



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, October 22, 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. PROPOSED CHANGES TO THE AGENDA**

**III. APPROVE PRIOR MEETING MINUTES**

1. Approve Minutes from 9-24-25

**IV. PUBLIC COMMENTS**

**V. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS**

1. # 2025-106 Conditional Use and possible Subdivision Review. The Applicants, Vermont Land Use Planning LLC, are applying for Conditional Use Review to convert a non-owner-occupied short-term rental use of the former Muddy Moose property located at 2930 Cote Hill Road parcel ids 03-002 & 03-002-2 to multi-family housing. The non-owner-occupied short-term rental is a legally nonconforming use that was previously permitted by the DRB. The plan calls for converting the cabins over to year-round occupancy which would create a multi-family housing use on the property. This multi-family housing use is not a permitted use in the Rural Residential Agriculture district (RRA). However, Section 437 of the Morrystown Zoning and Subdivision Bylaws (The Bylaws) allows for a preexisting non-conforming use to be converted to another legally non-conforming use provided that the DRB approves the change in use through Conditional Use Review. The DRB will consider whether or not the use is more compatible with the surrounding area than the existing non-conforming use. The Applicants could potentially be required to adjust the boundaries of parcels 03-002 & 03-002-2 to make sure all of the cabins are located on parcel 03-002-2. If this is deemed necessary, the Zoning Administrator will be requiring this boundary adjustment to be reviewed as a subdivision as noted in Section 795.2 of The Bylaws and will be reviewed as a Major Subdivision along with the previously mentioned conditional use review. The project will be reviewed under the 2023 Morrystown Bylaws.

**VI. ACTION ITEMS TO BE CONSIDERED**

**VII. OTHER BUSINESS**

**VIII. ADJOURN**



**DEVELOPMENT REVIEW BOARD MEETING MINUTES  
OF SEPTEMBER 24, 2025**

Members: Gary Nolan, Lenny Wing, Susanna Burnham, Paul Trudell (Recused himself at 6:03 PM , Mary Ann Wilson, Donald Blake, Jr.

Absent: Christy Snipp

ADMINISTRATION and STAFF: Tyler Machia, Zoning and Planning Administrator

PARTICIPANTS/GUESTS: Todd Thomas, Louis Ferris Jr.

**CALL MEETING TO ORDER**

Meeting called to order at 6:00 PM

**PROPOSED CHANGES TO THE AGENDA**

**APPROVE PRIOR MEETING MINUTES**

- 1. **Approve Minutes of 8/13/25**

**Motion by Donald Blake Jr. to approve the minutes of 8/13/25. Motion seconded by Paul Trudell. Motion Carried (6-0)**

**PUBLIC COMMENTS**

**HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS**

- 1. **#2025-89 Conditional use & site plan review application submitted by Vermont Land Use Planning on behalf of LH&A Realty to convert a former retail space located at 48 Congress Street (Parcel ID 23-106) into multifamily housing. The plan calls for 8 new residential units inside of an existing retail space. The property is divided between two zoning districts the Commercial Business (CB) district and the High Density Residential (HDR) district. Section 201.3 notes that the Development Review Board (DRB) may apply the regulations of either district to the whole lot if the lot is divided into different zoning districts. This requires conditional use review by the DRB. The applicants are also seeking site plan approval for their project. This project will be reviewed under the proposed 2025 Morrystown Zoning and Subdivision Bylaws and the 2023 Morrystown Zoning and Subdivision bylaws.**

**Paul Trudell disclosed a conflict of interest and recused himself from the board at 6:03 PM. Trudell had prepared the site plan for the applicant and was presenting the site plan to the board.**

Todd Thomas provided an overview of the project. The Applicants were seeking to convert an existing retail space located at 48 Congress Street into 8 new residential units. The applicants also requested that the Commercial Business zone (CB) regulations be extended to the entire property due to a split zone issue. The lot was split between the CB zone and the High Density Residential (HDR) district. Section 201.3 of the Morrystown Zoning and Subdivision Bylaws ( The Bylaws) notes that the

Development Review Board ( DRB) can extend the regulations of one zoning district to the whole lot if a lot is divided into two different zoning districts. Given this, the applicants are requesting that the DRB extend the CB regulations to the whole lot.

The board spent considerable time discussing the landscaping and outdoor space requirements particularly in the parking area. Town staff noted that as a result of the use changing the DRB had the ability to reevaluate the parking area and bring it into compliance with the landscaping requirements noted in Section 505 of The Bylaws. The Applicants noted that the parking area was preexisting with the retail use and therefore they were not required to plant landscaping in the parking area. The board spent time discussing the outdoor space requirements for the application. The Board discussed requiring additional outdoor space for the residents to use. They also discussed ways to make sure this space was relatively private, such as a small fence and gate, in order to preserve this space use by the residents.

**Motion by Mary Anne Willson to move the application into deliberative session and adjourn the meeting. Motion seconded by Susanna Burnham. Motion carried ( 5-0, Paul Trudell was recused from this application and did not vote)**

#### **ACTION ITEMS TO BE CONSIDERED**

#### **OTHER BUSINESS**

#### **ADJOURN**

**Meeting adjourned at 7:04 PM**

**Minutes submitted 9/26/25**

**Minutes Prepared by 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.*





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

**Conditional use permit**

Parcel number	03-002-2	Permit number	2025-106	Hearing number
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<b>Parcel location information</b>			
Street number	2930	Street/Road name	COTE HILL RD
			Apt number
Other location information			

<b>Permit applicant information</b>			
Name	Vermont Land Use Planning	Address	2930 Cote Hill Road
City	Morrisville	State	VT
Zip	05661	Telephone	

<b>Parcel owner information</b>			
Name	Northern Tails Properties LLC	Address	2930 Cote Hill Rd
City	Morrisville	State	VT
Zip	05661	Telephone	

Application date	09/30/2025	Application fee	Land records: Book	Pages
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Description of permit	Conditional use & Subdivision Review
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Is there a PLAT for this permit?	NO	Number of acres in parcel
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Current use
Proposed use
Zoning district

Administrative Official		Date	10/1/25
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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.

