



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, June 25, 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 from 6-11-25 Meeting.

III. PUBLIC COMMENTS

IV. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. Continuation of application #2025-007. The Applicant, Daniel Dougher, is requesting major subdivision review for a 3 lot subdivision with no additional proposed development per Section 510 of the Morrystown Zoning and Subdivision Bylaws. The property is located at 40 Rooney Rd (Parcel Id 06-042) and is located in the Rural Residential Agricultural Zone.
2. #2025-044 Zoning Permit Appeal submitted by Hannah Farda to appeal the issuance of Permit 2025-36 which allowed the property owner Tyler Mumley to construct a duplex on his property located at 336 Cote Hill Road (Parcel ID 07-135-01). The Appellant owns an abutting property located at 248 Cote Hill Road (Parcel ID 07-136-3). The property located at 336 cote hill road is in the Rural Residential Agriculture zoning district.
3. #2025-45 Conditional Use Review submitted by Vermont Land Use Planning on behalf of Susan and Fred Reyher to convert part of an old garage into an accessory apartment (ADU) along with a 1,034 SQFT expansion to the principle dwelling to build a modern garage. Part of the proposed expansion would be located in the 45-foot front yard setback for the zoning district. The property is located at 2 Cote Hill RD (Parcel Id 07-139) and is located in the Rural Residential Agriculture zoning district.

V. ACTION ITEMS TO BE CONSIDERED

VI. OTHER BUSINESS

VII. ADJOURN



**DEVELOPMENT REVIEW BOARD MEETING MINUTES
OF JUNE 11, 2025**

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

Absent: Lenny Wing

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Christopher Wilcox, Jerry Throne

CALL MEETING TO ORDER

APPROVE PRIOR MEETING MINUTES

1. Approve Minutes of 5-28-25.

Motion made by Paul Trudell to approve the minutes of 5/28/25. Motion seconded by Donald Blake, Jr. Motion carried (6/0).

PUBLIC COMMENTS

HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

- 1. #2025-041 submitted by Christopher Wilcox and Cinthia Audet (Parcel 16132-01) 4925 Randolph Rd, requesting a 25% dimensional standard waiver of minimum setback distances under §204.4 for a garage. This application is to be reviewed under the 2023 Morrystown Morrisville Zoning and Subdivision Bylaws. The property is in the Rural Residential Agricultural Zone.**

Christopher Wilcox provided an overview of the project. He noted that he wanted the 25 % waiver from the rear yard setback in order to make it easier to access the garage once its complete. The Board discussed whether the site plan the applicant submitted was sufficient to approve the application. Most of the conversation focused on whether or not the site plan met the standards noted in Section 502 of the Morrystown Zoning and Subdivision regulations. During the discussion of the application the board determined that the site plan as presented did not meet the standards noted in Section 502.

Rather than having to take the time to prepare and present a site plan that complied with Section 502 Wilcox requested that the board deny his application so he can move forward with applying for a zoning permit using normal setbacks.

Motion made by Christy Snipp to deny the 25% waiver to the rear setback at the request of the applicant. Motion seconded by Susanna Burnham. Motion carried (6/0)

ACTION ITEMS TO BE CONSIDERED

- 1. Procedural motion to reopen and re-warn application #2025-011(Parcel 16-099-09, 0 Elizabeths Lane, Morrystown) in order to receive additional information.**

The Board discussed reopening and re-warning the hearing for application 2025-011. The Board discussed the list of outstanding items in a draft continuation memo for the Applicants. This letter contained 12 items that the Board wanted clarification on. Jerry Throne suggested a language change to number 6 of this list. The Board agreed with Mr. Thrones suggestion and amended their list to 13 items rather than the 12 originally discussed.

Motion made by Paul Trudell to reopen the hearing for application 2025-011. Motion seconded by Christy Snipp. Motion carried (6/0)

