TOWN OF MORRISTOWN SELECTBOARD
SPECIAL MEETING NOTICE & AGENDA
COMMUNITY MEETING ROOM
On Zoom and at 43 Portland St. Morrisville, VT 05661
4:00 PM Monday, August 18, 2025

Join Zoom Meeting or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: 810 342 4528 | Passcode 05661
The meeting will be live streamed on the Town of Morristown's website: https://www.morristownvt.gov/community/page/meetings-agendas-minutes and on Town GMATV YouTube Channel when possible

I. 4:00PM - OPEN PUBLIC HEARING

1. Appeal of Chris & Melissa LeBlanc re: Denial of Application for permit for private use of town Right-of-Way for sewer line access to public wastewater treatment at 265 Cottage Street

II. 5:00PM - ADJOURN

BRETON & SIMON, PLC
ATTORNEYS AT LAW
P.O. BOX 240
344 MOUNTAIN ROAD
STOWE, VERMONT 05672

Bryce Breton, Esq. 802.760.6774 bryce.breton@stoweattorneys.com
Brice Simon, Esq. 802.760.6773 brice.simon@stoweattorneys.com

July 22, 2025

Via Hand-Delivery to Town Offices and U.S. Mail to:
Town of Morristown
Brent Raymond, Town Manager, and
Town of Morristown Selectboard
P.O. Box 748
Morrisville, VT 05661

Re: Appeal of Chris and Melissa LeBlanc from Denial of Application for Permit for Private Use of Town R.O.W. for Sewer Line Access to Public Wastewater Treatment Approximate Location: 265 Cottage Street

Dear Mr. Raymond, Mr. St. Onge, and Town of Morristown Selectboard:

I represent Chris and Melissa LeBlanc regarding the above referenced matter. This letter is an appeal of the Town Administrator's decision denying the LeBlanc's application for access to the public right-of-way to connect a private sewer line to the public sewer system. The denial was issued on July 11, 2025 and indicates that the applicant has 15 days to appeal. This letter is being provided to you via electronic mail and via hand-delivery to the Town Offices on July 22, 2025. The LeBlancs hereby appeal the denial to the Morristown Selectboard, and reserve the right to appeal to Superior Court depending on the outcome of this administrative appeal.

The denial of access contains numerous inaccuracies. The improvements requested would not undermine the integrity of the public highway, nor would they create a safety risk. In addition, the LeBlancs are being treated differently than other similarly situated individuals in violation of their rights granted by the Vermont Constitution's Common Benefits Clause. Finally, the denial of access is contrary to Town policies encouraging use of the public sewer and

inconsistent with the relevant statutes and Town Highway/Right of Way Access Policy adopted on April 7, 2025.

The letter of denial received by the LeBlancs references 19 V.S.A. § 1111(d), which provides that the Town may issue a permit allowing the use of highway rights-of-way for private sewer or water lines if the requested use will serve the needs of the public, and may impose conditions as are required. The denial additionally references the Town's Access Policy, which provides that the Town Manager or designee shall require conditions to avoid certain adverse effects. Neither the statute nor the policy supports the Administrator's denial. Moreover, the requested connection will serve the interests of the public in maintaining healthy septic disposal, maximizing the use of the public sewer system, and maintaining consistency among landowners seeking to utilize town resources. To be sure, connecting to the system is also required by the Village ordinance requiring my clients to connect to the public sewer system because they are within 500 feet of the sewer line.

For these reasons, with the understanding that the LeBlancs will be given an opportunity for notice and a hearing before the Selectboard to bring forward additional facts and legal arguments, the LeBlancs respectfully appeal the denial of their request for access to the public right-of-way for the purpose of connecting their wastewater disposal line to the Town's Municipal Sewer System. Please schedule a hearing and give us notice of same.

Thank you in advance for your anticipated thoughtful consideration.

Very truly yours,

Brice C. Simon, Esq.

Cc: Clients

APPENDIX A

Town of Morristown Access Permit Application Form

Application # _____[to be filled in by the Town]

NOTICE TO APPLICANT: This form is for use in conjunction with the Town's Highway Access Policy. Before submitting an application, applicants are urged to review the Town's Highway Access Policy in full. If an application is approved, the Town Manager or designee will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed. Once construction/development is completed, the Town Manager or designee shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice. If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by Town Manager or designee within 15 days after final inspection. An access is not considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Permittee.