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

**Conditional use permit**

Parcel number      03-002	Permit number    2025-106	Hearing number
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<b>Parcel location information</b>		
Street number    2930	Street/Road name    COTE HILL RD	Apt number
Other location information		

<b>Permit applicant information</b>			
Name Vermont Land Use Planning	Address 2930 Cote Hill Road		
City Morrisville	State VT	Zip 05661	Telephone

<b>Parcel owner information</b>			
Name Northern Tails Properties LLC	Address 2930 Cote Hill Rd		
City Morrisville	State VT	Zip 05661	Telephone

Application date    09/30/2025    Application fee	Land records: Book      Pages
---	-------------------------------

Description of permit    Conditional use & Subdivision Review
---

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

Current use
Proposed use
Zoning district

Administrative Official <u><i>Jyle A. ...</i></u>	Date <u>10/1/25</u>
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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.



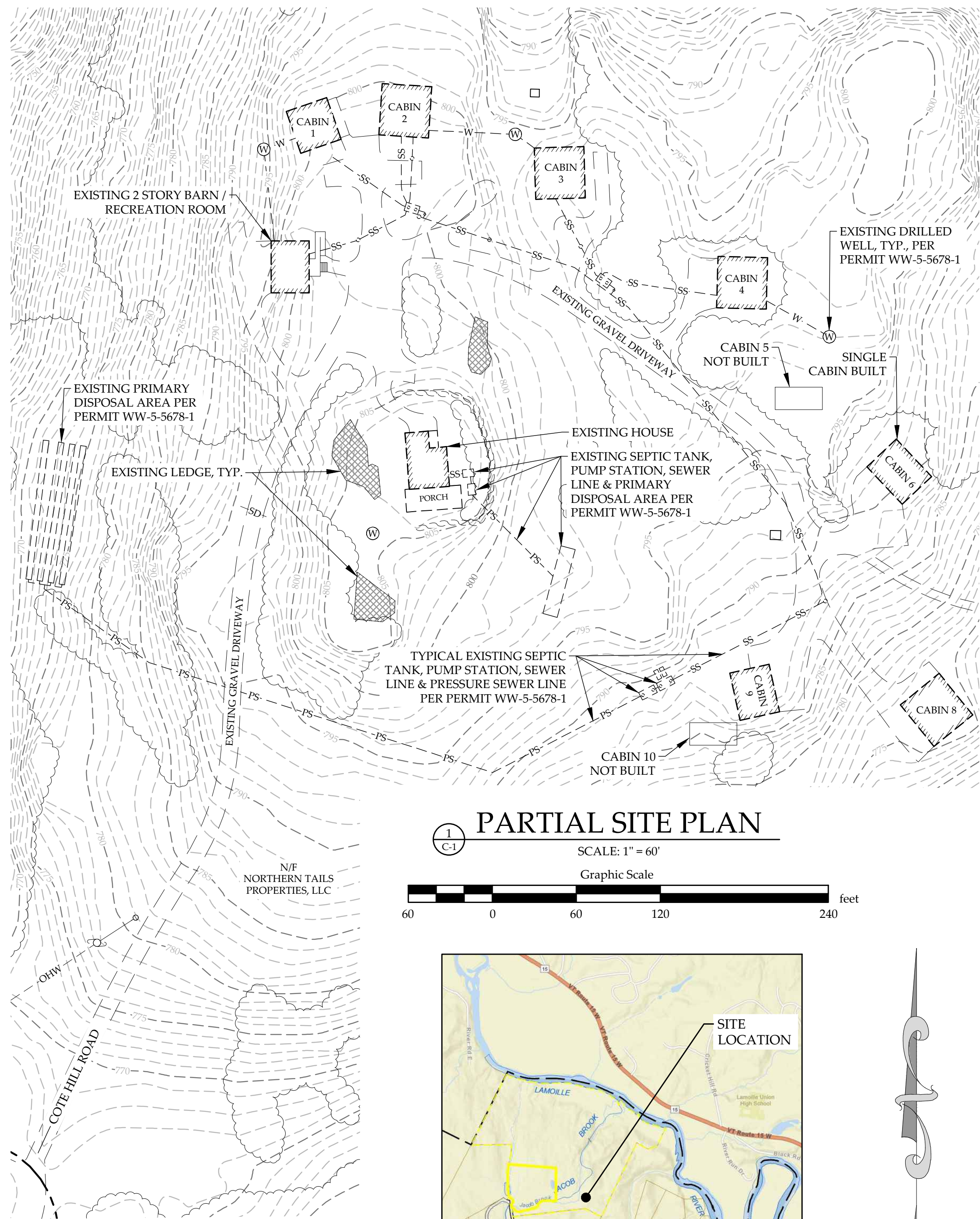
## **Project Narrative: Muddy Moose Change of Non-Conforming Use**

Under §437 of the Zoning Bylaws, the Applicant, Northern Tails Properties LLC, wishes to change the use of the Muddy Moose vacation rental property (Parcels 03002 & 03002-2) at 2930 Cote Hill Road from Short-Term Rentals to an Owner Occupied residential use of the property, thereby ending the existing non-conforming Short-Term Rentals use. This change of use request, if granted by the DRB, will bring this property into better zoning compliance by eliminating the current illegal but grandfathered non Owner Occupied Short-Rental use. Instead of being used as Short Term Rentals, the cabins will be become owner occupied single-family homes (a multi-family use of the existing lot).

