. Another was to arrange the Stowe-Highland/Hildebrand Analysis laws written on a step-by-step page for each member to have for a reference. Each member should have a written definition of "critical" as used in the town plan and bylaws for ease of use by the DRB members. The town bylaws should be set in a checklist format which would allow an easy means of monitoring compliance.

3. Staff permit updates and upcoming hearings

Kevin has created an Excel worksheet of zoning permits, with dates and summaries of progress on each step, and a timeline for completion. All site plans must be completed before coming to the DRB.

4. Elect Chair and Vice Chair

Member Paul Trudell was able to vote on the elections of Chair and Vice Chair as he is a regular member and Chris Wiltshire is now an alternate so he abstained.

Motion made by Gary Nolan to approve the nomination of Donald Blake Jr. as Vice Chair. Motion seconded by Susanna Burnham. Motion carried (6/0/2). Donald Blake Jr and Chris Wiltshire abstained.

Motion made by Donald Blake Jr. to approve the nomination of Gary Nolan as Chair. Motion seconded by Susanna Burnham. Motion carried (6/0/2). Gary Nolan and Chris Wiltshire abstained.

ADJOURN

Motion made by Christy Snipp to close the hearing and send out their decision to the concerned people and adjourn the meeting. Motion seconded by Mary Ann Wilson. Motion carried (7/0/1). Paul Trudell recused himself due to a conflict of interest from the hearing.

Meeting adjourned at 7:12 pm
Submitted and filed this 4/4/2025.
Bonnie McDermott, Scribe

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

TOWN OF MORRISTOWN, VERMONT

CERTIFICATE OF SERVICE

I, Kevin Petrochko, certify that on APRIL 14, 2025, I served a copy of the Morristown Development Review Board's Notice of Hearing, to be held April 30th, 2025, attached, regarding the below matter, to all parties by U.S. Mail (or via email as noted) to the following:

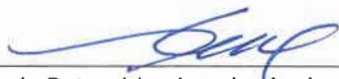
- J D ASSOCIATES LP C/O WM JAREMCZUK PO BOX 1304 STOWE, VT 05672
- NEWELL PAULA S 208 GOLF COURSE RD MORRISVILLE, VT 05661
- RUSSELL VICTOR RUSSELL NOVIA 274 GOLF COURSE RD MORRISVILLE, VT 05661

#2025-021 submitted by Victor Russell, on behalf of Victor & Novia Russell (Parcel 12101-01, 274 Golf Course Rd., Morristown) requesting subdivision of 2.76-acre Parcel 12101-1 to be reduced to 1.38 acres and creation of 12107-7 of 1.38 acres, including a Waiver Request per Section 204.4 for reduction of dimensional requirements (minimum lot size) up to 25%. This application to be reviewed under the 2023 Morristown Morrisville Zoning and Subdivision Regulations. The administrative officer may review the minor subdivision concurrently with this application per Section 611.3 following the DRB's decision on the lot size waiver request.

NOTICE OF RIGHT TO APPEAL

Per Title 24 V.S.A. §4471, Appeal of DRB Decision to Environmental Court: Only an interested person who participates in the DRB hearing may appeal a decision. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Any interested party may appeal the Board's decision to the Environmental Court, in writing, within 30 days of the date of the decision. Failure to appeal this decision within that period may limit one's right to challenge this decision in the future. This decision is binding pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality)

Dated at Morristown, Vermont this 14th day of April 2025.

By: 
Kevin Petrochko, Interim Assistant Zoning Administrator

TOWN OF MORRISTOWN/VILLAGE OF MORRISVILLE
SUBDIVISION PERMIT APPLICATION

Tax Map Number: 12101-01 Permit Number: 2025-021

XX

All questions **Must** be completed in full or application will be **Denied**. Please print or type information

Subdivision Name: 274 Golf Course Subdivision

E-911 Property Address: 274 Golf Course Rd

Property Owner: Victor & Novia Russell

Mailing Address: 274 Golf Course Rd, Morristown VT 05661

Applicant (if different than owner): Same

Mailing Address: _____

Telephone: Work: _____ Home: (802) 275-2516 Email: vic.2004@hotmail.com

Engineer of Plan: Tyler Mumley, Mumley Engineering, Inc.

Mailing Address: PO Box 68, Morrisville VT 05661

Telephone: 802-851-8882 Email: tyler@mumleyinc.com Zoning District: RRA

Total Acreage: 2.76 Number of Lots: 2 Acreage per Lot: 1.38 1.38

Road Frontage: 145 ft Length of Internal Road: N/A

Act 250 Applied For: Y/N State Subdivision Applied For: Y/N Easements/Rights-of-Way: Y/N
Are They Shown on Plat: Y/N PUD: Y/N Number of Units: _____ Erosion Plan: Y/N

Description of Project:

Proposed subdivision of 2.76-acre Parcel 12101-1 to be reduced to 1.38 acres and creation of Parcel 12101-7 of 1.38 acres,
including Waiver Request per Section 204.4 for reduction of dimensional requirements (minimum lot size) up to 25%.

The undersigned hereby requests a hearing for the proposed subdivision described above. Any permit issued as a result of this application shall be null and void in the event of misrepresentation or failure to file a survey plat of the subdivision within 180 days of approval.


Signature of Owner -


Signature of Applicant

04/04/2025
Date Submitted

Survey Notes

1. Purpose of this survey is to depict a proposed subdivision of an existing parcel of land owned by Victor & Novia Russell, dated July 20, 2021, recorded in the Town of Morris Town, Vermont, Vol. 309 Pg. 85. The survey is for the purpose of showing property lines and buildings shown MAY be approximate only, and are shown for information purposes only.
2. Field survey was conducted Winter 2025. Bearings shown are from Grid North, Vermont Coordinate System of 1983, based upon our GPS observations on or adjacent to the title (Reference Frame NAD83 (2011), Epoch 2010).
3. Iron pipes shown as "found" are typically labeled with inside diameter, rods with outside diameter, unless otherwise noted. Condition of pipes, rods and markers found are "good" unless otherwise noted. Corners denoted "Proposed" shall typically consist of 1/2" diameter iron pipe capped with aluminum disks stamped "Gilson Land Surveying, PLLC".
4. This survey and certification do not constitute a guarantee of title.
5. An effort has been made to identify record or observed easements, however easements may exist not depicted on this survey.
6. Not being within the scope of this survey, Gilson Land Surveying, PLLC has conducted no investigation whatsoever respecting whether or not the property and each component thereof is in compliance with state or local permits.
7. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. Buried utilities shown are indicated by "X" marks and are not shown on record documents.
8. Golf Course Road is shown as a 3 rd rd right of way based on record documents, monumentation found and the traveled portion of the highway.
9. Parcels in the Rural Residential Agricultural Zoning District.
10. Subdivision is subject to the terms of the Notice of Decision, Findings of Fact, Conclusions, Decision & Conditions of Approval of Subdivision Permit ###-###-### dated ###-##-####.

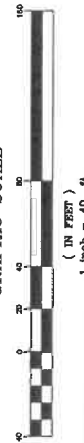
Referenced Plats or Plans

- A. "A Theodolite & Tape Survey, A Four Lot Subdivision, The Brent & Mona Allaire Property", prepared by Gove Land Surveyors, Inc., dated June 28, 1988, Map Slide 72.
- B. "Plan of Land in Morris Town, Vermont Being Conveyed by Brent D. & Mona L. Allaire to Rita D. Hill", prepared by Spear Surveying, Inc., dated June 1988, Map Slide 63.
- C. "Boundary Line Adjustment Survey, Land of Golf Course Estates, LLC", prepared by Brent D. & Mona L. Allaire, measured by JPR Survey, dated June 1984, Map Slide 57.
- D. "Subdivision Plan: Land of Golf Course Estates, LLC", prepared by Holt Gilman Survey Associates, LLC, dated November 19, 2021, Map Slide 387.
- E. "Boundary Line Adjustment Survey, Land of Golf Course Estates, LLC", prepared by Holt Gilman Survey Associates, LLC, dated November 19, 2021, Map Slide 382.
- F. "Property Line Adjustment, Ralph J. & Theresa Allier and Joseph Allier", prepared by Little River Survey Company, dated October 1994, Map Slide 129.
- G. "4 Lot Subdivision, T.R. #5, Morris Town, VT; Brent Allaire", prepared by Richard W. EC-5-6837.
- H. "Proposed Subdivision, Property of Golf Course Estates, LLC", prepared by Gilson Land Surveying, PLLC, dated December 11, 2023, Map Slide 010 (2023).