Name of Applicant: Chris & Melissa LeBlanc

Address of Applicant: 140 Ward Pond Road, Morrisville, VT 05661

Email: chrisleblancvt@gmail.com Telephone: 802-735-5680

If Applicant is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the Permit:

N/A

If Applicant is an organization or corporate entity, list the name, address, email and telephone number of individual making the application:

Name: N/A

Address: N/A

Email: N/A Telephone: N/A

Location of the proposed access: 265 Cottage Street (approx)

If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have the access constructed on those premises:

Name: N/A

Address: N/A

Email: N/A Telephone: N/A

The date on which construction is proposed to begin: August 30 (estimated)

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and convenience of the traveling public during construction including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities: This access permit is to make the sewer connection from the edge of the lot at approx 265 Cottage Stree, to manhole #9, 325ft south. While the work is underway, proper signage and cones will be out. We propose directional boring from within our lot, directly to the manhole. There may be a need to excavate around the manhole when making the connection. This would be done with a mini excavator or backhoe. We do not forsee any need to dig in the roadway or ditches with this method.

Applicant may provide any additional information that may assist the Town Manager or Designee.

Signature of the applicant: _____ Date: 6/5/2025

FOR TOWN USE ONLY:

Application received by _____ [town official] on _____ [date]

Application fee of $_____, received by _____[form of payment]

From: Jordan St. Onge <jstonge@morristownvt.gov>
Sent: Friday, July 11, 2025 09:32
To: Chris LeBLanc <chrisleblancvt@gmail.com>
Cc: Brent Raymond <braymond@morristownvt.gov>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>; Kevin Newton <kenewton@mwlvt.com>; Scott Johnstone <sJohnstone@mwlvt.com>; Tyler Machia <tmachia@morristownvt.gov>
Subject: RE: Sewer connection on Cottage Street

Dear Chris & Melissa,

Thank you for providing additional context regarding your permit application for a sewer force main and connection in the Cottage Street right-of-way. We understand your frustration with any delay in coming to a decision, and we appreciate you outlining your position regarding the applicable standards for use of the Town's town highway right-of-way. After a thorough review of your submission, the Town is denying your permit application for the sewer connection in the right-of-way as explained in more detail below.

Basis for Denial
The Town's denial decision is based on the determination that your proposed connection, while demonstrating private benefit, does not sufficiently meet the public good and necessity requirements as outlined in 19 V.S.A. § 1111(d) and the Town's regulations for right-of-way occupancy.

While acknowledging the Town Plan's broadly-worded policy statement regarding the benefits of sewer service and the financial contributions you would make, the specifics of this private connection—extending a significant distance within and along the public road right-of-way with a force main—introduces complexities that do not exist with a typical connection. More specifically, your proposed 325' privately owned and pressurized sewer line in the road right-of-way that lacks metering to detect potential leaks creates a significant liability not only to the integrity of the road and Town-owned right-of-way but also to the public health if a leak were to occur. In addition, cluttering the right-of-way for Cottage Street with private utility lines, and the existence of a number of private wastewater lines that benefit only one homeowner could make it very difficult to install public water or other utility lines in the same Cottage Street right-of-way due to the

application of ANR-required separation distances between utility, water and sewer lines, etc.

Moreover, pursuant to 19 V.S.A. § 1111, safety is a key factor in issuing permits for right-of-way encroachments. The statute places strong emphasis on ensuring that any use of the public right-of-way protects the traveling public and public infrastructure from harm. A road that is safe is one that remains in good physical condition. The introduction of an unmetered, privately owned, and pressurized sewer line running along and beneath a public road surface raises legitimate concerns regarding the impact of future undetected leaks, subsurface failures, or costly maintenance complications—all of which compromise the safety and integrity of the public infrastructure.

Addressing Your Points

Shifting Rationale: We understand your perception of shifting rationales. The Town's review process often involves an evolving understanding of a project's implications as new information is presented, and different aspects are considered against established policies and ordinances. The initial broad concerns naturally refined into more specific points of policy as the review progressed, ultimately centering on the core requirements of public good and necessity for right-of-way occupancy.

Public Good: The permit for occupying the public right-of-way requires a specific demonstration of public good directly attributable to the proposed right-of-way encroachment, notwithstanding references in narrative Town Plan sections to the contrary. Your proposed connection serves only your private property. While the single connection contributes ratably to public benefit by adding to the overall financial sustainability of the sewer system, this indirect contribution is insufficient when the system is viewed as a whole, to satisfy the public good requirement for occupying such a significant portion of the Cottage Street right-of-way with a pressurized sewer line. The intent of § 1111(d) is to ensure that private use of public space is justified by a direct and tangible benefit to the broader community, which the Town concludes is not met in this instance.