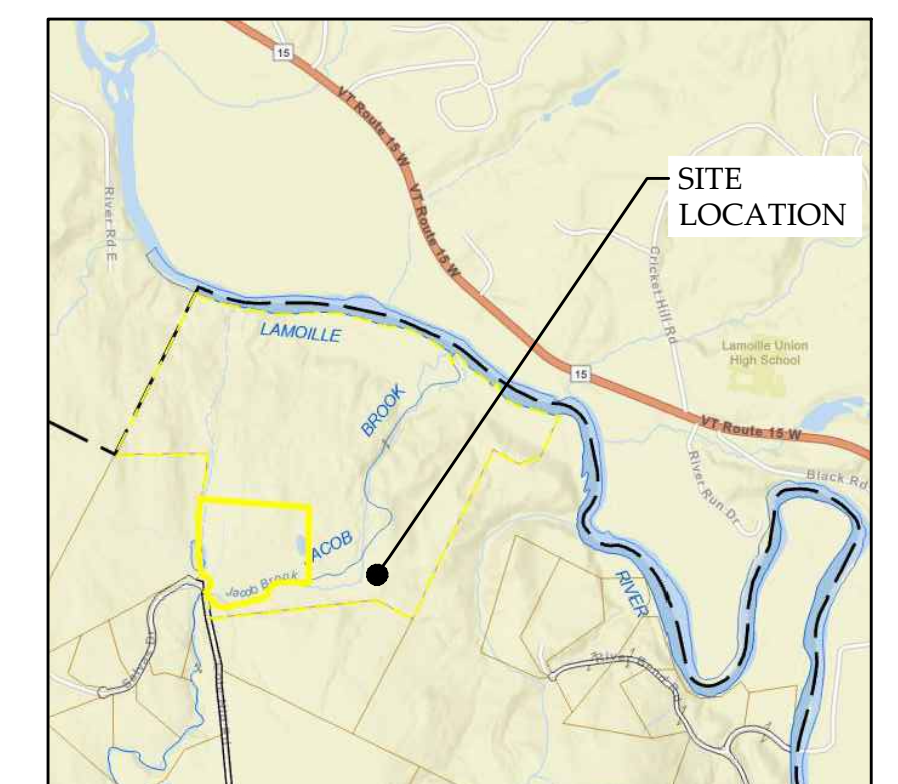
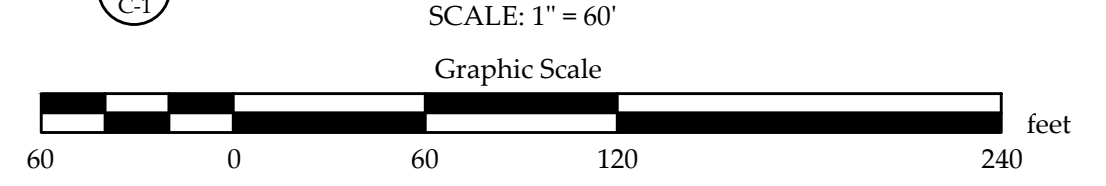
The DRB can approve this requested use under Section 437 of the Zoning Bylaws if the the proposed use can be found to be “more compatible with the surrounding area than the existing non-conforming commercial use.” With the Zoning Bylaws having been updated in recent years to prohibit non Owner Occupied Short-Term Rentals, this application, by turning each Short-Term Rental cabins into an Owner Occupied single-family home, inarguably makes the former Muddy Moose property more compatible with the surrounding area (which is almost uniformly characterized by single-family homes).

Please note that that there is no actual Development proposed by this application, the property will undergo no physical changes. The DRB approving this change of use request will simply facilitate the sale of the property and also allow the Friends of Stowe Conservation, Inc. to purchase and permanently protect 150 acre Parcel 03002. Please note that this application also includes the potential for a Section 795 Boundary Line Adjustment request, as a couple of the rental cabins may be built to close or over the internal property line of Parcels 03002 & 03002-2. Pending survey work should confirm if a Boundary Line Adjustment is actually needed prior to the scheduled October 22nd DRB hearing.

*Prepared on 9/26/25 for: Northern Tails Properties LLC of 2930 Cote Hill Rd, Morrisville, VT*



