



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, May 28, 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 Morrystown's website:
<https://www.morrystownvt.gov/community/page/meetings-agendas-minutes>

I. CALL MEETING TO ORDER

II. APPROVE PRIOR MEETING MINUTES

1. Approve minutes 5-21-25

III. PUBLIC COMMENTS

IV. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. #2025-007 submitted by Daniel Dougher (Parcel 06-042, 40 Rooney Rd., Morrystown) requesting major subdivision review for 3-lot subdivision with no additional proposed development per Section 510. This application to be reviewed under the 2023 Morrystown Morrisville Zoning and Subdivision Bylaws. The property is in the Rural Residential Agricultural Zone.
2. #2024-147 Amendment submitted by Anderson Leveille, on behalf of 49 Ace LLC (Parcel 07-012, 49 Miller Bridge Rd Morrystown), requesting an amendment to a Permit 2024-147 to remove a sidewalk installation permit requirement per Section 503 of the 2023 Morrystown Morrisville Zoning and Subdivision Bylaws. The property is in the Low Density Residential Zone.

V. ACTION ITEMS TO BE CONSIDERED

1. Percy deliberations - #2025-011 submitted by Matthew Percy, on behalf of Dale E. Percy, Inc. (Parcel 16099-09, 0 Elizabeths Lane, Morrystown)

VI. OTHER BUSINESS

VII. ADJOURN



DEVELOPMENT REVIEW BOARD MEETING MINUTES OF MAY 21, 2025

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

Absent: Christy Snipp

ADMINISTRATION and STAFF: Kevin Petrochko, Interim Assistant Zoning Administrator; Ron Rodjenski, Consultant; Tyler Machia, Zoning and Planning Administrator; Dennis D. DiGregorio, Chief of Morristown Fire Dept

PARTICIPANTS/GUESTS: Mike Bourne

CALL MEETING TO ORDER

Donald Blake Jr called the meeting to order at 6:01 PM at the Tegu Building.

APPROVE PRIOR MEETING MINUTES

1. Approve minutes 4-30-25

Motion made by Mary Ann Wilson to approve the minutes of 4-30-25. Motion seconded by Paul Trudell. Motion carried. (4/0, Susan Burnham and Gary Nolan recused)

PUBLIC COMMENTS

None

HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. ~~#2025-016 submitted by Jane Barbour~~, Gary Nolan* on behalf of Little Fuel Company, LLC (Parcel 12-117, 12-177, 1 thru 8, along Dinky Ln, ~~Alexander-Anderson*~~ Ln, off Meadow Dr, 8 house lots and 1 open space lot) requesting the DRB consider a subdivision amendment to remove, modify or amend the terms and conditions of Subdivision Permit #2020-071, specifically Condition #15 (fire service Water supply) per Sections 612, 720.3 and 730.1 of the 2023 Morristown Zoning and Subdivision Bylaw. The property is in the Low Density Residential (LDR) Zoning District.

***corrections made after hearing was warned**

Gary Nolan Provided an overview of the project. He noted that the applicants were requesting a waiver to remove condition 15 of the Subdivision Permit 2020-071. Nolan noted that a previous Zoning Administrator had removed condition 15 of the subdivision approval. However, after further review it was discovered that the Zoning Administrator cannot remove DRB conditions on their own. Therefore, the Applicants were before the board to request the removal of condition 15. Condition 15 required the applicants to install a dry fire hydrant to service the subdivision. Gary Nolan noted that the applicants did not feel that a dry hydrant was a critical permit condition due to the fact that a previously approved development off of meadow drive does not have a hydrant and there is a hydrant located near the New Beginnings Miracle Fellowship church that is close enough to service the development. Nolan noted that the other outstanding conditions with Permit 2020-071 have been met. The board members discussed the requirement for the hydrant and asked the Morristown Fire

Chief, Dennis DiGregorio, whether or not the development could be properly serviced without a dry hydrant. Chief DiGregorio noted that the hydrant located near the New Beginnings Miracle Fellowship church has enough water to service this new development.

Motion by Donald Blake to remove Condition 15 of Subdivision Permit 2020-071 on the condition that the applicants receive a letter from the Morristown Fire Chief stating that the hydrant at New Beginnings Miracle Fellowship has enough water to service the subdivision. Motion seconded by Paul Trudell. Motion Carried (5/0 Gary Nolan Recused)

ACTION ITEMS TO BE CONSIDERED

Motion made by Paul Trudell to consider action items after Public Hearing seconded by Marry Anne Watson. Motion Approved (5/0 Gary Nolan Recused).

1. Consideration of Rules of Procedure

Gary Nolan Rejoined the board at 6:26 PM.

The Board discussed possible changes to the DRB rules of procedures. There was a lot of discussion among the board members whether or not the board wishes to follow the Municipal Administrative Procedure Act (MAPA). MAPA lays out a set of requirements that municipalities have to follow in order to administer certain Act 250 requirements locally as well as allowing Vermont Environmental court to not have to hear appeals of municipalities decisions de novo, which would result in the court hearing an application as if they were the Development Review Board. Ron Rodjenski gave an overview of the MAPA process. He noted that this is a complicated process which requires the municipality to follow specific steps when it comes to labeling exhibits and structuring decisions. He was concerned that the town does not have the resources to properly administer MAPA. He noted that additional training would likely be required to make sure that MAPA was being properly followed. There was a general discussion as to whether or not the town could administer MAPA. The board also reviewed other proposed changes to the rules and procedures. It was noted that this item would likely be further discussed in June.