OTHER BUSINESS

ADJOURN

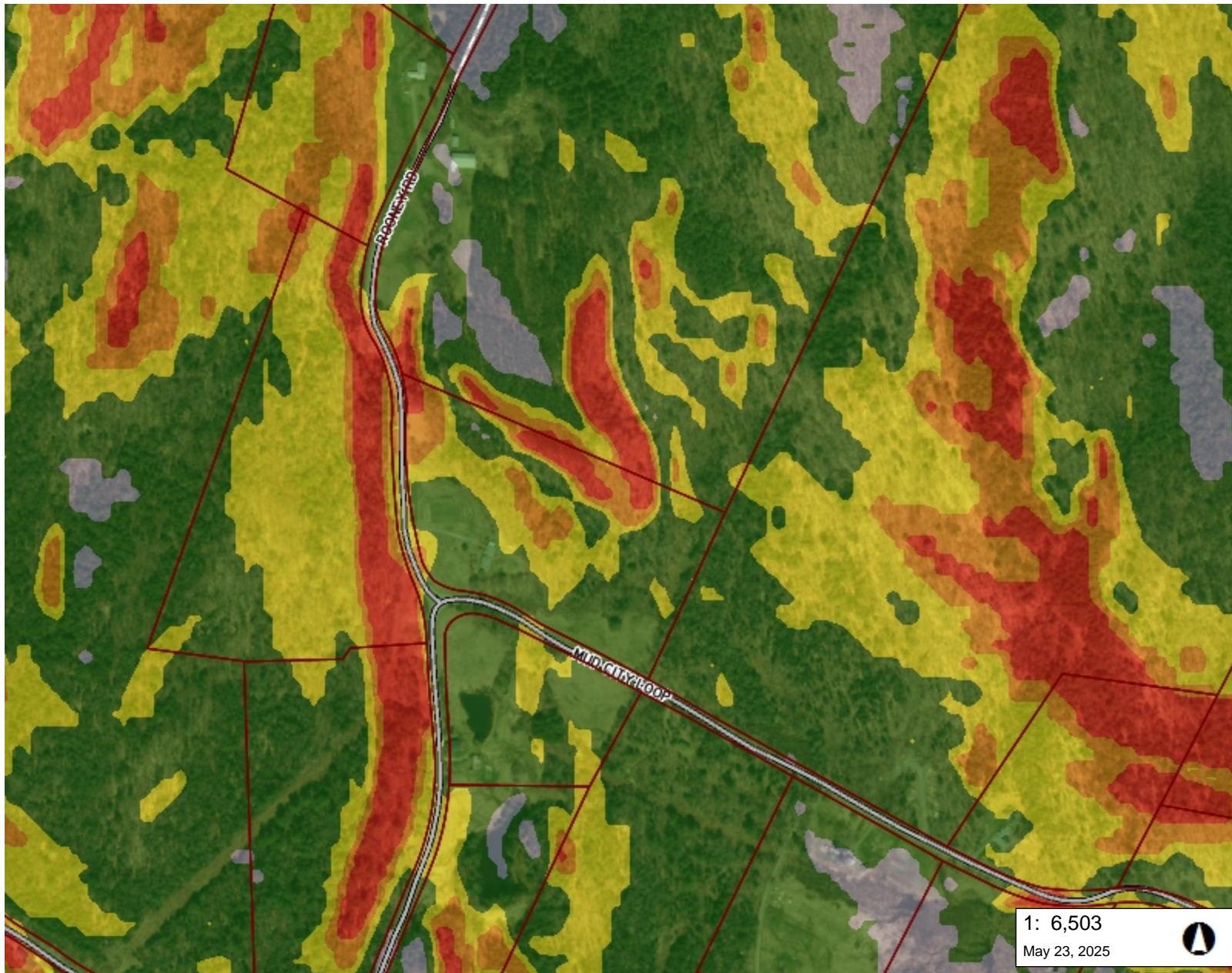
Motion made by Susanna Burnham to adjourn. Motion seconded by Mary Ann Wilson. Motion carried (6/0)

Meeting Adjourned 7:07 PM



















Submitted bad filed this June 16, 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.



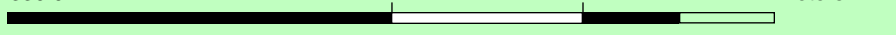
LEGEND

-  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



330.0 0 165.00 330.0 Meters



WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 542 Ft. 1cm = 65 Meters
© Vermont Agency of Natural Resources 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.

NOTES

Map created using ANR's Natural Resources Atlas



**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 Ares 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.

**Town of Morristown
PO Box 748
43 Portland St
Morrisville VT 05661**

Zoning permit

Appeal Notice

| | | | | | |
|---------------|----------|---------------|---------|----------------|--|
| Parcel number | 07-135-1 | Permit number | 2025-44 | Hearing number | |
|---------------|----------|---------------|---------|----------------|--|

| Parcel location information | | | | | |
|------------------------------------|-----|------------------|--------------|------------|--|
| Street number | 394 | Street/Road name | COTE HILL RD | Apt number | |
| Other location information | | | | | |

| Permit applicant information | | | | | |
|-------------------------------------|--------------|-----------|--------------------|-----|-------|
| Name | Hannah Farda | Address | 248 Cote Hill Road | | |
| City | Morristown | State | VT | Zip | 05661 |
| | | Telephone | | | |

| Parcel owner information | | | | | |
|---------------------------------|--------------|-----------|------------------|-----|-------|
| Name | Tyler Mumley | Address | 394 Cote Hill Rd | | |
| City | Morriistown | State | VT | Zip | 05661 |
| | | Telephone | | | |

| | | | | | |
|------------------|------------|-----------------|--------------------|-------|--|
| Application date | 05/23/2025 | Application fee | Land records: Book | Pages | |
|------------------|------------|-----------------|--------------------|-------|--|

| | | | | | |
|---|--|--|--|--|--|
| Description of permit Appeal of Permit 2025-036 | | | | | |
|---|--|--|--|--|--|

| | |
|-------------------------------------|---------------------------|
| Is there a PLAT for this permit? NO | Number of acres in parcel |
|-------------------------------------|---------------------------|

| | |
|---|---|
| Current use Proposed use Current building Proposed building Zoning district | Permit shall not take effect until _____, *** 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. |
|---|---|