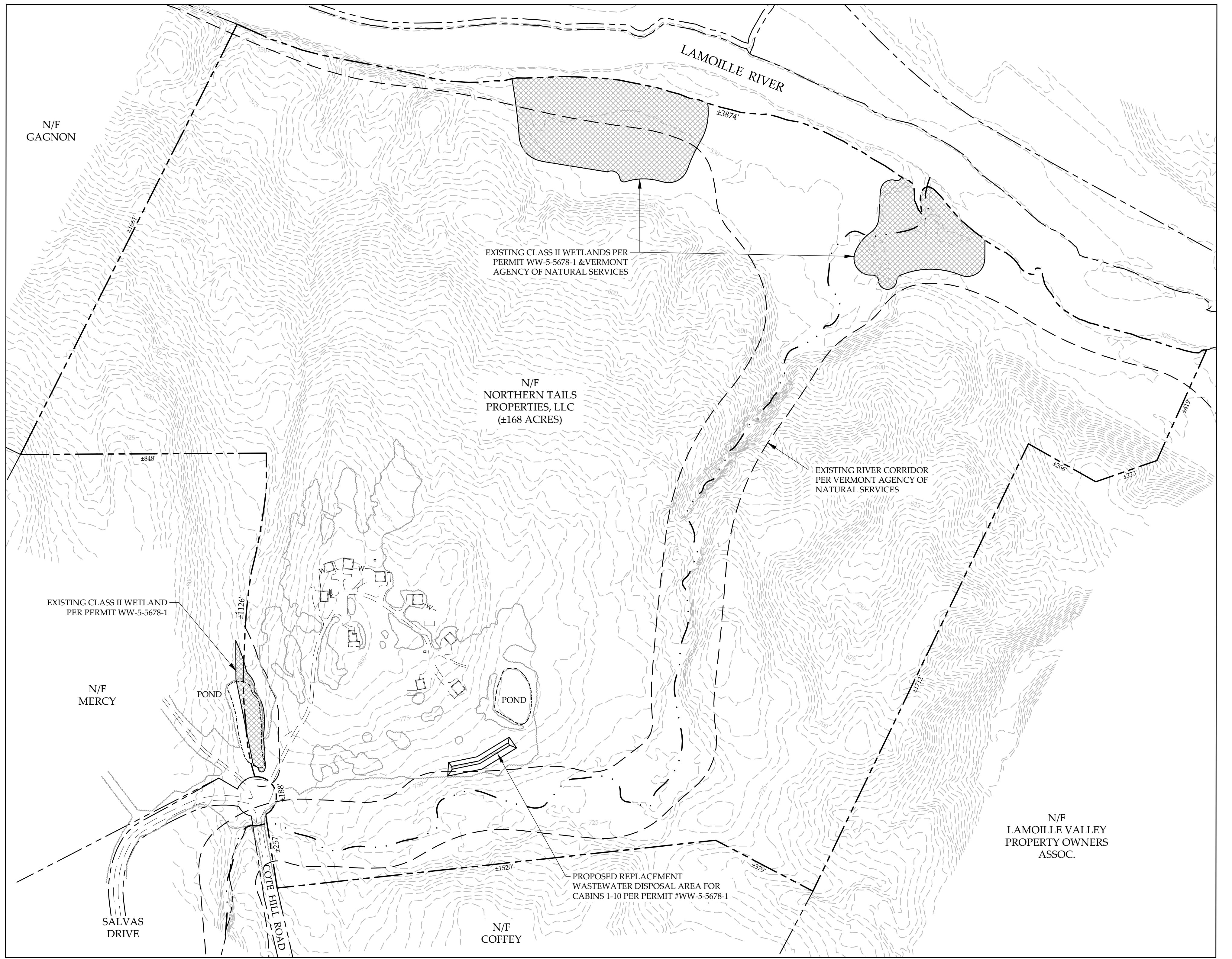
**PARTIAL SITE PLAN**



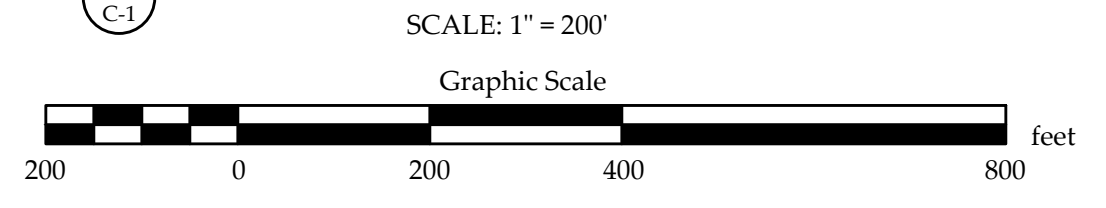
LEGEND	
N/F	NOW OR FORMERLY OWNED BY
○	EXISTING UTILITY POLE & GUY WIRE
⊙	EXISTING DRILLED WELL
---	EXISTING PROPERTY LINE
---	ABUTTER PROPERTY LINE
---	EXISTING TREE LINE
-W-	EXISTING WATER LINE
-SS-	EXISTING GRAVITY SEWER LINE
-PS-	EXISTING PRESSURE SEWER LINE
-OHW-	EXISTING OVERHEAD WIRES
-SD-	EXISTING STORMWATER DRAIN
-500-	EXISTING CONTOUR
○	EXISTING STONE RETAINING WALL
---	EDGE OF POND

- PLAN REFERENCES:**
- 1) TOPOGRAPHIC, PARCEL, AND ORTHOGRAPHIC INFORMATION TAKEN ELECTRONICALLY FROM THE VERMONT CENTER FOR GEOGRAPHIC INFORMATION ON 09-23-25.
  - 2) SITE INFORMATION TAKEN FROM PERMIT #WW-5-5678-1, DATED 11/21/2013, ON PLANS ENTITLED "EXISTING CONDITIONS & SITE PLAN, NORTHERN TAILS PROPERTIES, INC., CHARLES PEPE - MUDDY MOOSE RECREATION CABINS, 2930 COTE HILL ROAD, MORRISTOWN, VERMONT", DATED 09/08/10, LAST REVISED 11/01/13, PREPARED BY RUGGIANO ENGINEERING, INC.

- NOTES:**
- 1) THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #1. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1403 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
  - 2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING AND DETERMINING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES OR UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION. APPROPRIATE REMEDIAL ACTION SHALL BE TAKEN BEFORE PROCEEDING WITH THE WORK.
  - 3) THIS TOPOGRAPHIC SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF "DIG SAFE" MARKINGS. UTILITY LOCATIONS SHOWN ARE APPROXIMATE AND ARE NOT WARRANTED TO BE EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT "DIG SAFE" BEFORE COMMENCING ANY WORK AND SHALL PRESERVE ALL EXISTING UTILITIES NOT SPECIFIED TO BE REMOVED OR ABANDONED AS PART OF THE PROJECT.