OTHER BUSINESS

None

ADJOURN

Motion made by Susan Burnham to adjourn. Motion seconded by Donald Blake Jr. Motion carried. (5/0)

Meeting adjourned at 7:35 pm

Submitted and filed this May 27, 2025

Tyler Machia, Zoning and Planning Administrator

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

[illegible]

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PLAT NOTES:

- OWNERS OF RECORD: DANIEL DOUGHER AND JANE ANDERSON.
- DEED REFERENCE: v.198 p.27
- THE PARCEL OF LAND WHICH IS THE SUBJECT OF THIS SURVEY IS KNOWN AS TAX MAP 06042.
- NORTH ORIENTATION IS BASED ON VERMONT GRID ZONE 4400 COMPUTED FROM RTK GNSS OBSERVATIONS MADE ON 11/25/2024 WITH DIFFERENTIAL CORRECTIONS FROM THE VERMONT CORS VRS. THE RESULTANT DATUM IS NAD83 (2011), EPOCH 2010.0, NAVD88 (GEOID18).
- SURVEY METHODS PERFORMED AND THE RESULTING ACCURACY MEETS OR EXCEEDS THE MINIMUM REQUIREMENTS FOR RURAL SURVEYS AS SET FORTH IN SECTION 5.5(b)(1)(c) OF THE "STANDARDS FOR THE PRACTICE OF LAND SURVEYING" ADOPTED BY THE BOARD OF LAND SURVEYING ON 1/7/2013.
- REBARS SET ARE INSTALLED FLUSH IN LAWNS AND TRAVELED AREAS AND 0.5± ABOVE GRADE IN WOODED AND NON-TRAVELED AREAS UNLESS OTHERWISE NOTED.
- AN ATTEMPT HAS BEEN MADE TO IDENTIFY ANY EASEMENTS, RIGHTS OF WAY, LEASE LANDS, ENCROACHMENTS, ETC. OBSERVED IN THE FIELD OR READILY AVAILABLE IN THE LAND RECORDS. SEE BK 56 PG 469 FOR UTILITY EASEMENT ADDITIONAL ENCUMBRANCES MAY EXIST WHICH ARE NOT SHOWN ON THIS PLAT.
- ANY PROPOSED BOUNDARIES OR EASEMENTS, OR CHANGES IN BOUNDARY LOCATIONS SHOWN ON THIS PLAT ARE NOT CREATED OR CONVEYED BY VIRTUE OF THIS PLAT. DEEDS MUST BE EXECUTED AND RECORDED BY THE CURRENT OWNER(S) TO CONVEY RIGHTS.
- THIS PLAT IS NOT A GUARANTEE OF TITLE.
- ONLY COPIES FROM THE ORIGINAL OF THIS MAP BEARING AN ORIGINAL SIGNATURE AND THE SEAL OF THE PREPARER SHALL BE CONSIDERED TO BE TRUE AND VALID COPIES.
- THIS SURVEY WAS PREPARED FOR THE SOLE USE OF THE CLIENT REQUESTING THE SERVICE. ANY CERTIFICATIONS MADE HEREON ARE NOT TRANSFERABLE.
- THE OWNERSHIP OF THE LANDS WITHIN THE PUBLIC RIGHT OF WAY IS UNDETERMINED. FOR THE PURPOSE OF THIS SURVEY AND THE CALCULATIONS OF BOUNDARIES AND AREAS, THE EDGE OF THE RIGHT OF WAY WAS USED. TO CALCULATE SAID RIGHT OF WAY AN OFFSET OF ONE AND ONE HALF RODS EACH SIDE OF THE CENTERLINE OF THE EXISTING TRAVELED WAY AT THE TIME OF THE SURVEY WAS USED ESTABLISHING A 3 ROD RIGHT OF WAY AS ALLOWED BY STATE STATUTE.
- ONLY READILY OBSERVABLE SURFACE AND ABOVE GRADE FACILITIES AND STRUCTURES ARE SHOWN HEREON. BURIED FACILITIES AND STRUCTURES WERE NOT SEARCHED FOR UNLESS SPECIFICALLY INSTRUCTED TO DO SO. IF UNDERGROUND UTILITIES SHOWN HEREON ARE NOT CERTIFIED TO.
- THE PARCEL IS IN THE RURAL RESIDENTIAL WITH AGRICULTURE (RRA) ZONE.

PLAT REFERENCES:

- "COMPILED PLAN OF FRONTERA PROPERTY MORRISTOWN, VERMONT", SCALE: 1"= 200', DATED AUGUST,1972 PREPARED BY J. P. RICH, AND RECORDED IN THE MORRISTOWN LAND RECORDS AT MAP SLIDE 226.
- "SURVEY FOR DAVID R. BRYON & MILLARD D. ZEISBERG, MADONNA MEADOWS MORRISTOWN, VT, SCALE: 1"= 200', DATED 1965 PREPARED BY JAMES P. RICH NEW ENGLAND FORESTRY FOUNDATION INC., AND RECORDED IN THE MORRISTOWN LAND RECORDS AT MAP SLIDE 206.
- "A TOTAL STATION SURVEY TO REPLACE A MONUMENT REMOVED BY ROAD WORK BETWEEN LANDS OF JANE ANDERSON & DANIEL DOUGHER AND LANDS OF FRANKLIN FRONTERA, JR. MORRISTOWN, VERMONT", SCALE: 1"= 50', DATED AUGUST 30, 2010 PREPARED BY GOVE LAND SURVEYORS, INC. AND RECORDED IN THE MORRISTOWN LAND RECORDS AT MAP SLIDE 319.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 07°02'43" W	85.06'
L2	S 25°23'48" E	85.13'
L3	S 00°37'14" E	175.79'
L4	S 02°29'11" E	134.85'
L5	S 19°40'06" E	38.61'
L6	S 25°49'50" E	47.12'
L7	S 31°06'58" E	22.33'
L8	S 35°09'28" E	20.99'
L9	S 09°40'55" W	26.44'
L10	S 01°58'50" W	66.46'
L11	S 03°24'34" E	81.51'