RECEIVED FOR RECORDING IN THE LAND RECORDS OF THE TOWN OF MORRISTOWN, VERMONT, AT _____ O'CLOCK ON THE _____ DAY OF _____, 20____.

ATTEST: _____ TOWN CLERK

GRAPHIC SCALE



DRAFT
for Review
4/12/2025

Rebecca Gilson, PLS

VTLS 109314

To the best of my knowledge and belief this plat depicts the results of a survey conducted by me as described in "Survey Notes" above, based upon our analysis of land records and evidence found in the field. Existing boundaries shown are in substantial conformance with the records, except as noted. This plat is in substantial compliance with 27 VSA 1403, "Recording of Land Plats". This statement valid only when accompanied by my original signature and seal.

Certification

Legend

- SUBJECT PROPERTY LINE
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- IRON PIPE / CAPPED PIPE / FOUND REBAR / CAPPED REBAR
- CAPPED REBAR PROPOSED
- AG/BC ABOVE GRADE/BELOW GRADE
- n/1 NOW OR FORMERLY

Date	Revisions	By

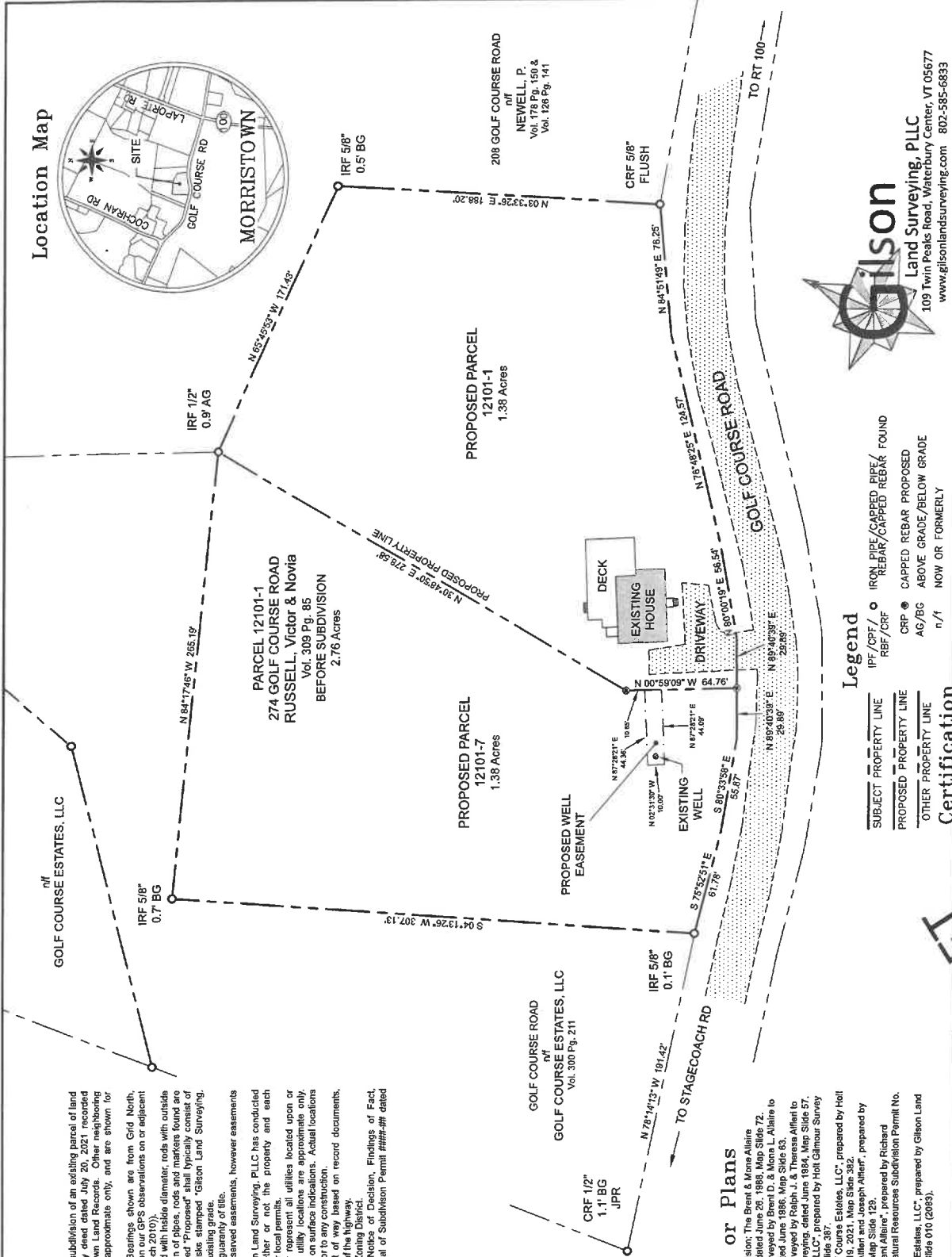
Proposed Subdivision
Victor & Novia Russell
274 Golf Course Road
Morristown, VT

1" = 40' Date: 2/27/2025 DWG# 25013



Gilson
Land Surveying, PLLC
109 Twin Peaks Road, Waterbury Center, VT 05677
www.gilsonlandsurveying.com 802-585-6833

Location Map



TOWN OF MORRISTOWN, VERMONT

CERTIFICATE OF SERVICE

I, Kevin Petrochko, certify that on APRIL 14, 2025, I served a copy of the Morristown Development Review Board's Notice of Hearing, to be held April 30th, 2025, attached, regarding the below matter, to all parties by U.S. Mail (or via email as noted) to the following:

- ALL SAINTS CATHOLIC ACADE 680 LAPORTE RD MORRISVILLE, VT 05661
- GEORGIADIS PETROS & ATHEN 686 LOWER ELMORE MTN RD MORRISVILLE, VT 05661
- JERSEY HEIGHTS RESIDENCES 29 BIRCH STREET S BURLINGTON, VT 05403
- LAMARE MONTY WREND TRACY 733 COTE HILL RD MORRISVILLE, VT 05661
- R E K HOLDINGS LLC PO BOX 489 MORRISVILLE, VT 05661
- R L VALLEE INC PO BOX 192 ST ALBANS, VT 05478
- RIVERSIDE VILLAGE LLC PO BOX 728 STOWE, VT 05672
- JAMES QUINN 594 BLUSH HILL RD WATERBURY, VT 05676

#2025-019 submitted by James Quinn, on behalf of Pack and Park Self Storage, LLC (Parcel 07328, 568 Laporte Rd., Morrisville), requesting an automated gate 24-feet wide by 6-feet high slide gate with keypad in/out per Sections 425.1 of the 2023 Morristown Morrisville Zoning and Subdivision Regulations which requires DRB review of all fences not otherwise exempt. The property is in the Commercial and High Density Residential Zoning Districts.

NOTICE OF RIGHT TO APPEAL

Per Title 24 V.S.A. §4471, Appeal of DRB Decision to Environmental Court: Only an interested person who participates in the DRB hearing may appeal a decision. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Any interested party may appeal the Board's decision to the Environmental Court, in writing, within 30 days of the date of the decision. Failure to appeal this decision within that period may limit one's right to challenge this decision in the future. This decision is binding pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality)

Dated at Morristown, Vermont this 14th day of April 2025.