**OVERALL SITE PLAN**

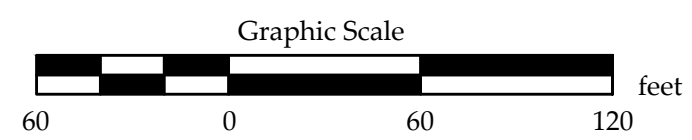
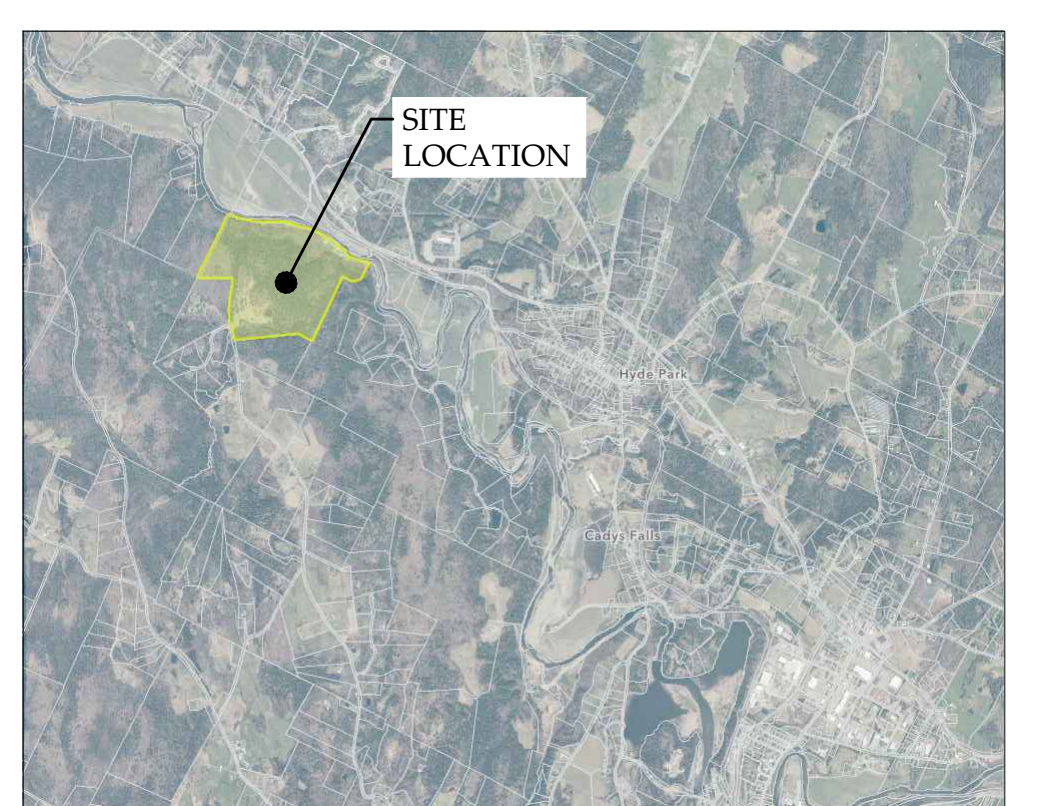
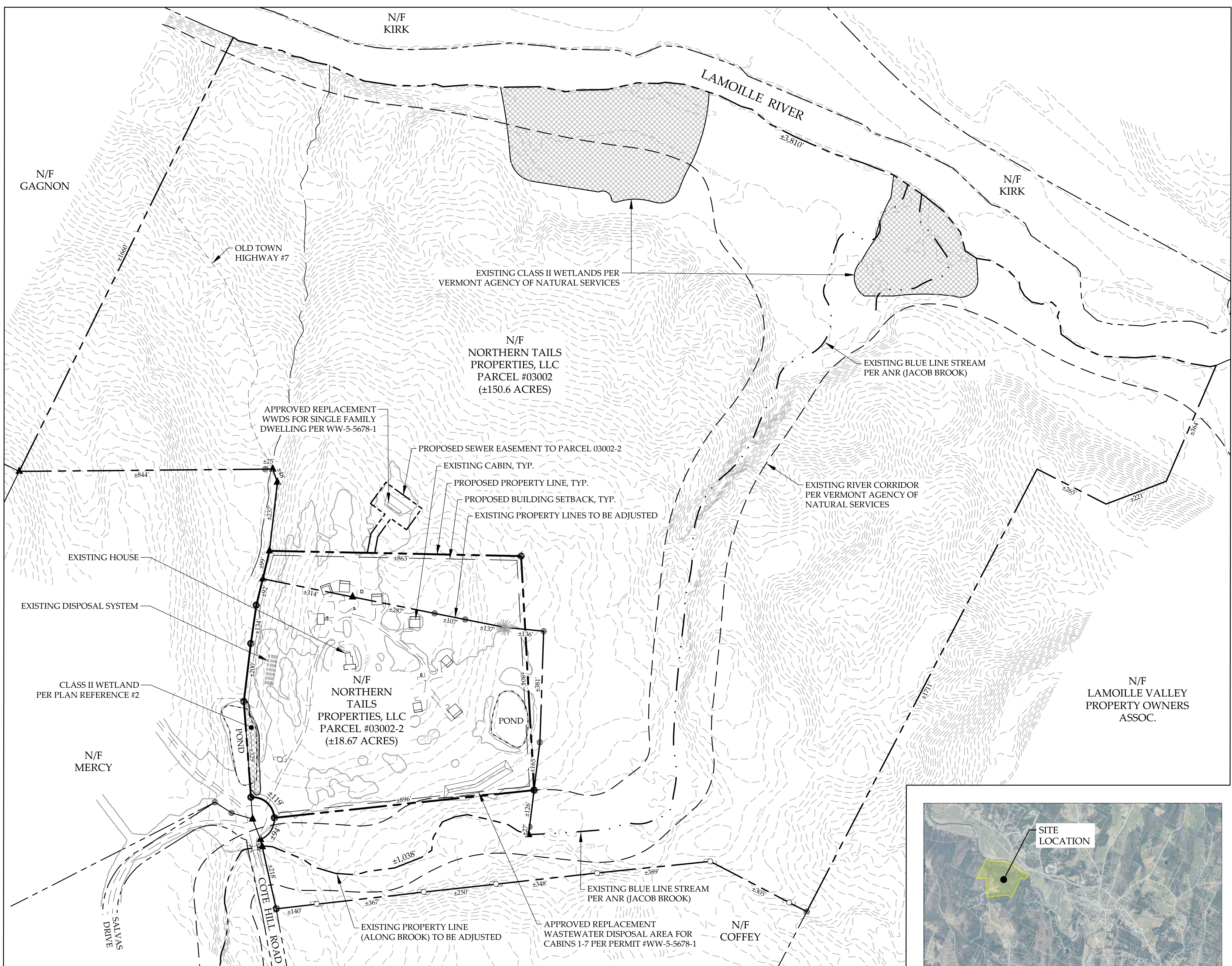
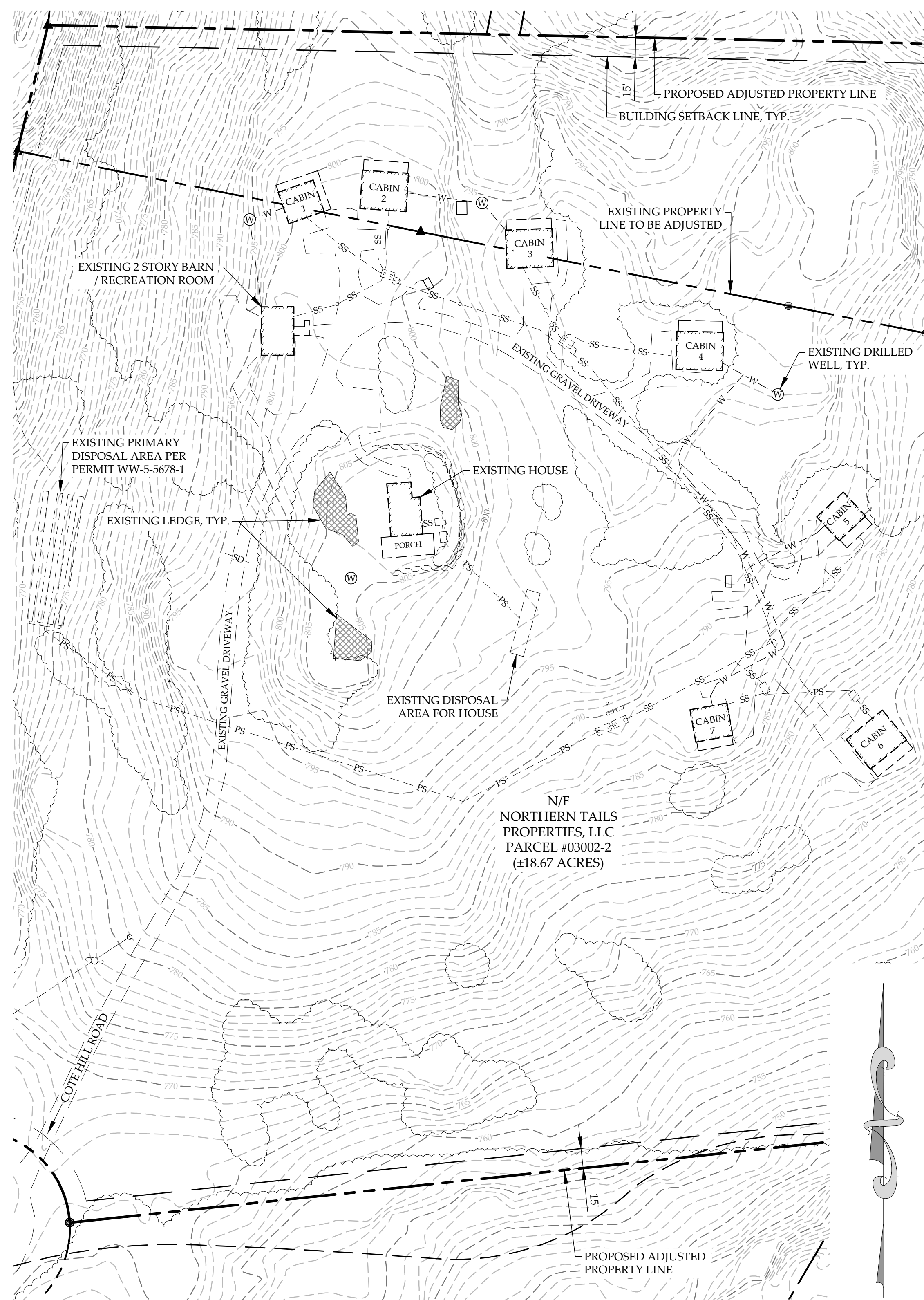