Necessity: We acknowledge that the MWL Sewer Ordinance requires connection given your proximity to the main. However, MWL has expressed their support of this denial and is waiving the requirement for you to connect. While the directional boring you propose

minimizes surface disturbance, the fundamental question remains whether occupying the public right-of-way with a pressurized, private line of this length is indeed necessary when alternative solutions might exist outside of the public right-of-way, even if more costly to the property owner. The cost of septic design and installation, while greater, represents a practical alternative without encumbering, or creating a threat to the integrity and stability of, the public road right-of-way.

Precedent and Fairness: We understand your concerns regarding precedent. Each permit application is reviewed on its own merits, and while past approvals are considered, they do not automatically dictate the outcome of future applications, especially when specific circumstances dictate different results under State law and Town policy. While the permit for 429 Cottage Street (issued in 2017) would likely also be denied if made at this time, it is important to note that it is a shorter, gravity service line, not a pressurized force main as you propose. In addition, the approval the Town granted to 254 Cottage Street authorized a waterline encroachment, which presents a far lower threat to the Town's roadway infrastructure than a sewer line. The application of § 1111(d) regarding "public good" and "necessity" is a standard that the Town applies when evaluating right-of-way encroachments for private benefit, and this application may vary based on the specifics of each project and the extent of the proposed encroachment. The recently signed Morristown Highway ROW Policy further clarifies the Town's commitment to careful management of its town highways.

The Town's responsibility is to protect the public's interest and facilities in the right-of-way, ensuring that its use by private entities is genuinely justified by a clear public benefit and necessity, and that it neither creates an undue burden, a hazard, nor precedent for future right-of-way management. Equally important, the Town must uphold its duty to ensure safety within the right-of-way, consistent with the guiding principle of 19 V.S.A. § 1111—that Vermont roads remain safe and in good condition for public use. Based on the factual information provided, your application does not meet these specific criteria for right-of-way occupancy in the Town's Highway ROW Policy and 19 V.S.A.§ 1111(d).

We understand this is not the outcome you desired. You have the right to appeal this decision to the Morristown Select Board within fifteen (15) days of the date of this decision.

Jordan St.Onge

Highway Superintendent

Town of Morristown, VT

43 Portland Street | PO Box 748 | Morrisville, VT 05661

Work: 802-888-6369

Cell: 802-730-4934

From: Jordan St. Onge
Sent: Tuesday, July 1, 2025 1:53 PM
To: Chris LeBLanc <chrisleblancvt@gmail.com>
Cc: Brent Raymond <braymond@morristownvt.gov>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>; Kevin Newton <kenewton@mwlvt.com>; Scott Johnstone <sJohnstone@mwlvt.com>; Tyler Machia <tmachia@morristownvt.gov>
Subject: RE: Sewer connection on Cottage Street

Hi Chris and Melissa,

We will have a determination on your application to you by Friday July 11 at the latest.

Jordan St.Onge

Highway Superintendent

Town of Morristown, VT

43 Portland Street | PO Box 748 | Morrisville, VT 05661

Work: 802-888-6369

Cell: 802-730-4934

From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Monday, June 30, 2025 4:46 PM
To: Jordan St. Onge <jstonge@morristownvt.gov>
Cc: Brent Raymond <braymond@morristownvt.gov>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>; Kevin Newton <kenewton@mwlvt.com>;

Scott Johnstone <sJohnstone@mwlvt.com>; Tyler Machia <tmachia@morristownvt.gov>
Subject: Re: Sewer connection on Cottage Street

Subject: Immediate Response Required – ROW Permit Application

Hi Jordan,

We are following up on our June 19th email regarding our right-of-way permit application. We have been incredibly patient throughout what has become a frustratingly convoluted process, doing our best to navigate it in good faith. Since this process started, 68 days have passed without a resolution and 11 days since our last detailed message, to which we have yet to receive any response.

We have answered every question and addressed every concern raised, responded promptly at each step, and demonstrated—clearly and thoroughly—that our proposed connection is both compliant with ordinance and policy and consistent with previously approved permits. At this point, the continued lack of response feels unjustified and increasingly difficult to interpret as anything but obstruction.

If we do not receive a response within 24 hours, we will proceed with bringing this matter to the Morristown Selectboard for formal review, and escalate to the appropriate state level if needed.

We hope it does not come to that and await your prompt reply.