By: _____

Kevin Petrochko, Interim Assistant Zoning Administrator

Tax Map Number: #07328 Permit Number: 2025-019
 All questions must be completed in full or application will be Denied (Please print or type information)
 E-911 Property Address: 568 LaPorte Rd Morrisville Book Page
 Property Owner: Pack and Park Self Storage LLC
 Mailing Address: P.O. Box 747 Morrisville, VT 05661
 Applicant (if different from owner): JAMES QUINN
 Mailing Address: 594 Blush Hill Rd. Waterbury, VT 05676
 Telephone: Work: 802-249-7031 Home: Same Email: JQUINN59@yahoo-com

Nature of Request: Conditional Use: _____ Site Plan Review: _____ Variance: _____ Appeal: _____ Waiver: _____

Describe proposed project and nature of request: _____

Access Permit:	Y		Light Plan:	Y	
Easements and Rights of Ways Shown:	Y		Interdepartmental Sign-Offs:	Y	
Act 250 permit Required:	Y		Traffic Flow Plan:	Y	
Landscaping Plan:	Y		Contour Map:	Y	

Signature of Owner _____ Signature of Applicant _____ Date Submitted 4/3/25

Please note that this is a local permit only, state permits may be needed for your project. Please contact the Permit Specialist at the VT Agency of Natural Resources at (802) 476-0195.

conditions attached to the permit.. see minutes of

Page 10 of 30

MIDDLEBURY FENCE

RESIDENTIAL & COMMERCIAL

802-388-2225 • MiddleburyFence.com

MIDDLEBURY FENCE COMPANY 1341 ETHAN ALLEN HIGHWAY
NEW HAVEN, VERMONT 05472 (802) 388-2225

PROPOSAL/CONTRACT

Page 1
03/04/2024

Customer Information:

Pack and Park Self Storage
James Quinn
568 Laporte Rd, Morrisville, VT 05661
Morrisville, VT 05661

Job Information:

Automated Gate
24W x 6H Slide Gate
Keypad in/out

Notes:

This proposal is for the installation of an automated slide gate with the following details:

- 4" X 12' SCH 40 PIPE GATE POST
- 3" X 11' SCH 40 PIPE LATCH POST
- All posts are to be set in concrete footers 12" diameter x 48" deep.
- 72" X 24' 2 1/2" LG-30 PIPE CANTILEVER GATE

GATE AUTOMATION:

- Hysecurity Slidesmart DC10F 2ft/sec. Operator is to be mounted to full concrete pad.
- Siren Activated Gate Module - SAGM
- Hysecurity Base Riser 12.5"
- 48" gooseneck pedestal Pad Mount. Access control devices provided by owner

MIDDLEBURY FENCE COMPANY agrees to guarantee above fence to be free from defects in materials and workmanship for three years.

MIDDLEBURY FENCE COMPANY shall advise the customer as to local zoning regulations but responsibility for complying with said regulations and obtaining any required permits shall rest with the customer. MIDDLEBURY FENCE COMPANY will assist the customer, upon request, in determining where the fence is to be erected, but under no circumstance does MIDDLEBURY FENCE COMPANY assume any responsibility concerning property lines or in any way guarantee their accuracy. If property pins cannot be located it is recommended that the customer have the property surveyed.

MIDDLEBURY FENCE COMPANY will assume the responsibility for having underground public utilities located and marked. However, MIDDLEBURY FENCE COMPANY assumes no responsibility for unmarked sprinkler lines, or any other unmarked buried lines or objects. The customer will assume all liability for any damage caused by directing MIDDLEBURY FENCE COMPANY to dig in the immediate vicinity of known utilities.

Partial billing for materials delivered to the job site and work completed may be sent at weekly intervals. Adjustments for material used on this



job and adjustments for labor will be charged or credited at the currently established rates. Ledge or rock drilling will be charged at \$120 per hole. Additional charges for any extra work not covered in this contract requested by the customer to be charged at established rates. The full amount of this contract along with any additional charges will become payable upon completion of all work whether or not it has been invoiced.

A finance charge of 1 1/2% per month (or a minimum of \$1.00), which is an annual percentage rate of 18%, shall be applied to accounts that are not paid within 10 days after completion of any work invoiced. All materials will remain the property of MIDDLEBURY FENCE COMPANY until all invoices pertaining to this job are paid in full. The customer agrees to pay all interest and any costs incurred in the collection of this debt.

Contract Amount: \$ _____

Down Payment: \$ _____

Balance Due: \$ _____

Approved & Accepted for Customer:

Customer

Date

Accepted for MIDDLEBURY FENCE COMPANY:

Salesperson

Date

ABUTTING PACKET AS
MAILED 4/14/25
-Kmp

TOWN OF MORRISTOWN, VERMONT

CERTIFICATE OF SERVICE

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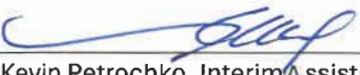
- COTE DIANE K REVOCABLE TR 469 ROUTE 12 ELMORE, VT 05661-4475
- JONES STEVEN & KATHLEEN 1164 LAPORTE ROAD MORRISVILLE, VT 05661
- MARCKRES REALTY LLC 780 COBURN HILL CRAFTSBURY, VT 05826
- MEADE ARTHUR H & JEAN P 1244 LAPORTE RD MORRISVILLE, VT 05661

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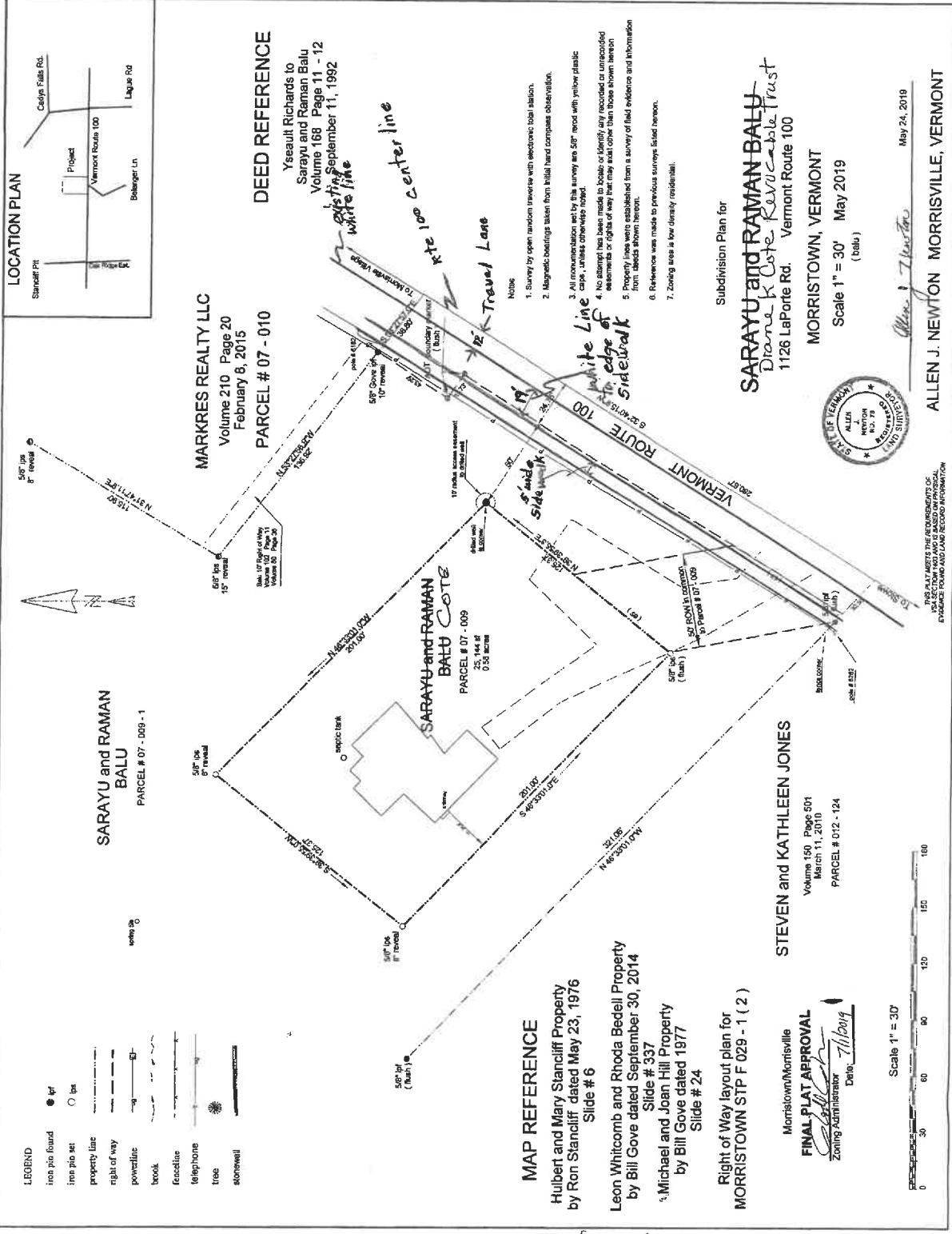
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Dated at Morristown, Vermont this 14th day of April 2025.