**PURPOSE OF PLAN:**  
EXISTING CONDITIONS PLAN

**ZONING NOTES:**  
DISTRICT: RRA  
MINIMUM LOT SIZE: 80,000 SF  
MINIMUM LOT FRONTAGE: 50 FT  
SETBACKS:  
FRONT = 45 FT  
REAR = 15 FT  
SIDE = 15 FT  
SHORELINE = 50 FT

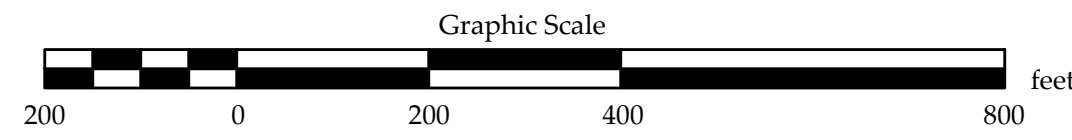
**OWNER OF RECORD:**  
NORTHERN TAILS PROPERTIES, LLC

<p><b>SITE PLAN</b> NORTHERN TAILS PROPERTIES, LLC 2930 COTE HILL ROAD MORRISTOWN, VERMONT</p>		
<p><b>MUMLEY</b> ENGINEERING, INC. 46 HUTCHINS STREET MORRISTOWN, VT 05661 WWW.MUMLEYENGINEERING.COM COPYRIGHT © 2025 - MUMLEY ENGINEERING, INC.</p>	<p>PROJECT NO. ....10036.2 DRAWN BY .....WEH CHECKED BY .....TRM SCALE .....AS NOTED DATE .....09/24/25</p>	<p>SHEET NO. <b>C-1</b> 1 OF 1 SHEETS</p>



**PARTIAL SITE PLAN**  
SCALE: 1" = 60'

**OVERALL SITE PLAN**  
SCALE: 1" = 200'



LEGEND	
N/F	NOW OR FORMERLY OWNED BY
—●—	IRON PIPE / REBAR FOUND
○	REBAR TO BE SET
●	CALCULATED POINT
○—○	EXISTING UTILITY POLE & GUY WIRE
○	EXISTING DRILLED WELL
---	EXISTING PROPERTY LINE
- - -	ARBITER PROPERTY LINE
-W-	EXISTING TREE LINE
-SS-	EXISTING WATER LINE
-PS-	EXISTING GRAVITY SEWER LINE
-PS-	EXISTING PRESSURE SEWER LINE
-OHW-	EXISTING OVERHEAD WIRES
-SD-	EXISTING STORMWATER DRAIN
-500-	EXISTING CONTOUR
- - - - -	EXISTING STONE RETAINING WALL
- - - - -	EDGE OF POND / STREAM