Thank you,
Chris & Melissa LeBlanc

On Thu, Jun 19, 2025 at 9:45 PM Chris LeBLanc <chrisleblancvt@gmail.com> wrote:

Jordan,

This permit process has been confusing, unruly, and now we feel that it is fundamentally unfair. The town has presented three different reasons for denial through this process and is imposing requirements that have not been placed onto others in the exact same situation.

There is no risk to the town, village or taxpayers in regards to having this connection in the ROW. Article 3, Section 5 of the Morrisville Water and Light Wastewater Ordinance requires that all maintenance, repair, and liability of the line is the responsibility of the property owner. The question of public good is easily answered below. But we question how many

times the town has asked other residents trying to make a sewer connection how it supports the public good.

We would like to respond further within the context of established policy, precedent, and the evolving rationale for the denial of our permit request:

1. Shifting Rationale

The stated reasons for denying the right-of-way permit have shifted over time—from a vague objection to having "private interests in the ROW," to concerns about "public safety, liability, maintenance and operational conflicts, and encroachment creep," and now to a lack of demonstrated "public good" and "necessity" under § 1111(d). This inconsistency suggests the decision has not been based on a clear, consistently applied policy framework, and instead appears to reflect an ongoing effort to find a justification for denying our request.

2. Public Good: Town Plan Alignment and Financial Benefit

The 2022–2030 Morrisville/Morristown Town Plan defines the municipal sewer system as a shared community benefit—not just a utility for direct users. It encourages expanding access and distributing operational costs among a wider base:

"It is important to note that this plan also views the existence of sewer service as a common good. ***Morrisville Water & Light can only spread the cost of sewer plant operation and upgrades amongst its roughly 800 user accounts****. Town residents, even those using well and septic to support their homes, benefit from the existence of a municipal sewer system. Essential parts of our community, such as Copley Hospital, our grocery stores, and even downtown Morrisville, could not exist without municipal sewer service. "*

2022-2030 Morrisville / Morristown Town Plan, page 53

Our connection supports these goals by contributing to the cost of plant operation and upgrades, enabling compact, village-scale development, reducing reliance on individual septic systems, and contributing to a more efficient, centralized treatment model. Septic systems carry long-term environmental risks, while a municipal connection offers a monitored and resilient alternative.

There are also clear financial benefits to the Town/Village:

- We will pay the standard connection fee upon hook-up **$6,811**
- We will pay ongoing service fees in perpetuity as long-term users of the system **~$900/yr**

- We bear **all installation and maintenance costs**, as outlined in the MWL ordinance mentioned above.

Finally, we wish to clarify: this is not a public extension of the sewer system—it is a **private connection** to an existing manhole, consistent with how other homes connect. It does not create new access points and imposes no additional operational obligations on the Town or MWL.

3. Demonstrating Necessity

Mandated by Ordinance: The MWL Sewer Ordinance requires us to connect, given our proximity (340 ft) to the existing main.

Low-Impact Execution: We have proposed directional boring, a trenchless method that avoids surface disturbance and mitigates all practical concerns related to road integrity or disruption.

Risk Allocation: Article 3, Section 5 of the Morrisville Water and Light Wastewater Ordinance makes the property owner solely responsible for maintenance, repair, and liability. We fully accept that burden as landowners.

Undue Hardship: The cost of septic design and installation would be significantly greater than a connection to the existing municipal sewer system.