By: 
Kevin Petrochko, Interim Assistant Zoning Administrator

Tax Map Number: 07009 Permit Number: 2024-027



State Highway
Access + work permit
Marc + Diane K. Co.
1126 Laporte Rd
Morristown, VT.
2-28-25

Subdivision Plan for
SARAYU and RAMAN BALU
Diane K. Cote Revocable Trust
1126 LaPorte Rd. Vermont Route 100
MORRISTOWN, VERMONT



Scale 1" = 30'
(balu)

May 24, 2019

ALLEN J. NEWTON MORRISTOWN, VERMONT

USDA NRS THE REQUIREMENTS OF
VARIABLE PLANT AND LAND RECORD INFORMATION

ADDITIONAL PACKET IS MAILED ON
4/14/25 — Kuf

TOWN OF MORRISTOWN, VERMONT

CERTIFICATE OF SERVICE

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- ELIZABETHS LANE LLC 470 SINCLAIR DRIVE STOWE, VT 05672
- ELIZABETHS LANE LLC C/O AWN SUSAN V & UNDERWO 315 ELIZABETHS LANE MORRISVILLE, VT 05661
- KUBALA MILAN WEHR-KUBALOVA HEIDI 335 ELIZABETHS LANE MORRISVILLE, VT 05661
- MARHEFKA CAROLINE 312 ELIZABETHS LANE MORRISVILLE, VT 05661
- NEWHOUSE JEFFREY 493 THOMAS LN STOWE, VT 05661
- RIVERWATCH CONSTRUCTION C 470 SINCLAIR DRIVE STOWE, VT 05672
- RIVERWATCH CONSTRUCTION C C/O ELIZABETHS LANE LLC 470 SINCLAIR DRIVE STOWE, VT 05672
- SMALL ALLENE R & OLSON REBECCA G TRUSTEES OF WINFORD F SMALL REV TRUST 1424 WATERBURY RD STOWE, VT 05672
- DALE E PERCY INC 269 WEEKS HILL RD STOWE, VT 05672-4115
- DRESDEN GRAHAM HSU-DRESDEN IRENE 17 VALLEY VIEW RD WESTON, MA 02493
- DUNJO-DENTI JORDI PRATS-BACIERO ELENA 346 ELIZABETHS LANE MORRISVILLE, VT 05661

#2025-011 submitted by Matthew Percy, on behalf of Dale E. Percy, Inc. (Parcel 16099-09, 0 Elizabeths Lane, Morristown), requesting to subdivide +/- 32.65-acre parcel 16099-9 into 6 new parcels: 16099-18 (0.50 ac), 16099-19 (0.68 ac), 16099-21 (0.82 ac), and 16099-23 (Open Space), 16099-30 (0.66 ac), 16099-09 becomes +/- 7.02 acres. Merge 16098 (4.34 ac) into new Parcel 16099-23 for 25.11 acres of Open Space. Parcel 16099-15 merges into 16099-14 to become 1.39 acres. This application is Phase 3 of a Planned Unit Development to be reviewed under Section 510 of the 2023 Morristown Morrisville Zoning and Subdivision Regulations. The property is in the Rural Residential Area Zoning District.

NOTICE OF RIGHT TO APPEAL

Per Title 24 V.S.A. §4471, Appeal of DRB Decision to Environmental Court: Only an interested person who participates in the DRB hearing may appeal a decision. Participation in a local regulatory proceeding shall consist of offering, through oral or written testimony, evidence or a statement of concern related to the subject of the proceeding. Any interested party may appeal the Board's decision to the Environmental Court, in writing, within 30 days of the date of the decision. Failure to appeal this decision within that period may limit one's right to challenge this decision in the future. This decision is binding pursuant to 24 V.S.A. § 4472 (d) (exclusivity of remedy; finality)

Dated at Morristown, Vermont this 14th day of April 2025.

By: _____

Kevin Petrochko, Interim Assistant Zoning Administrator

TOWN OF MORRISTOWN, VERMONT

CERTIFICATE OF SERVICE

I, Kevin Petrochko, certify that on APRIL 14, 2025, I served a copy of the Morristown Development Review Board's Notice of Hearing, to be held April 30th, 2025, attached, regarding the below matter, to all parties by U.S. Mail (or via email as noted) to the following:

- ELIZABETHS LANE LLC 470 SINCLAIR DRIVE STOWE, VT 05672
- ELIZABETHS LANE LLC C/O AWN SUSAN V & UNDERWO 315 ELIZABETHS LANE MORRISVILLE, VT 05661
- KUBALA MILAN WEHR-KUBALOVA HEIDI 335 ELIZABETHS LANE MORRISVILLE, VT 05661
- MARHEFKA CAROLINE 312 ELIZABETHS LANE MORRISVILLE, VT 05661
- NEWHOUSE JEFFREY 493 THOMAS LN STOWE, VT 05661
- RIVERWATCH CONSTRUCTION C 470 SINCLAIR DRIVE STOWE, VT 05672
- RIVERWATCH CONSTRUCTION C C/O ELIZABETHS LANE LLC 470 SINCLAIR DRIVE STOWE, VT 05672
- SMALL ALLENE R & OLSON REBECCA G TRUSTEES OF WINFORD F SMALL REV TRUST 1424 WATERBURY RD STOWE, VT 05672
- DALE E PERCY INC 269 WEEKS HILL RD STOWE, VT 05672-4115
- DRESDEN GRAHAM HSU-DRESDEN IRENE 17 VALLEY VIEW RD WESTON, MA 02493
- DUNJO-DENTI JORDI PRATS-BACIERO ELENA 346 ELIZABETHS LANE MORRISVILLE, VT 05661

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Dated at Morristown, Vermont this 14th day of April 2025.

By: _____

Kevin Petrochko, Interim Assistant Zoning Administrator

** NOTICE SENT TO
TOWN OF STOWE ON
APRIL 15, 2025*

[Signature]

**TOWN OF STOWE
ATTN: PLANNING AND ZONING
PO BOX 730
STOWE, VT 05672-0730**

**TOWN OF MORRISTOWN/VILLAGE OF MORRISVILLE
SUBDIVISION PERMIT APPLICATION**

Tax Map Number: 16099-09 Permit Number: _____
XX

All questions **Must** be completed in full or application will be **Denied**. Please print or type information

Subdivision Name: Elizabeth Lane

E-911 Property Address: 0 Elizabeths Lane

Property Owner: Dale E Percy, Inc.

Mailing Address: 269 Weeks Hill Road, Stowe, VT, 05672

Applicant (if different than owner): N/A

Mailing Address: N/A

Telephone: Work: (802) 249-1796 Home: _____ Email: matt@dalepercyinc.com

Engineer of Plan: Tyler Mumley, Mumley Engineering, Inc.

Mailing Address: PO Box 68, Morrisville VT 05661

Telephone: 802-851-8882 Email: tyler@mumleyin.com Zoning District: RRA

Total Acreage: 11.88 Number of Lots: _____ Acreage per Lot: 18 = 0.50 19 = 0.68
20 = 0.66 21 = 0.82 22 = 0.93 23 = 20.77 9 = 7.02 14 = 1.39 23 = 25.11

Road Frontage: N/A Length of Internal Road: N/A

Act 250 Applied For: Y N State Subdivision Applied For: Y N Easements/Rights-of-Way: Y N
Are They Shown on Plat: Y N PUD: Y N Number of Units: _____ Erosion Plan: Y N

Description of Project:

Subdivide ±32.65-acre parcel 16099-9 into 6 new parcels: 16099-18 (0.50 ac), 16099-19 (0.68-ac), 16099-20 (0.66-ac), 16099-21 (0.82-ac), 16099-22 (0.93 ac), and 16099-23 (Open Space). 16099-09 becomes ±7.02 acres. Merge Parcel 16098 (4.34 ac) into new Parcel 16099-23 for 25.11 acres of Open Space. Parcel 16099-15 merges into 16099-14 to become 1.39 acres.