**PURPOSE OF PLAN:**  
EXISTING CONDITIONS PLAN AND PROPOSED BOUNDARY LINE ADJUSTMENT

**ZONING NOTES:**  
DISTRICT: RRA  
MINIMUM LOT SIZE: 80,000 SF  
MINIMUM LOT FRONTAGE: 50 FT  
SETBACKS:  
FRONT = 45 FT  
REAR = 15 FT  
SIDE = 15 FT  
SHORELINE = 50 FT

**OWNER OF RECORD:**  
NORTHERN TAILS PROPERTIES, LLC

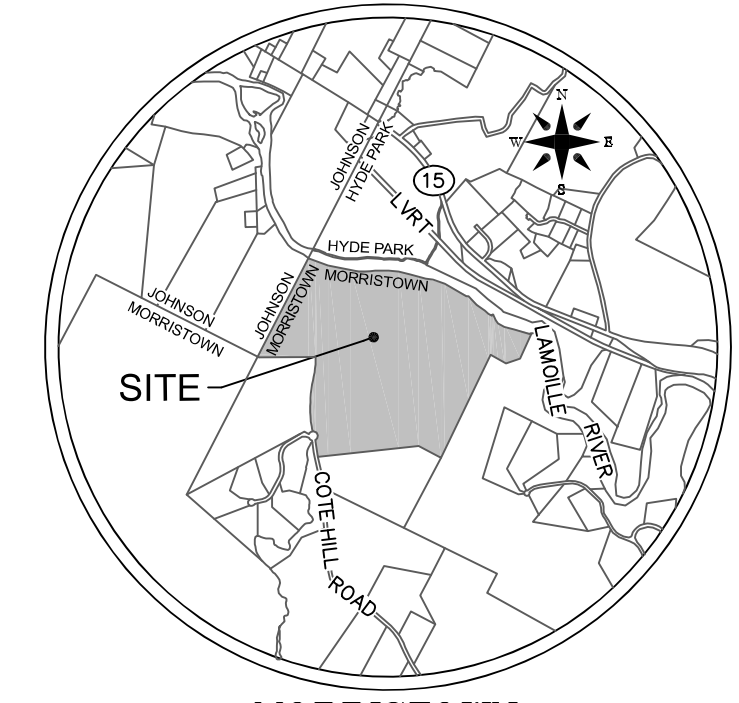
- PLAN REFERENCES:**
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  - SITE INFORMATION TAKEN FROM PERMIT #WW-5-5678-1, DATED 11/21/2013, ON PLANS ENTITLED "EXISTING CONDITIONS & SITE PLAN, NORTHERN TAILS PROPERTIES, INC., CHARLES PEPE - MUDDY MOOSE RECREATION CABINS, 2930 COTE HILL ROAD, MORRISTOWN, VERMONT", DATED 09/08/10, LAST REVISED 11/01/13, PREPARED BY RUGGIANO ENGINEERING, INC.
  - EXISTING BLUE LINE STREAM, RIVER CORRIDOR & EXISTING CLASS II WETLANDS PER VERMONT AGENCY OF NATURAL SERVICES ON 9-23-25.
  - PARCEL INFORMATION TAKEN FROM PLAT ENTITLED "JOHN C. MONKS PROPERTY IN MORRISTOWN, VERMONT", DATED SEPTEMBER 1990, PREPARED BY SPEAR SURVEYING, INC.
  - PARCEL & SITE INFORMATION PROVIDED ELECTRONICALLY AND TAKEN FROM DRAFT PLAN ENTITLED "BOUNDARY LINE ADJUSTMENT, PROPERTIES OF NORTHERN TAILS PROPERTIES, LLC, 2930 COTE HILL ROAD, MORRISTOWN, VT", DATED 10/14/2025, DWG # 25085, PREPARED BY GILSON LAND SURVEYING, INC.

- NOTES:**
- THIS DRAWING IS NOT A BOUNDARY SURVEY PLAT. BOUNDARY LINE INFORMATION SHOWN IS BASED ON PLAN REFERENCE #5. THE PROPERTY LINES, EASEMENTS AND OTHER REAL PROPERTY DESCRIPTIONS PROVIDED ON THIS DRAWING ARE FOR ILLUSTRATION PURPOSES ONLY. THEY DO NOT DEFINE LEGAL RIGHTS OR MEET LEGAL REQUIREMENTS FOR A LAND SURVEY AS DESCRIBED IN V.S.A. TITLE 27 SECTION 1403 AND SHALL NOT BE USED IN LIEU OF A SURVEY AS THE BASIS OF ANY LAND TRANSFER OR ESTABLISHMENT OF ANY PROPERTY RIGHT.
  - THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING AND DETERMINING THE LOCATION, SIZE, AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY DISCREPANCIES OR UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION. APPROPRIATE REMEDIAL ACTION SHALL BE TAKEN BEFORE PROCEEDING WITH THE WORK.
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**SITE PLAN**  
NORTHERN TAILS PROPERTIES, LLC  
2930 COTE HILL ROAD  
MORRISTOWN, VERMONT

<p><b>MUMLEY</b> ENGINEERING, INC.</p> <p>46 HUTCHINS STREET MORRISTOWN, VT 05661 WWW.MUMLEYENGINEERING.COM COPYRIGHT © 2025 - MUMLEY ENGINEERING, INC.</p>	PROJECT NO.....10036.2	SHEET NO.
	DRAWN BY.....WEH/RCB	C-1
	CHECKED BY.....TRM	
	SCALE.....AS NOTED	
DATE.....10/16/25	1 OF 1 SHEETS	

Location Map



Legend

- SUBJECT PROPERTY LINE
- PROPOSED PROPERTY LINE
- OTHER PROPERTY LINE
- PROPERTY LINE TO ABANDON
- PROPOSED EASEMENT LINE
- EXISTING GRAVEL
- IRON PIPE/CAPPED PIPE FOUND
- IRON/CAPPED REBAR FOUND
- IPF/CPF
- IRF/CRF
- CRP
- △
- 
- 
- 
- ☼