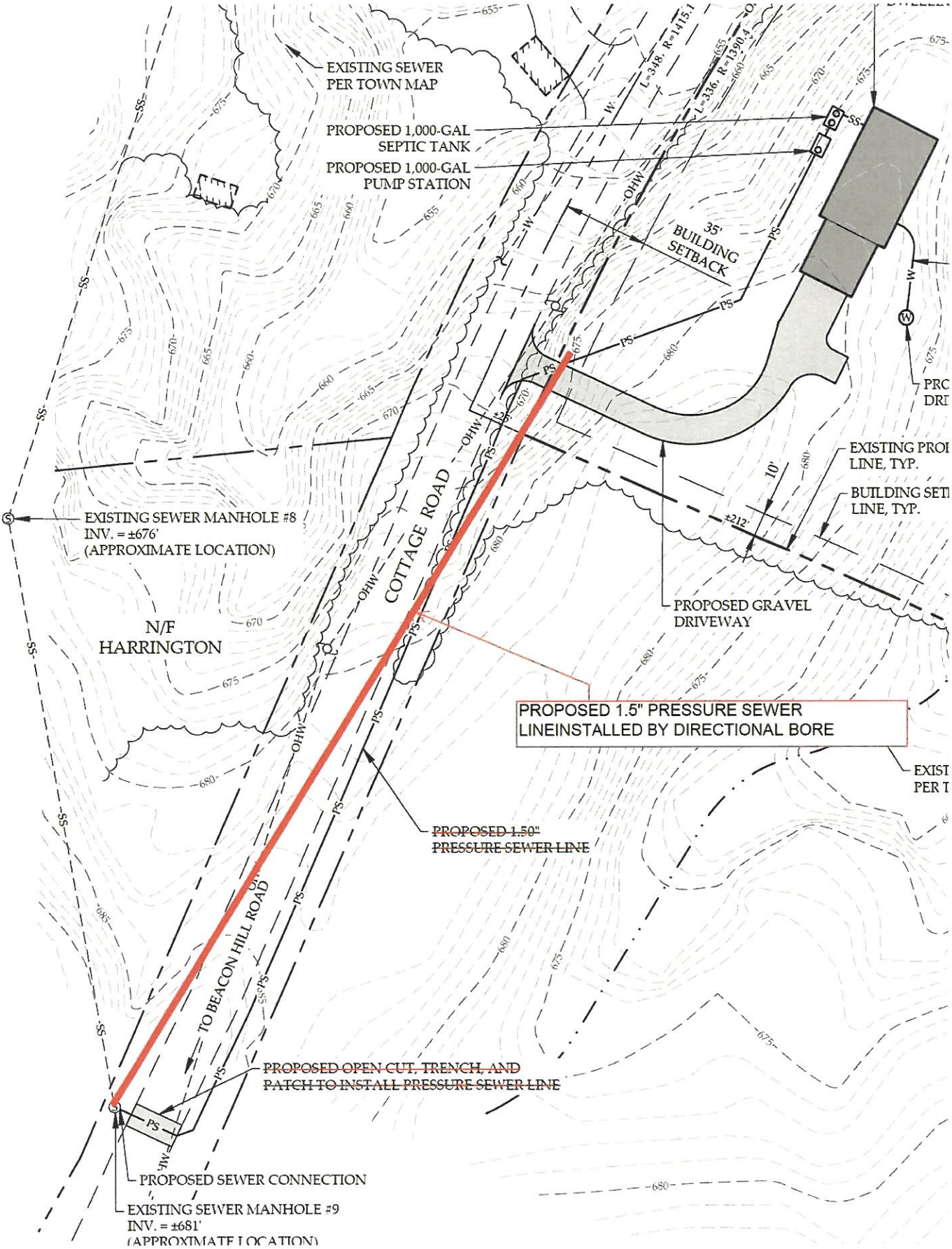
4. Precedent and Fairness

Our application aligns with recently approved ROW permits for water and sewer connections of similar length within the right-of-way. For example, 429 Cottage Street received ROW access approval for a wastewater connection to the same manhole, running approximately 240 feet along the ROW. Similarly, 254 Cottage Street received ROW access approval for a water connection of approximately 250 feet along the ROW. To deny our request while allowing these others would be inconsistent and bias. No relevant policy has changed since these permits were issued that would justify treating our application differently. In fact, the current Morristown Highway ROW Policy was *just* signed on April 7,2025. We also question whether applicants in these or similar cases were required to demonstrate "public good" under § 1111(d). If not, we respectfully ask why this elevated standard is now being uniquely applied to us.

We believe this is a reasonable, precedent-supported solution that addresses every concern raised while complying with both ordinance, policy and supporting the goals of the Town Plan. If our application is denied despite the points outlined above, we will be compelled to appeal this decision to the Morristown Select Board and, if necessary, to the appropriate state authorities.

Thank you for your continued consideration. We have again attached the revised permit application and site plan for your review.