| | |
|---|--|
| Name of contractor Construction began Construction finished Estimated cost | |
|---|--|

| Type of project Access Garage Number of cars Road frontage (ft) Bldgs on parcel Housing units | <table style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;"><i>Setbacks (feet)</i></th> </tr> <tr> <td style="width: 50%;">Right</td> <td style="width: 50%;">Left</td> </tr> <tr> <td>Rear</td> <td>Center of road</td> </tr> </table> <table style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;"><i>Structure information</i></th> </tr> <tr> <td colspan="2">Number of stories</td> </tr> <tr> <td colspan="2">Number of rooms</td> </tr> <tr> <td colspan="2">Number of bedrooms</td> </tr> <tr> <td colspan="2">Number of baths</td> </tr> </table> | <i>Setbacks (feet)</i> | | Right | Left | Rear | Center of road | <i>Structure information</i> | | Number of stories | | Number of rooms | | Number of bedrooms | | Number of baths | |
|---|---|------------------------|--|-------|------|------|----------------|------------------------------|--|-------------------|--|-----------------|--|--------------------|--|-----------------|--|
| <i>Setbacks (feet)</i> | | | | | | | | | | | | | | | | | |
| Right | Left | | | | | | | | | | | | | | | | |
| Rear | Center of road | | | | | | | | | | | | | | | | |
| <i>Structure information</i> | | | | | | | | | | | | | | | | | |
| Number of stories | | | | | | | | | | | | | | | | | |
| Number of rooms | | | | | | | | | | | | | | | | | |
| Number of bedrooms | | | | | | | | | | | | | | | | | |
| Number of baths | | | | | | | | | | | | | | | | | |
| <i>Project dimensions</i> | | | | | | | | | | | | | | | | | |
| Size of project (sq ft) | | | | | | | | | | | | | | | | | |
| Length (ft/in) | Width (ft/in) | Height (ft/in) | | | | | | | | | | | | | | | |

| | |
|-------------------------|---------------------|
| Administrative Official | Date <u>5/25/25</u> |
|-------------------------|---------------------|

05/22/2025

Appeal of Zoning Permit #2025-036 - Duplex

Subject: Appeal of Zoning Permit #2025-036 - Duplex (Building Permit for Duplex at 336 Cote Hill Road)

Attn.: Gary Nolan, DRB Chair and Tyler Machia, Zoning Administrator
Appellant Party: Hannah Farda, 248 Cote Hill Road and 394 Cote Hill Road

Dear Chair Nolan and Mr. Machia,

I, Hannah Farda, resident of 248 Cote Hill Road, Morristown, VT, and co-owner of 394 Cote Hill Road, Morristown, VT, am writing as a concerned party to provide the required notice of appeal for the approved zoning permit #2025-036, for the construction of a Duplex at 336 Cote Hill Road, Morristown VT.

This building permit for a Duplex was approved under the understanding that the recent passage of the HOME Act by the Vermont legislature supersedes local zoning and requires permitting of duplexes in RRA zoning. However, the stated intention of the HOME Act is as follows:

“The Act aims to address decades of state and local policies that have contributed to segregation and exclusion in Vermont. This legislation is an important part of a multipronged approach to mitigating the housing crisis...”

The basis of this appeal is that the developers intended method of renting this duplex is as a rental for travel nurses and other traveling medical professionals at a rent that is unaffordable for the median income in Lamoille County, does not comport with the intent of the HOME Act, which is to increase the supply of long-term, affordable housing to our Vermont neighbors. A brief review of the developer’s current monthly rents for the existing duplex (which is currently rented to out of state traveling medical personnel) on this subject property illustrates he has no intention of providing an affordable rental. Based on these facts, the approval of this permit should be overturned.

I can be contacted with any questions via email, at hannah.farda@gmail.com or via telephone at 802-851-0620.

Thank you for your time and attention to this matter.

Respectfully,

Hannah Farda

**Town of Morrystown
PO Box 748
43 Portland St
Morrisville VT 05661**

Zoning permit

| | | |
|--|---|--|
| Parcel number 07-135-1 | Permit number 2025-036 Hearing number | |
| Parcel location information | | |
| Street number 336 Street/Road name COTE HILL RD | Apt number | |
| Other location information | | |
| Permit applicant information | | |
| Name MUMLEY, TYLER | Address 11 MOSS GLEN FALLS RD | |
| City STOWE | State VT Zip 05672 Telephone 802-881-6314 | |
| Parcel owner information | | |
| Name MUMLEY, TYLER | Address 11 MOSS GLEN FALLS RD | |
| City STOWE | State VT Zip 05672 Telephone 802-881-6314 | |
| Application date 03/10/2025 Application fee | Land records: Book Pages | |
| Description of permit NEW CONSTRUCTION DUPLEX (24'X48' 1152 FT/2 FOOTPRINT) 4BR / TWO STORY | | |
| Is there a PLAT for this permit? YES | Number of acres in parcel 1.84 | |
| Current use Undeveloped | Permit shall not take effect until <u>5-23-25</u> ; *** 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. | |
| Proposed use Two family residential | | |
| Current building | | |
| Proposed building Two family residence | | |
| Zoning district RURAL RESIDENTIAL AGRICULTURAL | | |
| Name of contractor TBD | Onsite water and septic Bedrooms served by septic permit 4 | |
| Construction began | | |
| Construction finished | | |
| Estimated cost | | |
| Type of project New | Setbacks (feet) | |
| Access | Right 72.0 Left 30.0 | |
| Garage | Rear 130.0 Center of road 240.0 | |
| Number of cars Road frontage (ft) 20 | Structure information | |
| Bldgs on parcel 1 Housing units 2 | Number of stories 2 | |
| Project dimensions | | |
| Size of project (sq ft) 1152 | | |
| Length (ft/in) 48/0 Width (ft/in) 24/0 Height (ft/in) 24/0 | Number of rooms 8 | |
| | | |
| Number of bedrooms 4 | | |
| Number of baths 4 | | |
| Administrative Official <u>[Signature]</u> | Date <u>5-8-25</u> | |