The undersigned hereby requests a hearing for the proposed subdivision described above. Any permit issued as a result of this application shall be null and void in the event of misrepresentation or failure to file a survey plat of the subdivision within 180 days of approval.

Matthew Percy Digitally signed by Matthew Percy
Date: 2025.03.05 08:53:01 -05'00'

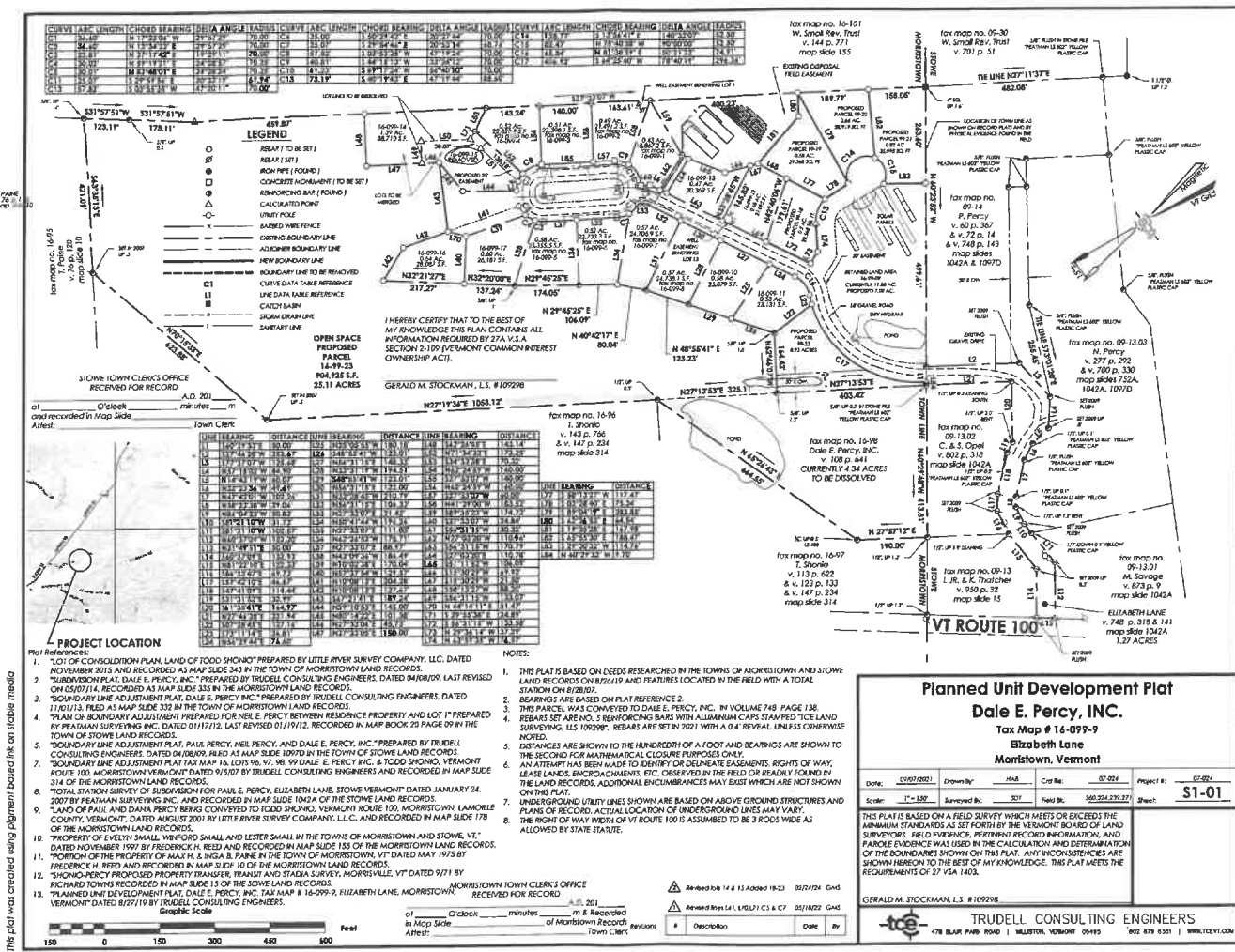
Signature of Owner

Matthew Percy Digitally signed by Matthew Percy
Date: 2025.03.05 08:53:25 -05'00'

Signature of Applicant

03/05/2025

Date Submitted



This plat was created using alignment based on a scale of 1 inch = 100 feet.

- Project Location**
1. "LOT OF CONSOLIDATION PLAN, LAND OF TODD SHOWN" PREPARED BY LITTLE RIVER SURVEY COMPANY, LLC, DATED NOVEMBER 2015 AND RECORDED AS MAP SLIDE 343 IN THE TOWN OF MORRISTOWN LAND RECORDS.
2. "SUBDIVISION PLAT, DALE E. PERCY, INC." PREPARED BY TRUETT CONSULTING ENGINEERS, DATED 04/08/09, LAST REVISED 08/07/14, RECORDED AS MAP SLIDE 333 IN THE MORRISTOWN LAND RECORDS.
3. "BOUNDARY LINE ADJUSTMENT PLAT, DALE E. PERCY, INC." PREPARED BY TRUETT CONSULTING ENGINEERS, DATED 11/01/13, FILED AS MAP SLIDE 332 IN THE TOWN OF MORRISTOWN LAND RECORDS.
4. "PLAN OF BOUNDARY ADJUSTMENT PREPARED FOR DALE E. PERCY, INC. BY TRUETT CONSULTING ENGINEERS AND LOG 1" PREPARED BY PERMAN SURVEYING INC., DATED 01/17/12, LAST REVISED 01/19/12, RECORDED IN MAP BOOK 20 PAGE 09 IN THE TOWN OF MORRISTOWN LAND RECORDS.
5. "BOUNDARY LINE ADJUSTMENT PLAT, PAUL PERCY, NEIL PERCY, AND DALE E. PERCY, INC." PREPARED BY TRUETT CONSULTING ENGINEERS, DATED 04/08/09, FILED AS MAP SLIDE 1097D IN THE TOWN OF MORRISTOWN LAND RECORDS.
6. "BOUNDARY LINE ADJUSTMENT PLAT, DALE E. PERCY, INC." PREPARED BY TRUETT CONSULTING ENGINEERS, DATED 04/08/09, FILED AS MAP SLIDE 1097D IN THE TOWN OF MORRISTOWN LAND RECORDS.
7. "TOTAL STATION SURVEY OF SUBDIVISION FOR PAUL E. PERCY, ELIZABETH LANE, STOWE VERMONT DATED JANUARY 24, 2007 BY PERMAN SURVEYING INC. AND RECORDED IN MAP SLIDE 1042A OF THE MORRISTOWN LAND RECORDS.
8. "LAND OF PAUL AND DALE PERCY BEING CONVEYED TO TODD SHOWN, VERMONT ROUTE 100, MORRISTOWN, LAMARLE COUNTY, VERMONT, DATED AUGUST 2001 BY LITTLE RIVER SURVEY COMPANY, LLC, AND RECORDED IN MAP SLIDE 178 OF THE MORRISTOWN LAND RECORDS.
9. "PROPERTY OF EVELYN SHALL, WINFORD, H. REED AND RECORDED IN MAP SLIDE 153 OF THE MORRISTOWN LAND RECORDS.
10. "PORTION OF THE PROPERTY OF MAX H. & INGA B. PAINE IN THE TOWN OF MORRISTOWN, VT DATED MAY 1975 BY FREDERICK H. REED AND RECORDED IN MAP SLIDE 10 OF THE MORRISTOWN LAND RECORDS.
11. "SHOMO-PERCY PROPOSED PROPERTY TRANSFER, TRANSIT AND STADA SURVEY, MORRISTOWN, VT DATED 9/71 BY RICHARD TOWN RECORDED IN MAP SLIDE 15 OF THE MORRISTOWN LAND RECORDS.
12. "PLANNED UNIT DEVELOPMENT PLAT, DALE E. PERCY, INC. 16.09 ACRES, ELIZABETH LANE, MORRISTOWN, VERMONT DATED 8/27/19 BY TRUETT CONSULTING ENGINEERS.