Sincerely,
Chris & Melissa LeBlanc


EXISTING SEWER
PER TOWN MAP
PROPOSED 1,000-GAL
SEPTIC TANK
PROPOSED 1,000-GAL
PUMP STATION
35'
BUILDING
SETBACK
EXISTING SEWER MANHOLE #8
INV. = ±676'
(APPROXIMATE LOCATION)
COTTAGE ROAD
N/F
HARRINGTON
PROPOSED GRAVEL
DRIVEWAY
10'
±212'
EXISTING PROI
LINE, TYP.
BUILDING SETI
LINE, TYP.
PROPOSED 1.5" PRESSURE SEWER
LINEINSTALLED BY DIRECTIONAL BORE
PROPOSED 1.50"
PRESSURE SEWER LINE
TO BEACON HILL ROAD
PROPOSED OPEN CUT, TRENCH, AND
PATCH TO INSTALL PRESSURE SEWER LINE
PROPOSED SEWER CONNECTION
EXISTING SEWER MANHOLE #9
INV. = ±681'
(APPROXIMATE LOCATION)

Outlook

Fw: Sewer connection on Cottage Street

From Brent Raymond <braymond@morristownvt.gov>
Date Fri 8/15/2025 12:31 PM
To Judith Alberi <jalberi@morristownvt.gov>

2 attachments (3 MB)
APPLICATION - ROW access for sewer BORING.pdf; SITE PLAN - BORED SEWER LINE.png;

Brent Raymond, PMP
Town Manager
Town of Morristown, VT
43 Portland Street | PO Box 748 | Morrisville, VT 05661
Work: 802-888-5147
Braymond@morristownvt.gov
www.morristownvt.gov

***Notice**: Under Vermont's Public Records Act, all e-mail, e-mail attachments as well as paper copies of documents received or prepared for use in matters concerning Town business, concerning a Town official or staff, or containing information relating to town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.*

From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Thursday, June 5, 2025 15:12
To: Brent Raymond <braymond@morristownvt.gov>
Cc: Jordan St. Onge <jstonge@morristownvt.gov>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>; Kevin Newton <kenewton@mwlvt.com>; Scott Johnstone <sJohnstone@mwlvt.com>; Tyler Machia <tmachia@morristownvt.gov>
Subject: Re: Sewer connection on Cottage Street

Brent,
We have reviewed your response and would like to propose a path forward.
While we do not agree with the Town's decision to deny our right-of-way permit - and continue to believe that our proposed connection to the sewer system, via the Town right-of-way, is consistent with both the Morrisville Water & Light Sewer Ordinance and the Morristown Highway Right-of-Way Policy - we would like to offer directional boring as an alternative to trenching along the road. This method avoids surface disturbance and minimizes any potential impact on the road or public use of the right-of-way.
We believe this is a reasonable, low-impact solution that enables us to meet our obligation to connect to the sewer system without interfering with Town operations or infrastructure.
We'd appreciate the opportunity to move forward with this alternative approach and hope it can be approved without further delay or the need to pursue a formal appeal.
A revised application and site plan are attached for your review.
Best regards,
Chris & Melissa LeBlanc

140 Ward Pond Road
Morristown, VT 05661
Thank you,

Chris & Melissa LeBlanc
140 Ward Pond Road
Morristown, VT 05661
802-735-5680

On Thu, May 29, 2025 at 4:45 PM Brent Raymond <braymond@morristownvt.gov> wrote:

Hi Chris and Melissa,

Thank you for your continued patience on this matter while I considered Jordan's April 23rd decision to deny right-of-way (ROW) access and researched ROW best practices. I understand your frustration with the email correspondence. On May 14, I offered to meet in person or speak by phone to ensure we weren't overlooking any relevant information.

I met with Scott Johnstone on Tuesday. One of our topics was to further discuss your ROW request. My understanding is that Scott had previously met with you, Melissa, about this and explained why the Town has concerns.

After reviewing the Mumley Site Plan, researching ROW best practices and considering the potential or actual impact on Morristown (e.g. public safety, liability, maintenance and operational conflicts and encroachment creep to name a few) I support and agree with Jordan's April 23 decision to deny ROW access.

We will write "VOID" on your check and return via mail.

Best regards,
Brent

Brent Raymond, PMP
Town Manager
Town of Morristown, VT
43 Portland Street | PO Box 748 | Morrisville, VT 05661
Work: 802-888-5147
Braymond@morristownvt.gov
www.morristownvt.gov

From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Thursday, May 29, 2025 06:57
To: Brent Raymond <braymond@morristownvt.gov>
Cc: Jordan St. Onge <jstonge@morristownvt.gov>; Ron Rodjenski <ron@stoneshoremc.com>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>; Kevin Newton <kenewton@mwlvt.com>; Scott Johnstone <sJohnstone@mwlvt.com>
Subject: Re: Sewer connection on Cottage Street

Good morning Brent,

What is the status of this request. This conversation has been going on via email for over a month now and we need to keep our project moving forward. Could you please let me know when we should expect an answer. I submitted the formal application last week. Is there anything else you require from us at this time?