ACCESS PERMIT: 2025-037A

SITE PLAN C-1 AS REC. 5.5.25

Town of Morristown

Zoning permit

| | | |
|--|--|----------------------------------|
| Parcel number 07135 | Permit number | Hearing number |
| Parcel location information | | |
| Street number 336 | Street/Road name Cote Hill Rd | Apt number |
| Other location information | | |
| Permit applicant information | | |
| Name Tyler & Andrea Mumley | Address 11 Moss Glen Falls Rd | |
| City Stowe | State VT | Zip 05672 Telephone 802-881-6314 |
| Parcel owner information | | |
| Name Same as applicant | Address | |
| City | State | Zip Telephone |
| Application date 03-10-25 | Application fee | Land records: Book 311 Pages 71 |
| Description of permit Proposed residential duplex on existing 1.84-acre parcel. | | |
| Is there a PLAT for this permit? Yes | Number of acres in parcel 1.84 | |
| Current use | Permit shall not take effect until _____, ** * 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. | |
| Proposed use Residential | | |
| Current building | | |
| Proposed building Duplex | | |
| Zoning district RRA | | |
| Name of contractor TBD | | |
| Construction began | | |
| Construction finished | | |
| Estimated cost | | |
| Type of project Residential | Setbacks (feet) | |
| Access Driveway from Cote Hill Road | Right 72' | Left 30' |
| Garage No | Rear 130' | Center of road 240' |
| Number of cars 4 | Structure information | |
| Road frontage (ft) 20' ROW | Number of stories 2 | |
| Bldgs on parcel 1 | Number of rooms 8 | |
| | Number of bedrooms 4 | |
| | Number of baths 4 | |
| Project dimensions | | |
| Size of project (sq ft) 1,152 SF | | |
| Length (ft/in) 48' | Width (ft/in) 24' | Height (ft/in) |
| Administrative Official _____ | Date _____ | |

Town of Morristown, VT

The undersigned hereby requests a zoning permit for the below described development. Any permit issued as a result of this application shall be void in the event of any misrepresentation.

Tyler Mumley
Digitally signed by Tyler Mumley
 DN: C=US, E=tyler@mumleyinc.com,
 CN=Tyler Mumley
 Date: 2025.03.10 12:57:14-04'00'

Tyler Mumley
Digitally signed by Tyler Mumley
 DN: C=US, E=tyler@mumleyinc.com,
 CN=Tyler Mumley
 Date: 2025.03.10 12:57:21-04'00'

03-10-25
 Date

routes, and public parking spaces in the vicinity of the development. ~~However,~~
~~a municipality shall not require an accessory dwelling unit to have more than~~
~~one parking space per bedroom.~~

* * *

Sec. 2. 24 V.S.A. § 4412 is amended to read:

§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

(1) Equal treatment of housing and required provisions for affordable housing.

* * *

(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be an allowed use with the same dimensional standards as a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use, unless that district specifically requires multiunit structures to have more than four dwelling units.

(E) Except for flood hazard and fluvial erosion area bylaws adopted pursuant to section 4424 of this title, no bylaw shall have the effect of



June 25, DRB Meeting Staff Notes

APPLICATION: 2025-044

APPLICANT: Hannah Farda

REQUESTED ACTION: Appeal of Permit 2025-36

LOCATION: 336 Cote Hill Road

EXISTING ZONING: Rural Residential Agricultural

PROJECT DESCRIPTION: 2025-044 Zoning Permit Appeal submitted by Hannah Farda to appeal the issuance of Permit 2025-36 which allowed the property owner Tyler Mumley to construct a duplex on his property located at 336 Cote Hill Road (Parcel ID 07-135-01). The Appellant owns an abutting property located at 248 Cote Hill Road (Parcel ID 07-136-3). The property located at 336 Cote Hill Road is in the Rural Residential Agriculture zoning district.