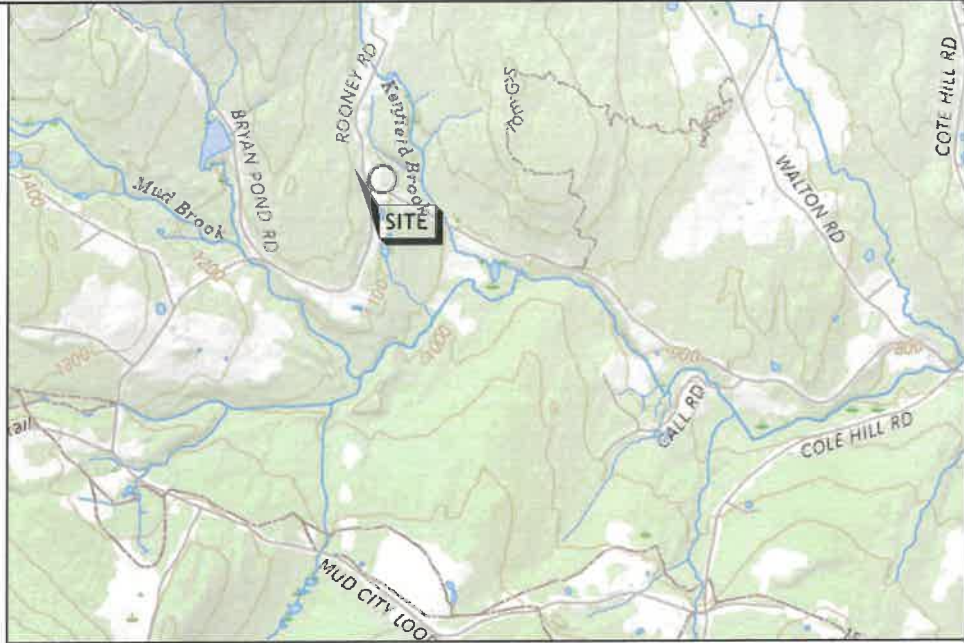
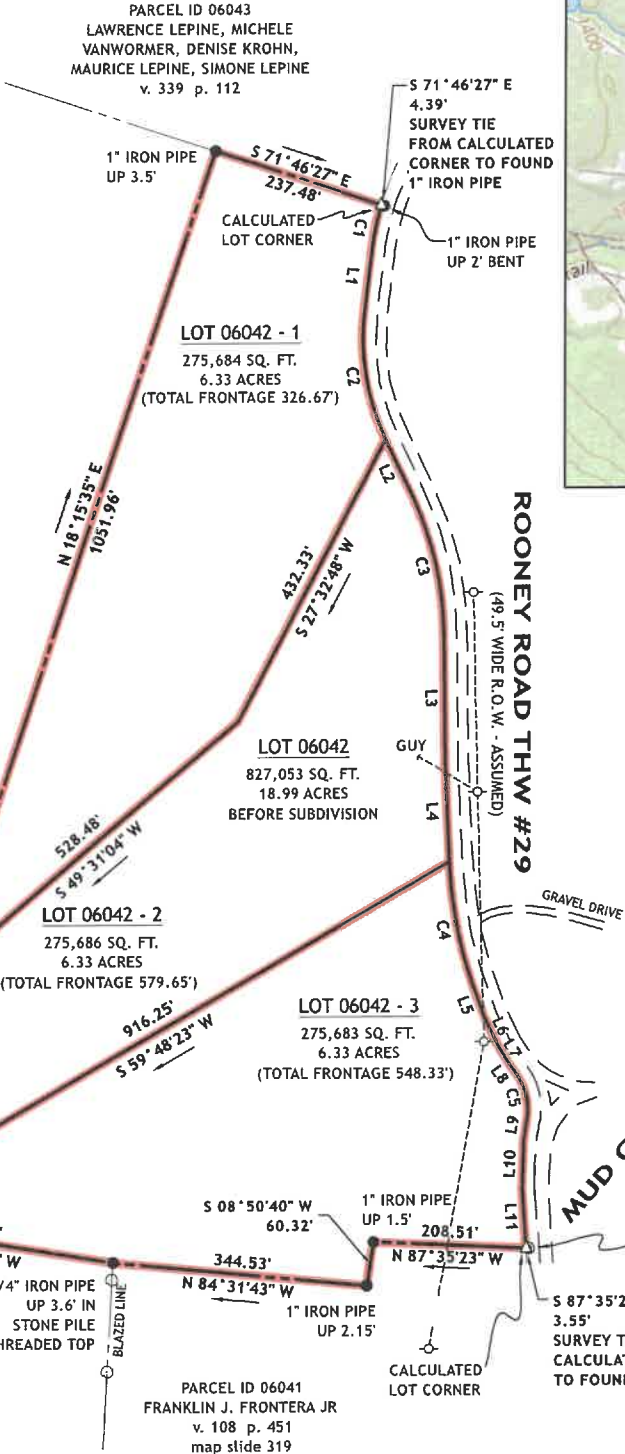
CURVE TABLE					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	339.75'	57.73'	57.66'	S 11°54'48" W	9°44'10"
C2	324.75'	183.88'	181.43'	S 09°10'32" E	32°26'32"
C3	450.25'	194.70'	193.19'	S 13°00'31" E	24°46'34"
C4	594.75'	178.35'	177.69'	S 11°04'39" E	17°10'54"
C5	85.00'	66.32'	64.84'	S 12°44'17" E	44°50'23"

NOTE: THERE IS BARBED WIRE REMNANTS AROUND THE NORTH, SOUTH, AND WEST LINES, (MOSTLY BURIED)

PARCEL ID 06039
STATE OF VERMONT
AGENCY OF NATURAL
RESOURCES
v. 125 p. 218
map slide 206

PARCEL ID 06041
FRANKLIN J. FRONTERA JR
v. 108 p. 451
map slide 319

PARCEL ID 06043
LAWRENCE LEPINE, MICHELE
VANWORMER, DENISE KROHN,
MAURICE LEPINE, SIMONE LEPINE
v. 339 p. 112



LOCUS MAP
NOT TO SCALE



TOWN CLERK'S OFFICE
MORRISTOWN, VT

THIS _____ DAY OF _____ A.D. 20____

AT _____ O'CLOCK _____ MINUTES _____ M AND

RECORDED IN MAP SLIDE _____

ATTEST: _____ TOWN CLERK

LEGEND

- IRON PIPE (FOUND)
- ⊙ REBAR (FOUND)
- #6 REBAR SET WITH DAY LAND SURVEYING ALUMINUM CAP
- ⊕ UTILITY POLE
- EXISTING BOUNDARY LINE
- PROPOSED BOUNDARY LINE
- - - APPROXIMATE BOUNDARY LINE
- x - BARBED WIRE FENCE
- - - UTILITY LINE

THIS IS AN ORIGINAL PIGMENT INK ON STABLE BASE POLYESTER FILM

APPROVED BY THE TOWN OF MORRISTOWN ADMINISTRATIVE OFFICER
UNDER PERMIT # _____, ON THE
_____ DAY OF _____, 2024 BY _____

ZONING INFORMATION:

DISTRICT: RRA
MIN. LOT SIZE: 80,000 S.F.
MIN. FRONTAGE: 50 FT
SETBACKS: FRONT = 45 FT
SIDE = 15 FT
REAR = 15 FT



272 N MAIN ST, ST. ALBANS, VT 05478
300 RYAN'S WAY, FLETCHER, VT 05448
802-849-6516
www.daylandsurveying.com

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 MEASUREMENTS AND PERTINENT RECORD INFORMATION 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 VSA 1403.