- NOTES:**
1. THIS PLAT IS BASED ON DEEDS RESEARCHED IN THE TOWNS OF MORRISTOWN AND STOWE LAND RECORDS ON 8/26/21 AND FEATURES LOCATED IN THE FIELD WITH A TOTAL STATION ON 8/26/21.
2. BEARINGS ARE BASED ON PLAT REFERENCE 2.
3. THIS PARCEL WAS CONVEYED TO DALE E. PERCY, INC. IN VOLUME 748 PAGE 138.
4. REBARS SET ARE NO. 3 REINFORCING BARS WITH ALUMINUM CAPS STAMPED "TCE LAND SURVEYING, L.L.S. 100299". REBARS ARE SET IN 2021 WITH A 0.4" REVEAL UNLESS OTHERWISE NOTED.
5. DISTANCES ARE SHOWN TO THE HUNDRETHS OF A FOOT AND BEARINGS ARE SHOWN TO THE SECONDS FOR MATHEMATICAL CLOSURE PURPOSES ONLY.
6. AN ATTEMPT HAS BEEN MADE TO IDENTIFY OR DELINEATE EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ETC. OBSERVED IN THE FIELD OR READILY FOUND IN THE LAND RECORDS, ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
7. UNDERGROUND UTILITY LINES SHOWN ARE BASED ON ABOVE GROUND STRUCTURES AND RECORDS OF RECORD, ACTUAL LOCATION OF UNDERGROUND LINES MAY VARY.
8. THE RIGHT OF WAY WIDTH OF VT ROUTE 100 IS ASSUMED TO BE 30 FEET WIDE AS ALLOWED BY STATE STATUTE.

Planned Unit Development Plat
Dale E. Percy, INC.
Tax Map # 14-099-9
Elizabeth Lane
Morristown, Vermont

Date: 08/27/2021

Drawn By: JAB

Cad File: 07-024

Project #: 07-024

Scale: 1" = 100'

Surveyed By: JAB

Field No.: 060-024-210-327

Sheet: S1-01

THIS PLAT IS BASED ON A FIELD SURVEY WHICH MEETS OR EXCEEDS THE MINIMUM STANDARDS AS SET FORTH BY THE VERMONT BOARD OF LAND SURVEYORS. FIELD EVIDENCE, REPERTORY RECORD INFORMATION, AND PAROLE EVIDENCE WAS USED IN THE CALCULATION AND DETERMINATION OF THE BOUNDARIES SHOWN ON THIS PLAT. ANY INCONSISTENCIES ARE SHOWN HEREON TO THE BEST OF MY KNOWLEDGE. THIS PLAT MEETS THE REQUIREMENTS OF 27 V.S.A. 1403.

GERALD M. STOCKMAN, L.S. #109298

 **TRUETT CONSULTING ENGINEERS**
478 BLAIR PARK ROAD | MIDDLETON, VERMONT 05475 | 802.879.6331 | WWW.TCEVT.COM

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DEVELOPMENT REVIEW BOARD MEMORANDUM

To: Development Review Board
From: Judi Alberi, Executive Assistant
Date: April 30, 2025
Subject: Update on draft DRB Rules of Procedure

Background:

Please note that there will be no discussion regarding the DRAFT Rules of Procedure during the upcoming meeting. We ask that you take a copy home and review it at your convenience.

The DRAFT Rules of Procedure will be included on the agenda for the May 14th meeting for discussion, consideration of any edits, and possible adoption. If necessary, further action may be scheduled for a future meeting.

Attachments:

1. Rules of Procedure DRB Morristown DRAFT (2)

TOWN OF MORRISTOWN
DEVELOPMENT REVIEW BOARD
RULES OF PROCEDURE - DRAFT

I. ESTABLISHMENT OF RULES OF PROCEDURE

- A. Authority: The Development Review Board (Board or DRB) of the Town of Morristown shall be governed and have the powers accorded by the provisions of all applicable state statutes, specifically including 24 V.S.A. §36, Municipal Administrative Procedures Act, the Morristown Zoning and Subdivision Regulations and these Rules of Procedure as initially adopted by the Board on August 5, 2003. You may not want to follow MAPA unless the Town continue to apply Bylaw Section 660 – MAPA is strict on evidence, rejecting evidence, transcripts, and many other legal proceedings (like does the DRB follow and have handy a copy of Chapter 36 requirements and V.R.C.P. rules used in court settings). If this stays as written, the DRB hearing process needs advice of town counsel in order for the DRB decisions to have weight on appeal. Not many towns follow this, but it is an elevated form of governance, and I think the pros and cons of having it adopted for all hearings need more discussion with the town attorney before this adopted (once reviewed in detail, is there sufficient town staff to meet MAPA requirements).
- B. Adoption of These Rules: The Development Review Board Rules of Procedure shall be adopted by the Board in accordance with 24 VSA § 4461. Upon adoption of the rules, the Administrative Officer shall file a copy of these rules and all amendments with the Town Clerk as a public record and post a copy in one or more public places including the town website.
- C. Amendments: These rules may be amended at any regular meeting by an affirmative vote of a majority of the Board provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.
- D. The Board shall follow Roberts Rules of Procedures (as amended) for small boards when not in conflict with these rules or state statutes.

Commented [DB1]: I think we should keep simple as possible and not follow MAPA . How do we agree to remove Section 660.

II. MEMBERS, OFFICERS AND DUTIES

- A. Members: The Board shall consist of seven (7) members and two (2) alternate members. Members shall inform the staff and/or Chair of any anticipated absences.
- B. Alternate Members: Alternate members will serve when there is a vacancy, absence, or conflict of interest of a regular member. Alternate members shall continue with an application for the duration of its review. The Zoning Administrator will notify the alternate members when their services are required. The first alternate member who responds that they are available will serve as the alternate for the regular member who is not available. Regular members will rejoin the Board after the Alternate member steps down following final action on that application.
- C. Election of Officers: The Board shall elect a Chair and a Vice Chair from among its regular (not alternate) members the first meeting after town meeting day. The terms of the Chair and Vice Chair are for one (1) year and an officer may serve more than one term. Should both the Chair and the Vice Chair be absent from a meeting, an Acting Vice Chair shall be elected by majority vote from those members attending and will serve just for that meeting. Rotating DRB members through the Chair and Vice-

Chair roles is encouraged but not required.

Commented [DB2]: DRB can vote every year so it will be what it will be.

- D. Duties of the Chair: The Chair shall preside over all meetings and hearings of the Board, maintain order, and decide all questions of order and procedure subject to these rules. The Chair may administer oaths and compel attendance of witnesses and the production of material germane to any issue appealed. The Chair may designate an Alternate member to serve in case of the absence or disqualification of a regular member. The presiding officer shall cause the proceedings to be recorded.
- E. Vice Chair: The Vice Chair shall perform all of the duties of the Chair in the Chair's absence or when the Chair is not presiding.
- F. Acting Vice Chair: In the absence or disqualification of both the Chair and Vice Chair, the Acting Vice Chair shall perform the duties of the Chair.
- G. Secretary: A Secretary, who may or may not be a member of the Board, shall be appointed by a majority of the Board. The Secretary shall perform the following duties:
 - 1. Keep the minutes of all Board actions and proceedings, showing the vote of each member upon every question, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names and addresses of all witnesses, and a summary of the facts on which the decision is based and the decision rendered.
 - 2. Preserve and keep the records of the Board's examinations and other official actions by causing those to be given into the custody of the Administrative Officer;
 - 3. Cause to be filed all minutes and records of examination and other official actions with the Town Clerk as a public record. (The Secretary may use the Administrative Officer to transmit those minutes and records of examination and official actions to the Town Clerk.)
- H. Administrative Officer: The ~~Administrative~~ [Administrative](#) Officer (a.k.a the Zoning Administrator), or their designee, who shall not be a member of the Board, shall provide ~~administrative support~~ [administrative support](#) to the Development Review Board. In that role, the Administrative Officer shall be responsible for the orderly and efficient administrative processes concerning all aspects of the Board's function and shall have the following duties:
 - 1. Conduct official correspondence subject to these rules and at the direction of the Board;
 - 2. Issue the proper forms and compile all information, maps, and records for the Board's review;
 - 3. Send and/or post all notices required by law and by these rules of procedure;
 - 4. Inform persons who are to come before the Board of these rules of procedure and the bylaws which pertain to that person's appearance before the Board;
 - 5. Receive all minutes and records of examination and other official actions from the Secretary of the Board and see they are properly filed with the Town Clerk; and
 - 6. Maintain copies of the minutes and records of examination and other official actions of the Board separate and apart from those filed with the Town Clerk.
 - 7. Provide an orientation to new Board members.
- I. Vacancies: The Administrative Officer or their designee shall give immediate notice of any vacancy on the Board to the Selectboard. If the office of Chair or Vice Chair becomes vacant, the DRB shall fill that office by election from amongst its

regular members for the unexpired term at their next regular meeting.