PARCEL HISTORY:

1. Access permit 2023-16A, Approved 12/06/2023
2. Subdivision 2023-146, Approved 09/03/2024
3. Appeal of 2023-46, 2024-161, Denied 10/23/2024
4. Zoning permit 2025-036, Approved 3/10/2025
5. Access Permit 2025-037A, Approved 05/08/2025

LIST OF APPLICANT SUBMISSIONS:

- A. Appeal Notice
- B. Narrative

PROCEDURAL INFORMATION:

1. Application submitted on 5/23/25
2. Agenda placed in News and Citizen 5/29/2025
3. Notice placed on the town website and at three locations in town on 5/29/2025
4. Abutters notified on 5/29/2025
5. Notice sent to Applicant 5/29/2025

OVERVIEW:

1. The Appellant Hannah Farda appealed the issuance of Permit 2025-36 which allowed the property owner Tyler Mumley to construct a duplex on his property located at 336 Cote Hill Road (Parcel ID 07-135-01). The Appellant owns an abutting property located at 248 Cote Hill Road (Parcel ID 07-136-3). The property located at 336 Cote Hill Road is in the Rural Residential Agriculture zoning district.
2. The Appellant is appealing this permit because they do not feel that this project complies with the goals of the HOME Act (ACT 47).



3. The Appellant notes that the goal of ACT 47 is intended to address decades of state and local policies that have contributed to segregation and exclusion in Vermont.
4. The Appellant noted in their narrative that it is Mr. Mumley's intent to rent this duplex to traveling nurses.
5. The Appellant is concerned that the rate that Mr. Mumley intends to charge to rent this duplex would be unaffordable.
6. The Appellant does not feel that this duplex would increase the supply of affordable housing.
7. Based on the above the Appellant feels that Zoning Permit 2025-36 should be overturned.

STAFF COMMENTS: I recommend that the Board denies the appeal of permit 2025-36 for the following reasons

1. Section 2 of 24 V.S.A 4412.D notes that " In any district that allows year round residential development duplexes shall be an allowed used with the same dimensional standards as a single unit dwelling".
 - a. This section does not contain any affordability requirements.
2. Neither the Morristown Zoning or Subdivision Bylaws (The Bylaws) nor ACT 47 require any form of disclosure regarding rental rates of the duplex or verification of the incomes of the individuals renting.
3. Act 47 notes that affordable housing cannot be treated differently than market rate housing. However, it does not require a property owner to build affordable housing if they choose not to.
4. 24 VSA 4448 (a) notes that the Zoning Administrator Is required to interpret the regulations literally.
5. Given that ACT 47 trumps local zoning regulations I have to interpret Section 2 of 24 V.S.A 4412.D literally and permit the construction of this duplex.

CONCLUSION: While I understand the Affordability concerns raised by the Appellant it is the job of the Zoning Administrator to administer the regulations literally. Given that neither ACT 47 or The Bylaws explicitly require affordability to be taken into account when permitting duplexes, I have no grounds to require an applicant to rent this duplex to any particular group of people for a specific rate. If Mr. Mumley wishes to rent this out as a short-term rental he would be bound to the standards for short-term rentals noted in The Bylaws. Whom Mr. Mumley intends to rent the duplex too is not something I have the ability to regulate as this is not a requirement of The Bylaws or ACT 47aside from the regulations on short term rentals. Based on the above I feel the towns issuance of Permit 2025-36 was justified and it complies with both ACT 47 and the Bylaws.

**TOWN OF MORRISTOWN/VILLAGE OF MORRISVILLE
APPLICATION FOR HEARING BEFORE THE DEVELOPMENT REVIEW BOARD**

2025-45

Tax Map Number 07139 Permit Number _____
 All questions must be completed in full or application will be Denied (Please print or type information)

Property Address: 2 Cote Hill Road Book 350 Page 173

Property Owner: Susan & Fred Reyher

Mailing Address: 2 Cote Hill Road, Morrisville, VT 05661

Applicant (if different from owner): VT Land Use Planning LLC

Mailing Address: 100 Maple Street, Morrisville, VT 05661

Telephone Work: 802-324-9825 Home: _____ Email: VTLandUsePlanning@Gmail.com

Engineer of Plan: Todd Thomas of VT Land Use Planning LLC

Mailing Address: 100 Maple Street, Morrisville, VT 05661

Telephone Number: 802-324-9825 Fee: \$ 100 Paid: Y N

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

Description of Project: one 24x36 and six 11x17 copies of a site plan must be submitted with this application

Existing use of property: Dwelling Unit Single-Family & Accessory Use (Garage)

Proposed use of property: Change 23x21 garage into accessory apt & 18x16 garage addition

Describe proposed project and nature of request: See attached project narrative as requested by ZA.

Project Dimensions: 18 feet long by 16 feet deep Lot Size: 0.80 acres

Setbacks: Sides: Right -130' Light - 60' Front: 33' (existing) Rear: 100'+

Lot Frontage: 185 Parking Spaces: Required: 1 Planned: 3

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

The undersigned hereby request an appearance before the Development Review Board for the land development described above. Any permit issued as a result of this application shall be null and void in the event of misrepresentation or failure to undertake construction within one year from approval.