Thank you,

On Fri, May 16, 2025, 15:49 Brent Raymond <braymond@morristownvt.gov> wrote:

Hi Chris and Melissa,

The Town is reviewing this request under 19 VSA 1111, including 1111(d). The Town is not required to take any specific action due to the Village Sewer Ordinance's mandate to connect. The review of private utility proposals within the public highway first considers the safety of the traveling public, town policy, maintenance responsibilities, and coordination with the Village, all taking time. You are correct that private building sewer connections often extend into a public highway right-of-way to reach a public sewer collection system. They are usually short runs that tie into public sewer along the lot's frontage, which is not the case here. The Village and Town will work together to expedite your request for guidance on next steps.

Regards,
Brent

Brent Raymond, PMP
Town Manager
Town of Morristown, VT
43 Portland Street | PO Box 748 | Morrisville, VT 05661
Work: 802-888-5147
Braymond@morristownvt.gov
www.morristownvt.gov

From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Friday, May 16, 2025 14:09
To: Brent Raymond <braymond@morristownvt.gov>
Cc: Jordan St. Onge <jstonge@morristownvt.gov>; Ron Rodjenski <ron@stoneshoremc.com>; Zoning <zoning@morristownvt.gov>; Melissa LeBlanc <melissaleblancvt@gmail.com>
Subject: Re: Sewer connection on Cottage Street

Good afternoon gentlemen,

Just checking in on this. Hoping to get an update before the week's end.

Thanks

Chris & Melissa

On Wed, May 14, 2025, 18:53 Chris LeBLanc <chrisleblancvt@gmail.com> wrote:

Hi Brent,

There is definitely some confusion here. Mumley, nor I, are asking the town to expand the public sewer infrastructure. That is what Article 6 is referring to and would look something like, adding a new sewer line and manholes up a new road or into a new development. These would be public lines that others could also connect to. That's not what we are looking to do. We are simply looking to make a normal connection of our one residential lot, into the existing public sewer system that is on our road, via an existing manhole. These connections are made all the time, as new homes are built within the SSA. This is was Article 3 is referring to. As I mentioned in my original email, The Morrisville Wastewater Ordinance requires us to connect, because our lot is within the SSA and within 500ft of the sewer system. We are only 325ft away, so we are well within that requirement. The cost of this connection and the maintenance responsibility falls on us.

Is there any reason why this does not apply to us?

Article 3

Article 3 Public Sewers Use Requirement

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Sewer service area (SSA), any human or animal excrement, garbage or other objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the SSA any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, on-site septic system or other facility intended or used for the disposal of sewage.
4. The owners of all houses, buildings used for human occupancy, employment, recreation or business, situated within the SSA and abutting on any street, alley, easement, or right-of-way in which a public wastewater collection line of the Village is located, are hereby required at his or her own expense to connect all plumbing facilities allowed by this ordinance, directly with the proper public wastewater collection line in accordance with the provisions of this ordinance provided such public sewer is within five hundred (500) feet of the nearest property line.
    a. Notwithstanding Article 3.4 of this Ordinance, the owner of property that is served by a functioning on-site wastewater disposal system prior to public sewage being extended within 500 feet of the property shall not be required to connect to the public wastewater collection system until additional Development takes place on the subject property. Single Family Homes with a functioning on-site wastewater disposal system shall be exempt from this hook-on requirement provided that the new development does not include the addition of a bedroom.
5. Responsibility for maintenance and repair of connections to public wastewater collection lines is the responsibility of the property owner. In the event that wastewater connection repairs or maintenance are required within the public right-of-way, the Village may perform the necessary repairs or maintenance. The responsible property owner shall reimburse all costs arising from such repairs or maintenance to the Village.
6. The use of the Public Sewer is required for all new houses, replacement structures, buildings, developments or other structures used for human occupancy, employment, industry, recreation or business, situated within the approved SSA, approved for construction after the adoption of this ordinance. New connections shall be at the owner's expense.
    a. New connections within the SSA may only be exempted by the Village Trustees from mandatory connections to the Public Sewer only if the proposed connection is not fronted by or adjacent to a municipal sewer collection main within 500 feet of the site.
    b. The Village may waive this condition if sufficient reserve hydraulic wastewater treatment capacity is not available at the time that a site plan, sketch plan, or preliminary request is submitted to the Town Zoning Administrator

Thank you,
Chris & Melissa

On Wed, May 14, 2025 at 5:15 PM Brent Raymond <braymond@morristownvt.gov> wrote:

Hi Chris,

Here is the Morristown Highway/Right of Way Access Policy: SKM_C360i25041815030.