III. GENERAL RULES

A. Submissions and Completeness Review: All applications, fees, site plans and other items for a complete application are required one month prior to the DRB hearing date. All application materials required by the Bylaw shall be accepted and Plans shall be

DRAFT

deemed substantially complete by the Administrative Officer before the application will be scheduled and warned for a hearing, unless a “partial submittal” is requested by the applicant per these Rules (see below). A technical review meeting with the appropriate town staff shall be required in advance of the submittal cut off for all projects deemed to have an impact on town services. This shall include, but is not limited to, construction of new private or public roads, new connections to town utilities, or construction of utilities proposed to be accepted by the Town. Submittals shall include the items required by the applicable bylaws, unless waived by the Administrative Officer, upon a determination that such information is probably not necessary to determine if the project will comply with the Zoning and/or Subdivision Regulations including other town policies, rules, ordinances and municipal plan. A partially completed application may be submitted to the DRB for review when requested by the applicant in order to complete additional plan development after an initial DRB hearing. The applicant must, in writing, identify what sections of the appropriate regulations are not being requested to be initially reviewed. After the initial review, the DRB will recess the hearing to a date certain in order for the applicant to complete the additional materials for review. Partial submittals are only permitted for preparation of more detailed engineering plans such as stormwater management or final grading plans and other situations where the Administrative Officer determines that the applicant would benefit from attending a hearing before completing the final plans.

Commented [DB3]: Agreed

Commented [DB4]: Agreed

B.A. Records: A file of all documents, physical evidence, public proceedings, and decisions showing the vote, absence, or failure to vote of each member upon each question shall be kept by the Administrative Officer as part of the records of the Development Review Board. All records of the Board shall be public records except for legal opinions from the Town Attorney, unless approved for release by the Town Attorney, or are otherwise deemed confidential under the Vermont Public Records Act 1 VSA 317, and draft decisions used in deliberation.

Commented [DB5]: agreed

C.B. Fees: The Selectboard shall determine such fees as may be necessary for the filing of notices and the processing of hearings, additional technical services fees per Bylaw Section 401.2 and other fees appropriate to the request that should be borne by the applicant action thereon.

Commented [DB6]: agreed

IV. MEETINGS

A. Regular Meetings: Regular meetings of the Development Review Board shall be held on the 2nd and 4th Wednesday in each calendar month as deemed necessary or as modified by the Chair.

Commented [DB7]: agreed

B. Site Visits: The Board may convene at the site at the request of an interested party or if the Board feels a site visit will aid in their understanding of a proposed project. Site visits are intended to familiarize Board members and the public with the site on which a project or activity has been proposed. Members may visit a site individually or as a Board. In either case, the presiding officer shall make a record of any site visit observations for each application and those participating. Other Board members or parties shall be given the opportunity to supplement these observations. If a quorum of the Board is expected to be present, the site walk would be an open meeting and its date and time must be announced and/or posted in accordance with state law. If a member visits the site individually, he or she shall present that information at the appropriate hearing or meeting. Members of the public needing accommodations to participate in a DRB announced site visit (quorum or more) shall notify the town office at least 48 hours in advance so the Town can consider appropriate response to the request.

Commented [DB8]: agreed

Commented [DB9]: agreed

C. Special Meetings: Special meetings of the Board may be called by the Chair or by a majority of the members of the Board provided that at least 24 hours written notice of the time, place, and business of such meeting shall be given each member of the

Board. Action items requiring public hearing notice shall conform to the notice requirements in 24 V.S.A. Section 4464 and will not be scheduled as part of a special meeting.

D. Order of Business: The order of business at all regular meetings of the Board will generally be as follows, however, changes in the order of the agenda may occur:

1. Call to order and recognition of quorum. Review process for online participation.

~~1-2~~ Public Comment – 3 mins per person unless majority of DRB allows more time.

~~2-3~~ Review and take action on recessed and warned applications. The agenda order of the applications shall be established by the Administrative Officer in conjunction with the Chair.

~~3-4~~ Review, correct, and accept the minutes of the preceding meeting.

~~4-5~~ Other business. New Business and Correspondence.

~~5-6~~ Adjournment

E. Recess of Meeting or Hearing: The Board may recess a meeting or hearing if all the applications or appeals cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the recessed meeting or hearing shall be announced before adjournment.

F. Request for Recess: An applicant may request, in writing, a recess. Such a request will be reviewed by the Board and may be granted at the Board's discretion. The Board may grant a recess for the following reasons:

1. Change in schedules that do not allow the applicant or his representative(s) to attend the hearing.

~~1-2~~ Provide time for a site visit.

~~2-3~~ Request to make additional changes to the project plans after being heard at a hearing.

~~3-4~~ Request to be heard when more than four Board members will be present.

~~4-5~~ Any other reasons the Board finds reasonable.

G. Failure to appear (except appeals of the Administrative Officer's Notice of Violations): If an applicant fails to appear for a scheduled hearing, such hearing will be rescheduled for the next available meeting. If the applicant fails to appear for the rescheduled hearing, the application will be considered with the available information and without testimony of the applicant.

H. Failure to appear (Appeals of the Administrative Officer's Notice of Violations): An appellant's failure to appear for an appeal of a Notice of Violation hearing will result in the appeal being considered with the available information and without testimony of the applicant.

I. Deliberations: All meetings of the Board and its committees shall be open to the public; however, the Board reserves the right to recess and enter into deliberate sessions during the public hearing. No minutes shall be taken during deliberations, nor shall such deliberations be recorded as part of the record. All decisions made during closed deliberations shall be put in writing and signed as prescribed in Section VIII below. (Town Attorney should advise if the DRB has an option to enter a closed deliberative session and not report out per Section VIII, just publish a signed decision with the votes of each member below the Chair's signature).

J. Submissions: If an applicant has written submissions for the Board's consideration at a public hearing, there should be 9 copies provided/included with the original application. Written submissions made at a hearing will likely result in the Board's recessing the hearing to a future date in order to read and consider the information presented. All other documents submitted with the

Commented [DB10]: agreed

Commented [DB11]: agreed

Commented [DB12]: agreed

Commented [DB13]: Who will be contacting town attorney

application and prior to the hearing must be delivered to the Administrative Officer for distribution to the DRB members.

Commented [DB14]: agreed

V. CONFLICT OF INTEREST All members of the Development Review Board shall abide by the Town of Morristown Ethics & Fraud Policy for Public Officials (as amended). In addition, all members of the Board shall comply with these provisions of 12 V.S.A. § 61(a) and, including 24 V.S.A. § 1203 when they conduct hearings make findings:

Local boards shall comply with the provisions of 12 V.S.A. § 61(a) when they conduct contested hearings and make findings under this chapter. For purposes of this section, prohibitions referring to those within the fourth degree of consanguinity or affinity shall refer to the person's spouse, as well as to the person's and the spouse's: parent, child, brother, sister, grandparent, or grandchild.

Commented [DB15]: agreed

✓ -No disqualified member shall preside at the hearing or be counted by the Board in establishing the required quorum. If the Chair is disqualified, the Vice Chair shall preside. In the event the Vice-Chair is unable to preside, the Board shall elect an Acting Vice-Chair for the proceedings.