Signature of Owner: [Signature] Signature of Applicant: [Signature] Date Submitted: 5/28/2025

All written decisions issued by the Development Review Board have 30 day appeal period. No construction may commence until the appeal period has expired.

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.

For Administrative Use Only

Date filed with Zoning Administrator: 5/28/25 Date of First Review by Development Review Board: 6/25/25 6:00p

Notice of Hearing: 6/6/25 Notice to Surrounding Landowners: 6/6/25

Date of Hearing: 6/25/25

Date of Decision: _____ Approved _____ Denied _____ on the basis of the findings of facts and conditions attached to the permit, see minutes of _____

Zoning and Subdivision Bylaws are available for purchase from the Town Clerk's Office or the Zoning Office and can viewed on the town website at: www.morristownvt.org/zoning



Project Narrative for proposed garage addition at 2 Cote Hill Road

The Reyher Family recently purchased Anne Thursby's former home at 2 Cote Hill Road. This home was constructed in 1904, nearly 70 years before the Town adopted zoning. Like many older homes, 2 Cote Hill Road was built close to the road (33 feet from its centerline). The later adopted Rural Residential Agricultural Zone for this area requires a 45 foot front setback, which the old home fails to meet, making it pre-existing non-conforming by 12 feet of front setback (which is why this simple zoning application is in front of the DRB). The Reyher Family would like to convert the entirety of the existing attached 23x21 garage into a 483 ft² accessory apartment (no increase in the home's total bedroom count) and build a modest addition therefrom to create a more modern garage. The proposed Accessory Apartment conversion of the old garage complies with Section 423.4 of the Bylaws as it will only be 28% of the size of the remodeled house (483 ft² / 1,711 ft²). The addition that will replace the garage will be built 18 feet to its east and 16 feet south towards the centerline of the road (a total footprint expansion of 1,034 square feet). This footprint expansion, specifically the 16 feet towards the road, will locate a portion of the garage addition within the front setback. However, the proposed addition does not place the garage addition any closer to the road than the existing attached house sits, which means **the proposed addition does not increase the non-conformity of the existing structure, as the current 33 feet setback to the centerline of the road will be maintained.** Therefore, the DRB must approve this proposed accessory apartment use and garage addition under Section 436 (Expansion of Non-Conforming Structure) of the Bylaws. Please note that due to steep slopes directly behind the garage (see grading on enclosed site plan), there is no alternative but to build the garage addition towards the road to be able to park a standard size pickup truck inside next winter.