The MWL Wastewater Ordinance Article 6.1 is very clear regarding expansion of the MWL Wastewater collection and treatment system located in the ROW - it is to be owned by MWL.

Article 6 Public Sewer Expansion– New Construction

1. Any expansion of the wastewater collection or treatment system which will be located within a public right-of-way or on public property shall be owned and maintained by the Village.
2. Extensions to wastewater collection or treatment system which will be located upon lands and premises which are not, or will not be, within a public right-of-way, or on public property will be reviewed by the Village to determine if the connection of the proposed expansion is in the best interest of the Village. The Trustees will either approve or reject the Village taking ownership of the proposed sewer expansion.
3. Any Developer or property owner proposing the expansion shall complete a permit application and submit it to the Village for approval at least 60 days prior to the start of any construction. The permit application shall include a proposed site and engineering plan with sufficient detail for the Village to evaluate the proposed project.
4. Sewer extension that will be owned by the Village must meet all the Village's specifications. A written agreement detailing ownership, maintenance, construction requirements, cost responsibility, sewer allocation fees, easements and other pertinent information will be signed prior to final approval.
5. The engineering, design, construction and development costs of public sewage system expansions and extensions which are approved by the Village shall be borne by the developer or property owners requesting the extension.
   a. Any payments made as required by such extension shall not be construed as payments towards treatment capacity that may be provided for the development.
   b. The Village may elect to contribute a portion of the cost of the sewer extension being constructed if it is determined by the Trustees it is in the best interest of the Village.

I'm not sure why Mumley Engineering is asking the Town to consider plans for wastewater infrastructure on your behalf (a private resident), rather than first seeking connection approval through MWL. If MWL approved the expansion, they (as the future owner of the infrastructure) would then work with the Town on the least impactful design and securing ROW approval.

I called Scott Johnstone earlier this afternoon. He was not aware of your proposed expansion but confirmed that MWL approval is the first step. Jordan, Ron and I may be missing information, so I am happy to schedule to discuss in person or via phone.

Kind regards,
Brent

Brent Raymond, PMP
Town Manager
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From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Wednesday, May 14, 2025 16:39
To: Brent Raymond <braymond@morristownvt.gov>
Cc: Jordan St. Onge <jstonge@morristownvt.gov>; Ron Rodjenski <ron@stoneshoremc.com>; Zoning <zoning@morristownvt.gov>
Subject: Re: Sewer connection on Cottage Street

Hi Brent,

Just checking in on this request. We'd like to keep the momentum going on our project. Any word on this?

Thanks,

Chris & Melissa

On Fri, May 9, 2025 at 4:42 PM Brent Raymond <braymond@morristownvt.gov> wrote:

Hi Chris and Melissa,

Thank you for following up with your questions and request to reconsider. I'll schedule a meeting early next week with Jordan and Ron to discuss. We'll likely need to confer with MW&L too. Jordan or I will follow up with an update by next Thursday.

Regards,
Brent

Brent Raymond, PMP
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From: Chris LeBLanc <chrisleblancvt@gmail.com>
Sent: Friday, May 9, 2025 15:30
To: Brent Raymond <braymond@morristownvt.gov>; Jordan St. Onge <jstonge@morristownvt.gov>
Subject: Sewer connection on Cottage Street

Good afternoon Jordan and Brent,

I'm writing in regards to our project on Cottage Street and accessing mahole #9 for sewer service. We are looking to better understand how the decision was made to deny our request to connect to the town sewer through the town ROW. Is there a new policy that we are unaware of that speaks to how and when an applicant should be denied town servives? Because we have not been able to find anything that might support this decision.

In fact, to the contrary, the town wastewater ordinance actually *requires* us to connect to the town sewer because it is on our street and within 500' of our property line. Our distance is ~325'. See Article 3, Section 4 of the attached ordinance from the town website.

Also, Article 3 Section 5 states that the responsibility of maintenance of sewer connections lies with the property owner, not the town. So there should be no need for a maintenance agreement.

Morrisville Water and Light has confirmed that there is plenty of capacity at the wastewater plant and that this connection would be allowed.

If you have any other policies or ordinance that we are not aware of, that supports the denial of our request, please forward them along. Otherwise we would like to respectfully request that you reconsider your decision, based on the reasons outlined above. If you agree, we'll get an application submitted next week.

We look forward to your response.

Thank you,

Chris and Melissa LeBlanc