MARK A. DAY, L.S. VT #732

DATE



SUBDIVISION SURVEY
TAX LOT 06042
Prepared For
**DANIEL DOUGHER &
JANE ANDERSON**
40 ROONEY ROAD
MORRISTOWN, VERMONT

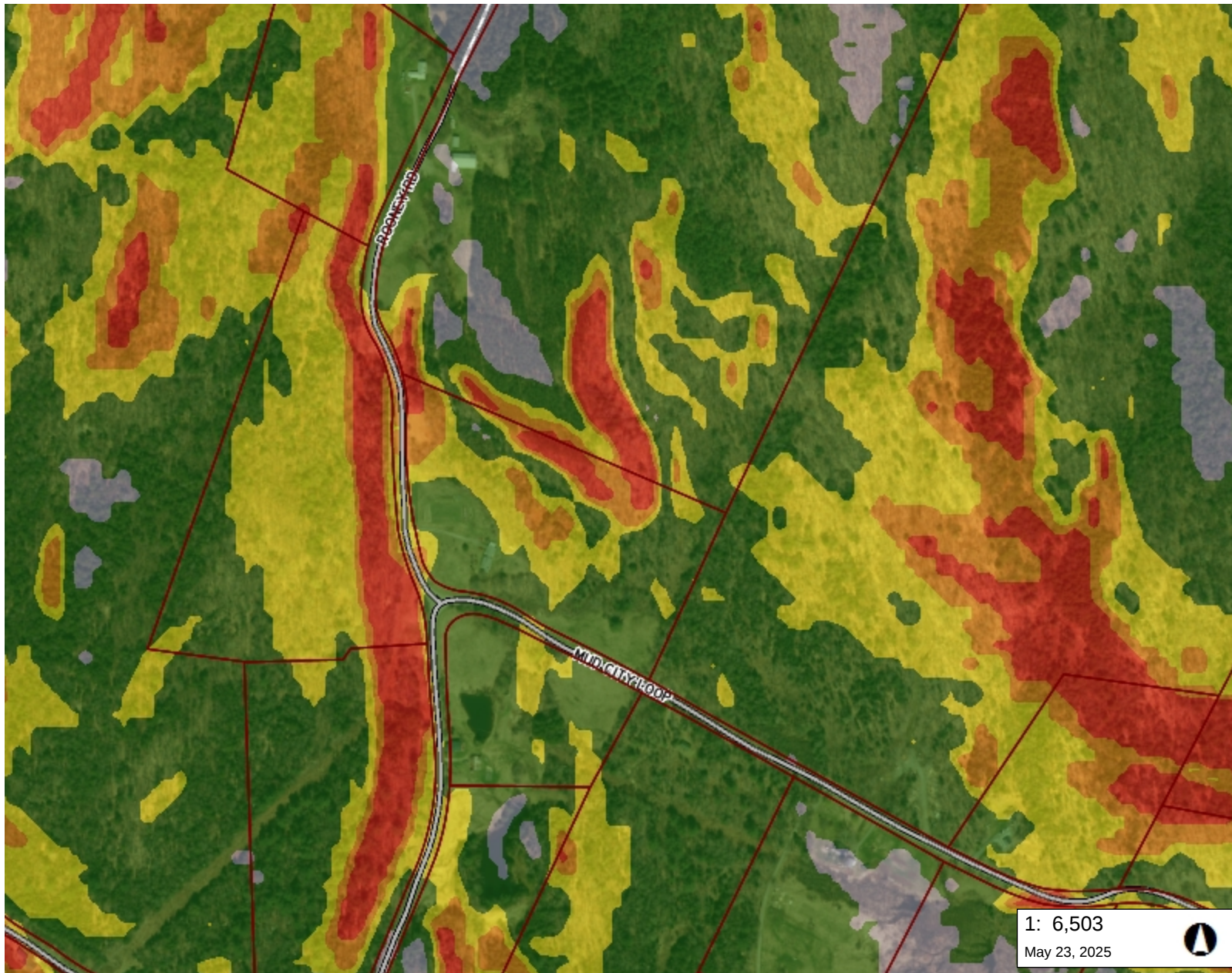


SCALE:	1"=160'
DATE:	11/26/2024
JOB NUMBER:	24161
DRAWING:	24161SPAT
CRD FILE:	24161
SURVEY BY:	BP
DRAWN BY:	MD



LEGEND

- Parcels (standardized)
- Roads**
 - Interstate
 - US Highway; 1
 - State Highway
 - Town Highway (Class 1)
 - Town Highway (Class 2,3)
 - Town Highway (Class 4)
 - State Forest Trail
 - National Forest Trail
 - Legal Trail
 - Private Road/Driveway
 - Proposed Roads
- Town Boundary
- Slope**
 - <5%
 - 5-15%
 - 15-20%
 - 20-25%
 - >25%



1: 6,503

May 23, 2025



NOTES

Map created using ANR's Natural Resources Atlas

330.0 0 165.00 330.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 542 Ft. 1cm = 65 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

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 representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



**May 28, DRB Meeting
Staff Notes**

APPLICATION: 2025-007

APPLICANT: Daniel Dougher

REQUESTED ACTION: Major Subdivision Review

LOCATION: 40 Rooney RD

EXISTING ZONING: Rural Residential Agricultural

PROJECT DESCRIPTION: 1. The Applicant, Daniel Dougher, is requesting major subdivision review for a 3 lot subdivision with no additional proposed development per Section 510 of the Morristown Zoning and Subdivision Bylaws (The Bylaws). The property is located at 40 Rooney Rd and is located in the Rural Residential Agricultural Zone.