******* Prepared for: Susan & Fred Reyher of 2 Cote Hill Road, Morrisville, VT 05661 *******

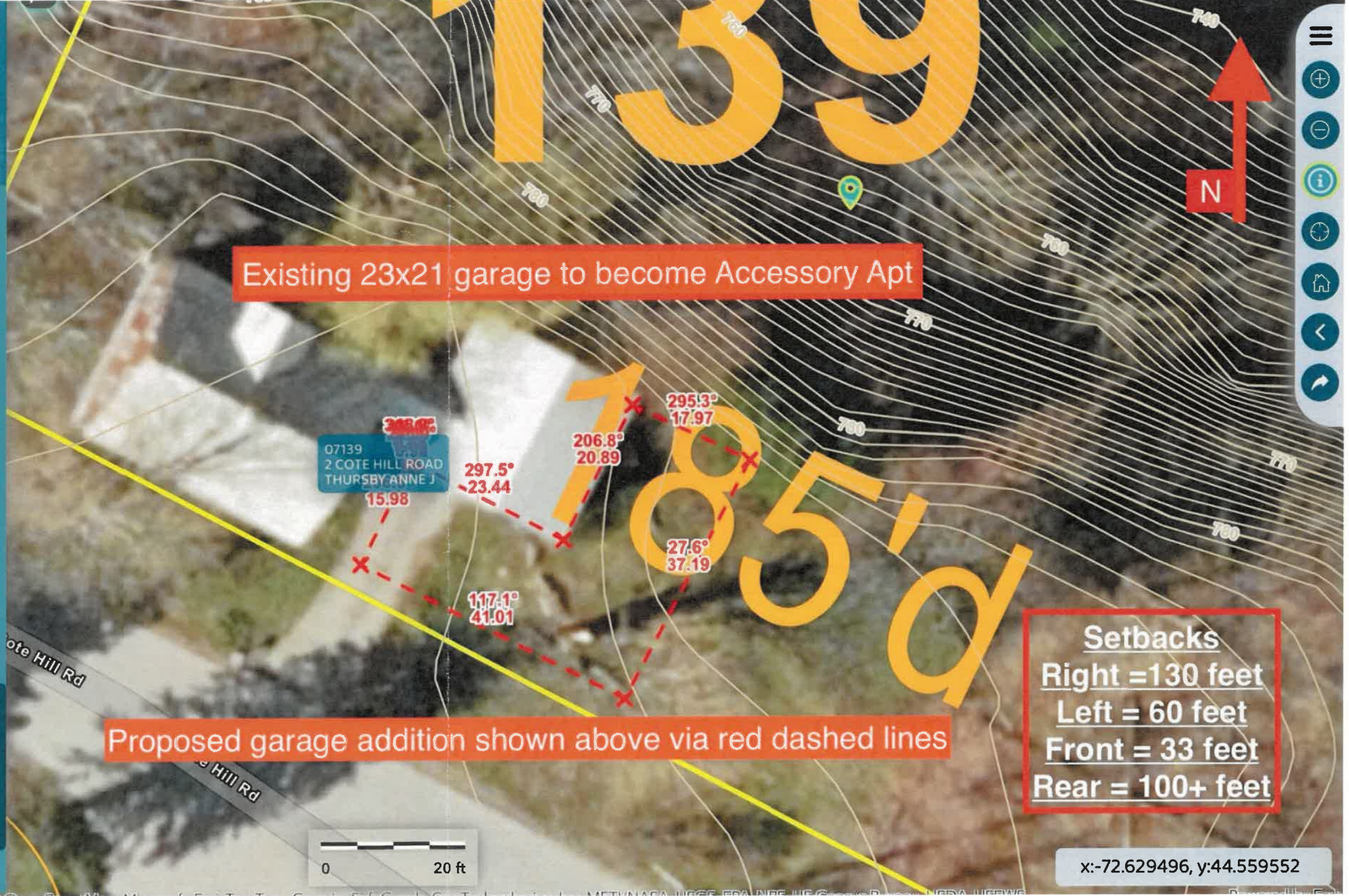
2 cote hill road

Parcel #: 07139

- Documents
- CAI Property Card
 - NEMRC Web Data Property Card
 - Tax Bill
 - Building Photo (3)

Assessment

| | |
|-----------------|--------------------------|
| ID | : 2891 |
| PropertyAddress | : 2 COTE HILL ROAD |
| PropertyStreet | : COTE HILL ROAD |
| MapSheet | : 0713 |
| OwnerName | : THURSBY ANNE J |
| CoOwnerName | : C/O JEFFERIES ROBERT S |
| OwnerAddress | : PO BOX 487 |
| OwnerAddress2 | |
| OwnerCity | : WESTFORD |
| OwnerState | : MA |
| OwnerZip | : 01886-0013 |
| ParcelNumber | : 07139 |
| GisFullNumber | : 07139 |
| CamaFullNumber | : 07139 |
| PID | : 414-129-12353 |
| P_PROP | : 07139 |
| P_SUB | |
| P_NAME1 | : THURSBY ANNE J |
| P_NAME2 | : C/O JEFFERIES ROBERT S |



The Vermont Statutes Online

The Statutes below include the actions of the 2024 session of the General Assembly.

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

Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 011 : APPEALS

(Cite as: **24 V.S.A. § 4469**)

§ 4469. Appeal; variances

(a) On an appeal under section 4465 or 4471 of this title or on a referral under subsection 4460(e) of this title in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is not primarily a renewable energy resource structure, the board of adjustment or the development review board or the Environmental Division created under 4 V.S.A. chapter 27 shall grant variances and render a decision in favor of the appellant, if all the following facts are found, and the finding is specified in its decision:

(1) There are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to these conditions, and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.

(2) Because of these physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the bylaw, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) Unnecessary hardship has not been created by the appellant.

(4) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

(5) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaw and from the plan.

(b) On an appeal under section 4465 or 4471 of this title in which a variance from the provisions of a bylaw or interim bylaw is requested for a structure that is primarily a renewable energy resource structure, the board of adjustment or development review board or the Environmental Division may grant that variance and render a decision in favor of the appellant if all the following facts are found, and the finding is specified in its decision:

(1) It is unusually difficult or unduly expensive for the appellant to build a suitable renewable energy resource structure in conformance with the bylaws.

(2) The hardship was not created by the appellant.

(3) The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.

(4) The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the bylaws and from the plan.

(c) In rendering a decision in favor of an appellant under this section, a board of adjustment or development review board or the Environmental Division may attach such conditions to variances as it may consider necessary and appropriate under the circumstances to implement the purposes of this chapter and the plan of the municipality then in effect.

(d) A variance authorized in a flood hazard area shall meet applicable federal and State rules for compliance with the National Flood Insurance Program. (Added 2003, No. 115 (Adj. Sess.), § 106; amended 2009, No. 154 (Adj. Sess.), § 236; 2011, No. 138 (Adj. Sess.), § 14, eff. May 14, 2012.)