VI. CONDUCT OF HEARING OR REVIEW OF ALL APPLICATIONS

A. Order of Hearing or review of applications: Hearings and review of applications shall generally be conducted in accordance with the applicable rules as set forth in 3

V.S.A. §810:

§ 810. Rules of Evidence; official notice

In contested cases:

(1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Rules of Evidence as applied in civil cases in the Superior Courts of this State shall be followed. When necessary to ascertain facts not reasonably susceptible of proof under those rules, evidence not admissible thereunder may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Agencies shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(2) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(3) A party may conduct cross-examinations required for a full and true disclosure of the facts.

(4) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

Commented [DB16]: Agreed

-The order of proceedings shall be as follows, unless the DRB, in its discretion, determines otherwise:

1. Roll call.
2. Statement of the case and reading by the Chair or designated staff of the public notice for the hearing and of correspondence and reports concerning the appeal, application, or petition.
3. Presentation of his/her case by the applicant along with the witness in favor of the appeal if applicable.
4. Examination of applicant's witnesses by the Board.
5. Cross examination of applicant's witnesses by interested parties.
6. Presentation of a case by any interested party or parties.
7. Cross examination of opposition witnesses by the applicant.
8. Rebuttals.
9. Recess or adjournment of hearing or discussion of application.
10. Deliberation -Review criteria applicable to application, either open or closed session-
11. Development of Findings of Fact, Conclusions, and Conditions (See VIII).

B. Representation: Any interested party may appear in person or be represented by an agent or attorney.

C. Record of Proceedings: Proceedings at public hearings shall be recorded either electronically (including videotape) or by a court stenographer at the discretion of the Board. A transcript of the proceedings shall be made available at the request of any party upon payment of the reasonable costs thereof. The Administrative Officer shall be responsible for ensuring the recording is taken in good quality and maintained so that a full transcript can be created for up to the statutory time for such requests following the issuance of a DRB decision.

D. Presentation of Evidence: All evidence upon which the applicant or other party wishes to rely shall be presented at the hearing and made part of the hearing record.

1. When a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form, to expedite the presentation of direct testimony of a witness, provided that the witness is available for direct testimony and cross examination at the hearing on this evidence.

E. Oaths: All oral testimony by witnesses shall be given under oath or affirmation administered by the Chair, or designee, or, in the Chair's absence, the Vice Chair or the Acting Vice Chair, or their designee, if one is serving for this proceeding.

F. Examination: The Development Review Board members may examine witnesses. The Chair, or Vice Chair/Acting Vice Chair if presiding, shall rule on the relevance and may limit the scope of examination to ensure relevancy and expedite the business of the Board.

G. Rules of evidence: Rules of evidence as applied in civil cases in the superior courts of the state shall be followed. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. When necessary to provide facts not reasonably susceptible to proof

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under those rules, evidence not ordinarily admissible and not precluded by statute may be admitted if it is the type commonly relied upon by reasonably prudent persons in the conduct of their affairs. All evidence reviewed and accepted by the DRB shall be marked with an Exhibit #, Dated Accepted, Who Submitted and the number of pages in the exhibit.

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- H. Documentary Evidence: Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Upon request, parties may be given an opportunity to compare the copy with the original.
- I. Rehearing: An application for rehearing may be made in the same manner as provided for in the original application. The Board may reject an application for rehearing without a hearing and render a decision thereon, which shall include findings of fact, within 10 days of the date of filing of the application if (a) the Board concludes the issues raised by the applicant in his or her application have been decided in an earlier appeal, and (b) there has been no substantial change in the evidence, facts, or circumstances of the case. The decision shall be rendered, or notice given, as in decisions under Section VIII of these Rules of Procedure.
- J. Ex-parte Communications: While an application is pending (meaning from date published to issuance of a final permit), conversations between Board members and any person other than their legal counsel or staff regarding the substance of a particular hearing or application outside of the regular meeting are considered ex-parte contact and are inappropriate.
1. A presiding officer shall not communicate, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, on any issue in the proceeding, while the proceeding is pending, without notice and opportunity for all parties to participate.
 2. No other members of the board sitting in a contested hearing shall communicate on any issue in the proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, while the proceeding is pending.
 3. A presiding officer who receives an ex parte communication on any issue relating to the proceeding and a member who receives any ex parte communication shall place on the record all written communications received, all written responses to those communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person making the ex parte communication.
 4. No member shall have ex-parte communications with the Zoning Administrator-Administrative Officer when there is an appeal of a notice of violation.
 - 4.5. Municipal staff engaged with the project review shall inform the Chair about any substantial conversations they have

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VII. VOTING

- A. Quorum: For the conduct of a meeting or hearing and the taking of any action a quorum shall be present. A quorum for the Development Review Board shall consist of four (4) members. If a quorum of the Board is present at a meeting, that quorum may transact all matters that may or are required to come before it.
- B. Motions: Upon conclusion of the evidentiary portion of the hearing, the DRB may, by motion, direct the Administrative Officer to prepare draft Findings of Fact for the Board's consideration in its written decision. All motions require a second. The making or seconding of a motion does not, in all instances, imply support for the motion. A failure to obtain four affirmative votes shall be

considered a denial. An abstention shall not be treated as either a positive or negative vote.

- C. Qualification to vote: A board member shall not participate in the decision unless they have heard all of the testimony and reviewed all other evidence submitted for the Board's consideration. Members who have not attended every session of the hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read the transcripts of this testimony) and reviewed all exhibits and other evidence prior to deliberation.

VIII. DECISIONS MADE BY THE DEVELOPMENT REVIEW BOARD

- A. Majority Vote: The decision on any application or appeal to the Development Review Board shall be made after a motion, a second and the affirmative vote of the majority of the Board.
- B. Written Findings of Fact and Conclusions: The decision shall set forth the findings of fact and conclusions reached by the Board on that matter. This decision shall be reviewed and adopted by the Board and signed by the member of the Board who presided as Chair or Vice Chair at the hearing if it accurately reflects the findings of fact and conclusions, and any applicable conditions as determined by the Board.
1. A final decision of the Board shall be in writing and shall separately state the findings of fact and conclusions law.
 2. The findings shall explicitly and concisely restate the underlying facts that support the decision. They shall be based exclusively on evidence contained in the record of the hearing.
 3. Conclusions of law shall be based on the findings of fact.
 4. The final decision in any case involving local Act 250 review of municipal impacts shall include notice that it constitutes a rebuttable presumption under the provisions of 10 V.S.A. § 151 and notice that presumption may be overcome in proceedings under 10 V.S.A. § 151.
 5. The Administrative Officer shall cause copies of the decision to be delivered to each party.
 6. Transcriptions of the proceedings shall be made upon the request and upon the payment of the reasonable costs of transcription by any party.
- C. Conditions to Approvals: The Board may attach additional reasonable conditions, safeguards, and time limitations necessary and appropriate under the circumstances to implement the purposes of the Vermont Municipal and Regional Planning and Development Act and the municipality's plan and bylaws. An application for the amendment or removal of a condition from a previously granted approval shall require a new warned public hearing and will be subject to review by the Board under the bylaws then in effect and other applicable standards. Amendment requires are subject to an initial Stowe-Highlands Analysis, before the merits hearing, when advised by the town attorney.
- D. Stay of Enforcement: If a notice of appeal includes a request for a stay of enforcement, the board may, after a public hearing, grant or deny the stay.

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IX. REFERRALS AND EVALUATION REQUESTS

- A. Referral to State Agencies: Any application subject to state agency review under Section 7 and 11 of the Morristown Zoning Regulations shall not be made-finalissued by the Board prior to the expiration of thirty days following submission by the Board of a report to the designated state agency describing the proposed use, the location requested, and an evaluation of the effect of

such proposed use on the municipal and regional plans.

- B. State Agency Report to the Board: The State Agency Report if provided to the applicant shall also be submitted to the Board ~~may be introduced and admitted~~ into the hearing record as evidence.
- C. Request for Other Official Evaluation: As relevant and necessary for the conduct of the hearing, the Board may request from an appropriate municipal department or official an evaluation of the impact a proposed development application will have on traffic, the environment, or community services and finances. This information or report may be presented as testimony at the public hearing and shall become part of the public record. The costs of such technical review may be borne by the applicant if so provided in the Selectboard Fee Policy.

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