PARCEL HISTORY:

1. NA

LIST OF APPLICANT SUBMISSIONS:

- A. Application
- B. Subdivision Survey

PROCEDURAL INFORMATION:

1. Application submitted on 4/8/25
2. Agenda placed in News and Citizen 5/8/2025
3. Notice placed on Town website and at three locations in town on 5/9/2025
4. Abutters notified on 5/9/2025
5. Notice sent to Applicant 5/9/2025

STAFF COMMENTS (In Bold):

1. The Applicant, Daniel Dougher, is requesting major subdivision review for a 3 lot subdivision with no additional proposed development per Section 510 of the Morristown Zoning and Subdivision Bylaws (The Bylaws). The property is located at 40 Rooney Rd and is located in the Rural Residential Agricultural Zone.
2. The Applicant is proposing a 3-lot subdivision. **(The applicant has not submitted a narrative for the project, so it is unclear what the intended use of these lots are. The applicant should be asked to clarify this and submit a written narrative for the project.)**
3. These proposed lots would be restricted to the allowed use noted in Section 204.5a of The Bylaws.
4. The original lot is 18.99 acres or 827,053 SQ.FT
5. The Applicant is proposing three lots with the following dimensions:
 - a. Lot 1- 6.33 acres or 275,684 SQ.FT



- b. Lot 2- 6.33 acres or 275,686 SQ.FT
- c. Lot 3-6.33 acres or 275,683 SQ.FT
- 6. The Applicants proposed lots meet the minimum 80,000 SQ.FT Lot requirements notes in Section 204.5.b of The Bylaws.
- 7. Section 204.5.b of The Bylaws notes that the minimum lot frontage requirement is 50 feet of frontage.
- 8. The Applicants lots have the following frontages:
 - a. Lot 1- 326.27 ft
 - b. Lot 2- 579.65 ft
 - c. Lot 3- 548.33 ft
- 9. The Applicants project does not appear to contain any Environmental Resource Areas as defined in Section 342 of The Bylaws and therefore is not subject to the regulations noted in Section 340 of The Bylaws.
- 10. The Applicants project is subject to the standards noted in Article VII of The Bylaws
- 11. Section 710.2 of The Bylaws defines a major subdivision as a proposed subdivision which results in the creation of two or more new parcels. Major Subdivisions are also reviewed as Planned Unit Developments / Conservation Subdivisions (PUD) and are subject to the regulations noted in Section 510 of The Bylaws.
- 12. The Applicants project contains three new lots and meets the definition of a Major Subdivision and is also a PUD as noted in Section 710.2 of The Bylaws and is Subject to the Standards noted in Section 510 of The Bylaws.
- 13. Section 1.a-g of 510 of The Bylaws notes the purpose of a PUD. **(The Applicants have not submitted a narrative with this application therefore it is difficult to consider what the purpose of this proposed PUD is. Therefore, Staff does not have enough information to determine if the application meets the objective noted in Section 1.a-g of 510 of The Bylaws. The Board should consider continuing the application until a narrative is provided that notes compliance with this section.)**
- 14. Section 2. a-j of 510 of The Bylaws lists the specific purpose of a PUD.
- 15. After reviewing the Agency of Natural Resources Atlas (The Atlas) the applicants project does not appear to impact any of the stated priorities noted in the following sections of Section 2 of 510: a, b, c, d, e, f, g, and i.
- 16. The Applicants plan set does not contain a site plan showing proposed development in order to determine if there will be a negative impact to forest blocks as noted in h. of Section 2. of 510 of The Bylaw. **(The Applicants have not supplied a site plan that shows any proposed development. In addition, there is no narrative with the application therefore staff is incapable of determining if there will be an impact to forest blocks).**
- 17. The Atlas indicates that there is a strip of land located along the lot boundaries of all three lots bordering Rooney Road indicating slopes of 25% or more.



18. Letter j. of Section 2. Of 510 of The Bylaws indicates that the goal of a PUD is to protect slopes 25% or greater.
19. The Applicants plan set does not indicated how or if these slopes would be protected. In addition, the Applicants plans do not show the location of any proposed driveways or easements for these lots to access Rooney Road, which would appear to be required to traverse the slopes of 25%. In addition, the Applicants have not submitted a narrative indicating how they intend to protect these slopes. The plan set does not indicate any areas that will be prohibited from further development **(The Board could consider how these areas should be protected and make that an approval condition. In addition, the board could consider requiring the applicant to show which parts of the property will be conserved).**
20. The Applicants project will be Subject to the dimensional standards noted in Section 5 of 510 of The Bylaws.
21. Letter a. of Section 5 of 510 notes that the plat must contain the information noted in Section 770 of The Bylaws
22. The Applicants plat complies with the informational requirements noted in the following letters of Section 770: a, b, c, d, e, f, g, h, i, j, k, l, m, n, p, q,
23. The Applicants plat does not show any proposed easements or rights of way for any of the lots as noted in Letter o. of Section 770. of The Bylaws.
24. The Applicants plat does not show any proposed culverts as noted in Letter r. of Section 770 of The Bylaws.
25. The Applicants plat does not show any natural features or site elements to be preserved as noted in Letter s. of Section 770 of The Bylaws.
26. The Applicants plat does not show the location of a water supply for firefighting. In addition the applicants have not submitted written confirmation from the Morrisville Fire Department noting that the proposal meets the standard for access for fire trucks as noted in Letter t. of Section 770.
27. The Applicants project appears to comply with the Reduction of Dimensional Requirements noted in Letter b. 1-5 of Section 5 of 510 of The Bylaws.
28. The Applicants project will be Subject to the Open Space Requirements noted in Section 6. of 510 of The Bylaws.
29. Letter a. of Section 6 of 510 of the Bylaws notes that a minimum of 50% of the proposed development shall be permanently protected and shall be shown as open space and placed on a separate parcel from the building lots.
30. The Applicants plan set does not show a lot dedicated to open space nor have the indicated which of their proposed lots are building lots. **(The Applicants have not shown which lots or parts of lots are proposed for development and which is to be conserved. Even of the applicants intent is to preserve all of these lots the applicant has not stated that in a narrative. Any lot once created would be open to development as allowed by the DRB and The Bylaws. The Applicants need to**



indicate their intent for these lots. If they are proposing development they need to indicate where that development is occurring and indicate where the 50% open space is to be located. The DRB could consider continuing this application until this information is provided.)

31. The Applicants have not provided information to comply with Letters b-n of Section 6 of 510 of The Bylaws. **(Given the lack of Information to comply with this section the Board could consider continuing this application until the above-mentioned information is submitted).**
32. The Project will be subject to the general requirements for subdivision noted in Article VIII of The Bylaws.
33. Section 830 of The Bylaws notes that the Applicants are required to submit copies of the wastewater(WW) permits for each lot with their subdivision application. The DRB can make receipt of WW permits prior to obtaining any zoning permits a condition of approval for the subdivision. **(The Board could consider making the WW permits a condition of approval of the subdivision or they could require the applicant to submit them in order to approve the subdivision.)**
34. The DRB could consider any of the information noted in Section 840 .1 of The Bylaws.
35. Section 840. 2 of The Bylaws notes that all Major Subdivision require provisions for water supply for firefighting.
36. The Applicants plan set does not show any plans for a water supply for fire fighting.
37. Section 840.8 of The Bylaws notes that all Major Subdivisions are required to have a dry hydrant located within a half mile of the of the subdivision with a capacity of 100,000 gallons.
38. The Applicants plan set does not note a dry hydrant nor do they indicate whether there is one located withing half a mile of the subdivision.
39. Section 850.1 of The Bylaws notes the Surface Drainage requirements for Major Subdivisions.
40. The Applicants have not provided a drainage plan for the project.
41. Section 860.1 of The Bylaws notes that the Applicants are required to submit an erosion control plan with their application.
42. The Applicants have not submitted an erosion control plan with their application

OUTSTANDING ITEMS:

1. Narrative for the project noting how the project complies with the relevant sections of The Bylaws.
2. A site plan showing how the site will be developed.
3. Proposed culverts as noted in Letter r. of Section 770 of The Bylaws.
4. The location of the proposed driveways for each lot along with their easements.
5. Plan to protect slopes 25% or greater as noted in letter j. Section 510.2. of The Bylaws.