June 25, DRB Meeting Staff Notes

APPLICATION: 2025-045

APPLICANT: Vermont Land Use Planning

REQUESTED ACTION: Conditional Use Review

LOCATION: 2 Cote Hill Road

EXISTING ZONING: Rural Residential Agricultural

PROJECT DESCRIPTION: #2025-45 Conditional Use Review submitted by Vermont Land Use Planning on behalf of Susan and Fred Reyher to convert part of an old garage into an accessory apartment (ADU) along with a 1,034 SQFT expansion to the principle dwelling to build a modern garage. Part of the proposed expansion would be located in the 45-foot front yard setback for the zoning district. The property is located at 2 Cote Hill RD (Parcel Id 07-139) and is located in the Rural Residential Agriculture zoning district

PARCEL HISTORY:

1. Zoning permit 1996-082, Approved 7/15/1996

LIST OF APPLICANT SUBMISSIONS:

- A. Application
- B. Narrative
- C. Site Plan

PROCEDURAL INFORMATION:

1. Application submitted on 5/28/25
2. Agenda placed in News and Citizen 5/29/2025
3. Notice placed on the town website and at three locations in town on 5/29/2025
4. Abutters notified on 5/29/2025
5. Notice sent to Applicant 5/29/2025

STAFF COMMENTS (Comments In Bold):

1. Vermont Land Use Planning submitted an application on behalf of Susan and Fred Reyher to convert part of an old garage into an accessory apartment (ADU) along with a 1,034 SQFT expansion to the principle dwelling to build a modern garage. Part of the proposed expansion would be located in the 45-foot front yard setback for the zoning district. The property is located at 2 Cote Hill RD (Parcel Id 07-139) and is located in the Rural Residential Agriculture (RRA) zoning district.
2. Part of the applicants project consists of a 482 ft² Accessory apartment, which is a permitted use as noted in the use stable in section 204.5a of the Morrystown Zoning and Subdivision Bylaws(The Bylaws).
3. Section 423.4 of The Bylaws notes that ADUs are allowed provided there is sufficient waste water capacity and the proposed ADU is not greater than 60% of the heated floor area of the primary dwelling.



4. The Applicants narrative indicates that the proposed ADU will only be 28% of the size of the proposed remodeled house and indicates that the ADU will not change the total bedroom count for the property. **(While the Applicants narrative notes that they are not expanding the existing bedroom count they have not provided any documentation as to the existing capacity of the septic system. The Board could consider requiring the applicant to submit a Wastewater permit for the property or some other form of documentation to ensure there is adequate septic capacity on the property.)**
5. This project is subject to the dimensional requirements for the RRA noted in Section 204.5b of The Bylaws.
6. The Setbacks for the RRA are as follows:
 - a. Front -45 ft
 - b. Side -15ft
 - c. Rear-15ft
7. The Applicants narrative notes that the principal structure is only setback 33 ft from the centerline of the road.
8. The Applicants narrative notes that nonconforming structures can be expanded per Section 436 of The Bylaws.
9. Section 436 notes the following:
 - a. Expansion of a non-conforming structure, where said expansion does not meet current dimensional requirements, may be approved upon Conditional Use review by the DRB, provided that said expansion does not make the structure more nonconforming. Expansion of a Non-Conforming Structure, where the proposed expansion is entirely consistent with current dimensional requirements in the structure's underlying zone, shall be approved via administrative review.
10. The Applicants note that the existing home is located inside of the front setback for the district.
11. The Applicants indicate in their narrative that the proposed addition would extend the principal structure further laterally into the setback. However, the structure would not be any closer than 33ft from the centerline of the road.
12. The Applicants argue that because the project would not extend any closer to the front setback than the existing principal structure the expansion would not make the structure more nonconforming. **(While the applicants project would not extend further into the front setback it would increase the volume of the structure that is in the front setback. Section 436 notes that the expansion cannot make the structure more nonconforming. This proposal would make the non-conformity worse by increasing the volume of the structure that is located inside of the front setback. Increasing the volume of a structure in a location where the structure should not be is an expansion of a nonconformity. The applicants could consider requesting a variance given the setback issues and steep slopes located to the rear of the property. However, the applicants have not requested a variance. Variances are regulated by Section 204.3 of the bylaws and 24 VSA §4469.)**
13. Expansion of a non-conforming structure requires conditional use review as noted in Section 436 and will be subject to the regulations noted in Section 630 of The Bylaws.
14. The project has to comply with the general standards noted in Section 632.
15. The project is in compliance with the standards noted in Section 632.
16. The project is in compliance with the specific standards noted in Section 635.



17. Conditional use review requires site plan review as noted in Section 502 of The Bylaws and will be subject to the standards noted in Section 502 a-e. The project will not be subject to the standards noted in f-I of Section 502 as this is a not a commercial or multifamily development.

18. The Applicants submittal materials are in compliance with letters a,b,d and e of Section 502. **(The Applicants plan set and submittals does not show the preparation date for the site plan as noted in Section 502.i of The Bylaws)**

OUTSTANDING ITEMS:

1. Waste Water Permit or information on the existing septic system.
2. Date of map preparation.
3. Varriance request.

ITEMS FOR DRB CONSIDERATION:

1. Does expanding the volume of a structure inside of a setback count as an expansion of a non-conforming structure?
2. Do the Applicants meet the requirements to qualify for a variance?

RECOMMENDATIONS TO THE DRB

1. Deny the applicants request to expand the volume of a structure into the front yard setback as it would amount to an expansion of a non-conforming structure.
2. Continue the application to allow the applicants to supply the information necessary to meet the standards for a variance as noted in 24 VSA 4469.
3. Make a determination with the materials submitted thus far as to whether or not the applicants have provided the necessary information to meet the standards for a variance as noted in 24 VSA 4469.