6. Proposed easements for any of the lots as noted in Letter 0. of Section 2. of 770 of The Bylaws.
7. Proposed culverts as noted in Letter r. of Section 770 of The Bylaws.
8. Plan to conserve 50% of the proposed property per Letter a. of Section 6. of 510 of The Bylaws.
9. Written confirmation from the Morrisville Fire Department noting that the proposal meets the standard for access for fire trucks as noted in Letter t. of Section 770 of The Bylaws.
10. Plan to comply with the open Space Requirements noted in Section 6. of 510 of The Bylaws.
11. WW permits for each lot as noted in Section 830 of The Bylaws.
12. A Plan to install a dry hydrant located within a half mile of the of the subdivision with a capacity of 100,000 gallons per Section 840.8 of The Bylaws.
13. A plan for drainage as noted in Section 850.1 of The Bylaws.
14. An erosion control plan as noted in Section 860.1 of The Bylaws.

ITEMS FOR DRB CONSIDERATION:

1. Should the application be continued until the above-mentioned information is presented?
2. Should the application be denied for failing to provide the above-mentioned information?

RECOMMENDATIONS FOR THE DRB:

1. Continue the application until the Applicant has submitted the above-mentioned information.

Tax Map Number: 07-012 Permit Number: 2024-147
 XXX
 All questions **must** be completed in full or application will be **Denied** (Please print or type information)

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Town of Morristown
Approved

COPY

Conditional use permit

Parcel number 07-012	Permit number 2024-147	Hearing number
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Parcel location information		
Street number 71	Street/Road name MILLER BRIDGE RD	Apt number
Other location information		

Permit applicant information			
Name 49ACE LLC		Address 1005 FRAZIER ROAD	
City MORRISVILLE	State VT	Zip 05661	Telephone 802-793-0753

Parcel owner information			
Name 49ACE LLC		Address 1005 FRAZIER ROAD	
City MORRISVILLE	State VT	Zip 05661	Telephone 802-793-0753

Application date 05/21/2024	Application fee 150.00	Land records: Book 304 Pages 222
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Description of permit \$435 NON-CONFORMING USE, \$630 CONDITIONAL USE, & \$500 SITE PLAN APPROVAL TO ALLOW NEW DETACHED DUPLEX ON PARCEL

Is there a PLAT for this permit? YES	Number of acres in parcel 3.60
--------------------------------------	--------------------------------

Current use Multi family residential
Proposed use Multi family residential
Zoning district LOW DENSITY RESIDENTIAL

Administrative Official 	Date 8/28/2024
--	----------------

Permit shall not take effect until 9/27/2024. *** Or if a notice of appeal is filed with the Development Review Board by such date, it shall not take effect until the DRB issues its final decision. ** And the time for filing an appeal to the Environmental Court must have passed.

MORRISVILLE / MORRISTOWN DEVELOPMENT REVIEW BOARD
P.O. BOX 748
MORRISVILLE, VT. 05661
PHONE (802) 888-6373

NOTICE OF DECISION

This matter came before the Morrisville/Morristown Development Review Board (referred to hereafter as the "Board") on the application of property owner 49ACE LLC (referred to hereafter as the "Applicant") for §435 Expansion of Non-Conforming use, §630 Conditional Use, & §500 Site Plan Approval to use the remaining density on Parcel 07012 in the Low Density Residential Zone to construct a duplex southeast of the existing non-conforming multi-family dwelling at 49 Miller Bridge Road (referred to hereafter as the "Project"). On 28 August 2024 the Board conducted a warned public hearing on the application under the 2023 Morrisville/Morristown Zoning Bylaws (referred to hereafter as "the Bylaws"). Board Members Donnie Blake, Susanna Burnham, Gary Nolan (Chair), Paul Trudell, Christy Snipp, Mary Ann Wilson, and Chris Wiltshire presided at the hearing. The Applicant was represented at the hearing by Engineer Tyler Mumley. There were no Interested Parties that participated in the hearing process.

Based on the testimony provided, and the documents submitted for the hearing (which are found in the "Zoning File" for the Project), this Board finds, concludes, and decides as follows:

FINDINGS OF FACT

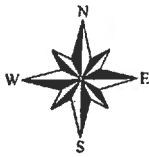
1. The Applicant is seeking §435 Expansion of Non-Conforming use, §630 Conditional Use, & §500 Site Plan Approval to use the remaining density on Parcel 07012 in the Low Density Residential Zone to construct a duplex southeast of the existing non-conforming multi-family dwelling at 49 Miller Bridge Road.
2. The proposed duplex will be built atop of Miller Bridge Road, intentionally severing it as a short-cut around the intersection of Morristown Corners Road & LaPorte Road / Rte. 100). The duplex has been assigned an e911 address of 71 Miller Bridge Road.
3. The proposed Project was advertised in the *News & Citizen* on 8 August 2024.
4. The Board conducted a warned public hearing on the application on 28 August 2024.
5. A one-page site plan was submitted for the Project that was drawn at a scale of 1"=20' by Mumley Engineering and entitled "SITE PLAN / 49 ACE LLC / 49 MILLER BRIDGE ROAD / MORRISTOWN, VERMONT" dated 24 June 2024.
6. Board Members Donnie Blake, Susanna Burnham, Gary Nolan (Chair), Paul Trudell, Christy Snipp, Mary Ann Wilson, and Chris Wiltshire presided at the hearing.
7. The Applicant was represented at the hearing by Engineer Tyler Mumley.

10. Pursuant to §632.3 of the Bylaws, in order to grant approval, this Board must conclude that this proposed Project will not cause unreasonable soil erosion in the capacity of the land to hold water so that dangerous or unhealthy conditions may result. This Board concludes that the Project meets this requirement.
11. Pursuant to §632.4 of the Bylaws, in order to grant approval, this Board must conclude this proposed Project will not result in undue water, noise, or air pollution. This Board concludes that the Project meets this requirement.

DECISION

Based upon the Findings and Conclusions set forth above, Member Blake moved to grant §435 Expansion of Non-Conforming Use, §630 Conditional Use, & §500 Site Plan Approval in the Low Density Residential Zone to construct a duplex to the southeast of the existing non-conforming multi-family dwelling at 49 Miller Bridge Road, **provided the Applicant complies the following conditions of approval:**

1. **General Requirement (permit file)**: All information submitted on the application, on documents, and on plans/prints, and any agreements cited in the meeting minutes for the hearing shall be considered part of the conditions of approval.
2. **General Requirement (permit limitation)**: Pursuant to §402 of the Bylaws, all activities authorized by this permit shall be completed within 2 years of its date of issue. Zoning permits may be renewed by the Zoning Administrator for a period of up to 10 years from the date of issuance unless the approved use is no longer allowed in the underlying zone. Permits that have expired and are not subsequently renewed shall become null and void and reapplication shall be required.
3. **General Requirement (permit runs with the land)**: By acceptance of the conditions of this permit without appeal, the permittee confirms and agrees for itself and all successors and assigns that the conditions of this permit shall run with the land and the land uses herein permitted and will be binding upon and enforceable against the permittee and all successors and assigns.
4. **General Requirement (local zoning approval only)**: This approval constitutes local zoning approval and in no way excludes the Applicant from the requirements of obtaining all other local or State permits and approvals.
5. **General Requirement (erosion)**: Best practice erosion controls shall be used during construction.
6. **General Requirement (lighting)**: All exterior lighting that is installed on the subject property shall be down-shielded, LED, and comply §490 of the Bylaw. Unless on a motion sensor, all exterior lighting shall be turned off by 10:00 PM every night.
7. **General Requirement (utilities)**: The proposed duplex building will be served by on-site



49Ace LLC duplex non-conforming

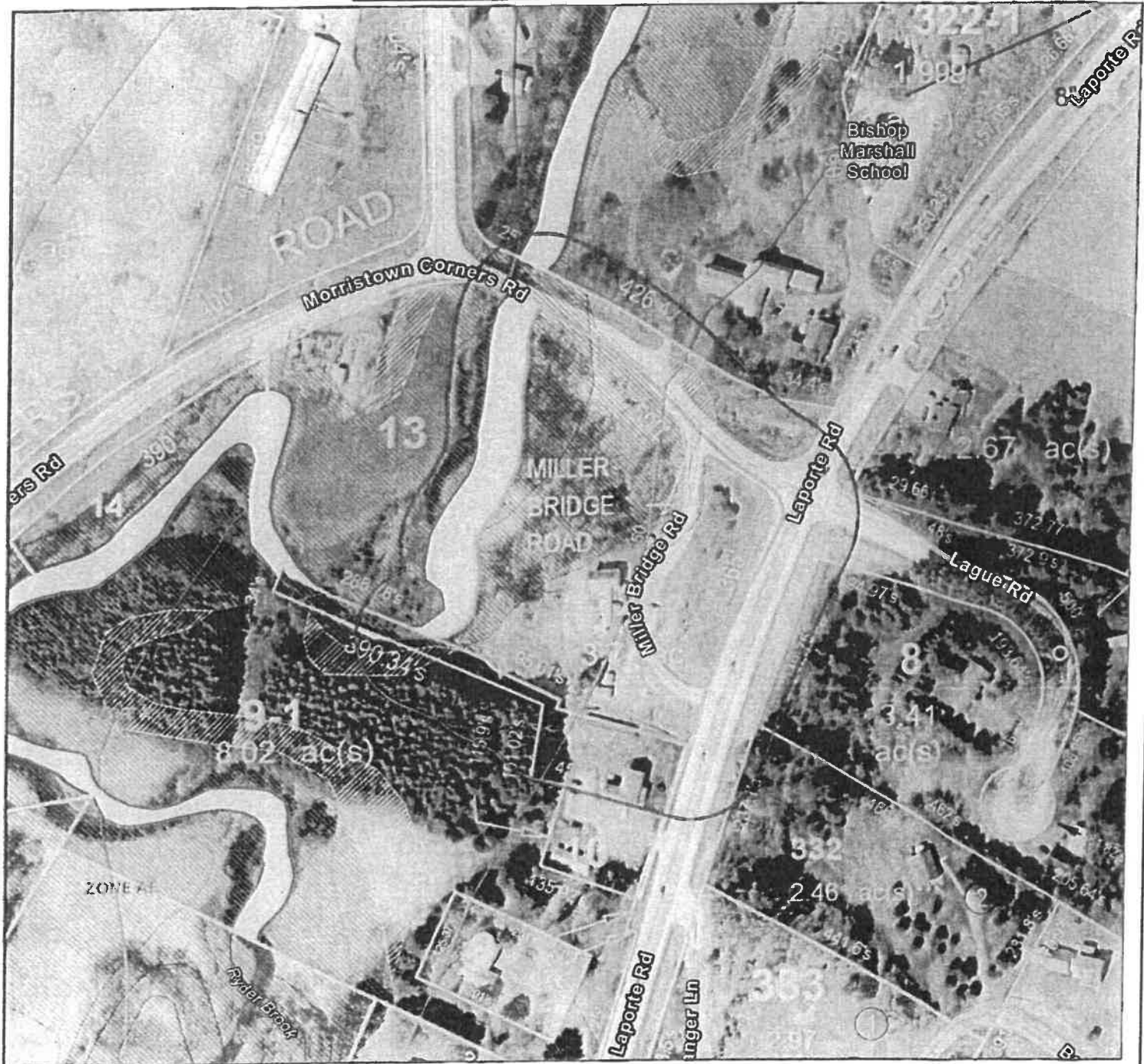
Town of Morristown, VT

1 inch = 200 Feet

CAI Technologies

www.cai-tech.com

July 2, 2024



— PWater	Private Road ROW	366 - 800
Property Line	Property Hook	ZONE AE
Public Road	WaterLines	ZONE X
Right of Way	Water-poly	Water Lines

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

Act 250 Rule 34(E): Stowe Club Highlands Analysis

(E) Balancing Flexibility and Finality of Permit Conditions: (Stowe Club Highlands Analysis)

(1) In reviewing any amendment application, the district commission shall first determine whether the applicant proposes to amend a permit condition that was included to resolve an issue critical to the issuance of the permit. This determination shall be made on a case-by-case basis.

- (a) If the applicant does not propose to amend a permit condition that was included to resolve an issue critical to the issuance of the permit, the district commission's inquiry under this rule shall end, and it shall not weigh finality and flexibility pursuant to this rule or prior case precedent.
- (b) An application which seeks to amend project plans, exhibits, representations by the applicant for the applicable permit, findings, or conclusions which have been incorporated into the permit through a specific or general condition, may constitute an application to amend a permit condition that was included to resolve an issue critical to the issuance of the permit.

(2) In reviewing an application seeking to amend a condition that was included to resolve an issue critical to the issuance of the applicable permit, the district commission shall consider whether the permittee is merely seeking to relitigate the permit condition or to undermine its purpose and intent.

(3) If the applicant proposes to amend a permit condition that was included to resolve an issue critical to the issuance of a permit and is not merely seeking to relitigate the permit condition, the district commission shall apply the balancing test set forth in subsection (4) below. If the district commission finds that the need for finality outweighs the need for flexibility, the district commission shall deny the permit amendment application. In the alternative, the district commission may rule in the favor of flexibility.

(4) In balancing flexibility against finality, the district commission shall consider the following, among other relevant factors:

- (a) changes in facts, law or regulations beyond the permittee's control;
- (b) changes in technology, construction, or operations which necessitate the need for the amendment;
- (c) other factors including innovative or alternative design which provide for a more efficient or effective means to mitigate the impact addressed by the permit condition;
- (d) other important policy considerations, including the proposed amendment's furtherance of the goals and objectives of duly adopted municipal plans;
- (e) manifest error on the part of the district commission, the environmental board, or the environmental court in the issuance of the permit condition; and
- (f) the degree of reliance on prior permit conditions or material representations of the applicant in prior proceeding(s) by the district commission, the environmental board, the environmental court, parties, or any other person who has a particularized interest protected by 10 V.S.A. Ch. 151 that may be affected by the proposed amendment.



**May 28, DRB Meeting
Staff Notes**

APPLICATION: 2024-147

APPLICANT: Anderson Leveille

REQUESTED ACTION: Permit Amendment

LOCATION: 49 Miller Bridge Rd

EXISTING ZONING: Low Density Residential Zone

PROJECT DESCRIPTION: The Applicant, Anderson Leveille, is requesting an amendment to Permit 2024-147. The Applicant is seeking to remove the sidewalk instillation requirement from their property. Per section 503 of the 2023 bylaws.

PARCEL HISTORY:

1. Zoning Permit 2011-110, Approved 10-7-2011
2. Subdivision Application 2014-118, Approved 09-29-2014
3. Conditional Use Application 2024-147, Approved 08-28-2024
4. Conditional Use Application 2024-181, Approved 12-11-2024

LIST OF SUBMISSIONS:

- A. Application

PROCEDURAL INFORMATION:

1. Application submitted on 4/8/25
2. Agenda placed in News and Citizen 5/8/2025
3. Notice placed on Town website and at three locations in town on 5/9/2025
4. Abutters notified on 5/9/2025
5. Notice sent to Applicant 5/9/2025

STAFF COMMENTS (In Bold):

1. The Applicant, Anderson Leveille, are requesting an amendment to Permit 2024-147. The Applicant is seeking to remove the sidewalk instillation requirement from their property. Per section 503 of the 2023 bylaws.
2. The property is located in the Low-Density Residential Zone.
3. The Applicant is seeking to remove the sidewalk requirement noted in condition 12 of the DRB decision on application 2024-147 approved on 8-28-2024.
4. This condition notes that the applicant has one year from the groundbreaking to construct the required sidewalk.
5. The sidewalk must comply with the Morristown sidewalk policy.
6. The Applicants are seeking to remove this condition based on the fact that they are outside of the Sewer Management Area and are located in the Low-Density Residential Zone.



7. Number 2 of the Morristown Sidewalk Policy notes that properties in the Low-Density Residential Zones located outside of the Sewer Management Area are exempt from the sidewalk requirements noted in the sidewalk policy.
8. Section 630 of the Morristown Zoning and Subdivision Bylaws (The Bylaws) cover the requirements for Conditional Use Review and Approval.
9. Section 636 of The Bylaws note that the DRB may “attach such additional reasonable conditions and safeguards as it may deem necessary to implement the purposes of the Act and these zoning regulations, and to protect the health, safety and welfare of the general public.”.
10. This would give the DRB the ability to require the construction of a sidewalk to the standards noted in the Morristown Sidewalk Policy despite the fact that the property is not located inside the Sewer Management Area.
11. In order to remove a previously approved condition the DRB must use the Stowe Club Highlands Analysis which seeks to balance the finality of approvals with an applicant’s right to develop their property.
12. Section 1. A of ACT 250 Rule 34 (E) of The Stowe Club Highlands Analysis notes that if the applicant seeks to remove a condition that was not critical to resolving an issue critical to the issuance of an approval then the condition can be removed, and no further analysis is needed.
13. If the condition is deemed to be critical, then the DRB needs to use the test set forth in Section 4.a-f of ACT 250 Rule 34 (E).

ITEMS FOR DRB CONSIDERATION:

1. Was the installation of a sidewalk intended to resolve an issue critical to the approval of the project?
 - a. If it was critical, did the applicants satisfy the test requirements noted in Section 4.a-f of ACT 250 Rule 34 (E)?

RECOMMENDATIONS TO THE DRB:

1. Remove the requirement that the Applicant be required to install a sidewalk as noted in the Morristown Sidewalk Policy based on the following:
 - a. The property is located in the Low-Density Residential Zone and is located outside of the Sewer Management Area and would therefore generally be exempt from the sidewalk requirements noted in the sidewalk policy.
 - b. The DRB decision on application 2024-147 does not note any justification for requiring the installation of a sidewalk beyond the DRBs authority to do so as noted in Section 636 of The Bylaws.
 - c. Therefore, the only reason this requirement exist is due to the fact that the DRB chose to impose it in its approval, making this condition a non-critical issue therefore satisfying Section 1. a. of ACT 250 Rule 34 (E).

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

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

#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

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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