0 RIVER RIDGE ROAD  
n/f  
LAMOILLE VALLEY  
PROPERTY OWNERS  
ASSOCIATION, INC.  
Vol. 113 Pg. 103

Referenced Plats and Plans

- A. "George Hieber Lands", prepared by Richard Keller, dated September 1966, Map Slide 225.
- B. "David R. Bryan Lands", prepared by Richard Keller and Paul Bigelow, dated October 1966, Map Slide 206.
- C. "Bryan to Hieber", prepared by Richard Keller and Paul Bigelow, undated, Map Slide 258.
- D. "Property of George, N. Lawson, Trustee", prepared by Urie and Morse, dated November 6, 1969, Map Slide 225.
- E. "Plan of Ten Bends", prepared by J.P.R. Associates, Inc., dated June 1973, Map Slide 44.
- F. "John C. Monks Property in Morrystown, Vermont", prepared by Spear Surveying, Inc., dated September 1990, Map Slide 591.
- G. "Subdivision by Lone Cedar Associates, Inc.", prepared by Robert W. Frey, dated June 1992, Map Slide 109.
- H. "Survey & Subdivision Prepared for William P. & Juliet M. O'Neil; All Remaining Land on the Easterly Side Cote Hill Road", prepared by David Peatman, dated September 16, 2015, last revised December 14, 2015, Map Slide 346.

Survey Notes

1. Purpose of this survey is to depict a boundary line adjustment between two existing parcels of land deeded to Northern Tails Properties, LLC by Quitclaim Deed dated July 2, 2011 recorded Volume 161 Page 6 of the Town of Morrystown Land Records. For the purposes of this survey, only Parcel 03002-02 and the adjustment area were surveyed. The remaining perimeter geometry and acreage for Parcel 03002 is from Referenced Plat F. This adjustment results in an equal exchange of land with no change in total acreage for either parcel. Other neighboring property lines and buildings shown MAY be approximate only, and are shown for information purposes only.
2. Field survey was conducted fall 2025. Bearings shown are from Grid North, Vermont Coordinate System of 1983, based upon our GPS observations on or adjacent to the site (Reference Frame NAD83 (2011, Epoch 2010)).
3. Iron pipes shown as "found" are typically labeled with inside diameter, rods with outside diameter, unless otherwise indicated. Condition of pipes, rods and markers found are "good" unless otherwise noted. Corners denoted "Proposed" shall typically consist of 5/8" diameter rebar capped with aluminum disks stamped "Gilson Land Surveying, PLLC-VT LS #109314", typically set flush with existing grade.
4. This survey and certification do not constitute a guaranty of title.
5. An effort has been made to identify record or observed easements, however easements may exist not depicted on this survey.
6. Not being within the scope of this survey, Gilson Land Surveying, PLLC has conducted no investigation whatsoever respecting whether or not the property and each component thereof is in compliance with state or local permits.
7. Utilities shown do not purport to constitute or represent all utilities located upon or adjacent to the surveyed premises. Existing utility locations are approximate only. Buried utilities shown are depicted based solely on surface indications. Actual locations may vary. Contact Dig Safe (888-344-7233) prior to any construction.
8. "Old Town Highway" as shown on Referenced Plats B, C and D. Status Unknown
9. Boundary in this area is from Volume 88 Page 268 which gives bearing and distances along the centerline of Town Highway #7. These courses run through the pond and the road is depicted as such on Referenced Plats B and C. Volume 60 Page 37 also states "It is understood that a small pond is constructed in a portion of the town highway right of way".
10. Parcels lie in RRA Zoning District.
11. Town line shown is for reference purposes only. This is not a Town Line Survey.

**DRAFT  
for Review**

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

DIMENSION TABLE - WASTEWATER EASEMENT AREA

LINE	BEARING	DISTANCE
L5	S 88°47'48" E	335.54'
L6	N 10°32'32" E	67.21'
L7	N 35°52'18" E	82.25'
L8	N 54°07'42" W	61.47'
L9	N 35°52'18" E	90.00'
L10	S 54°07'42" E	152.55'
L11	S 35°52'18" W	90.00'
L12	N 54°07'42" W	66.09'
L13	S 35°52'18" W	76.63'
L14	S 10°32'32" W	57.48'
L15	N 88°47'48" W	25.34'
L16	S 88°47'48" E	502.20'

DIMENSION TABLE

LINE	BEARING	DISTANCE
L1	N 04°10'25" W	100.00'
L2	N 73°41'17" W	75.00'
L3	N 57°18'17" W	67.49'
L4	N 04°04'29" W	75.00'

0 RIVER ROAD EAST  
n/f  
GAGNON, S.  
Vol. 161 Pg. 284

2929 COTE HILL ROAD  
n/f  
MERCY, G. & D.  
Vol. 109 Pg. 276

2930 COTE HILL ROAD  
PARCEL 03002  
NORTHERN TAILS  
PROPERTIES, LLC  
Vol. 161 Pg. 6  
150.6 Acres  
Survey Note 1

2770 COTE HILL ROAD  
n/f  
COFFEY, E. & A.  
Vol. 226 Pg. 214

RECEIVED FOR RECORDING IN THE LAND RECORDS OF THE MORRISTOWN, VERMONT, AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ATTEST: \_\_\_\_\_ TOWN CLERK



To the best of my knowledge and belief, this plat is in substantial compliance with 27 VSA 1403, "Recording of Land Plats". This statement valid only when accompanied by my original signature and seal.

10/17/2025

Rebecca Gilson, PLS VT LS 109314

Date	Revisions	By

BOUNDARY LINE ADJUSTMENT  
Properties of  
NORTHERN TAILS PROPERTIES, LLC  
2930 COTE HILL ROAD  
MORRISTOWN, VT

ORIGINAL SCALE  
1" = 150'

Date: 10/14/2025 DWG# 25085

ORIGINAL INK ON MYLAR - REDUCED FOR RECORDING



# Lamoille County Planning Commission

PO Box 1637  
52 Portland Street, Second Floor  
Morrisville, Vermont 05661  
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September 25, 2025

Matt Kelly  
Director of Land Protection  
Stowe Land Trust  
PO Box 284  
Stowe, VT 05672

Re: Muddy Moose Conservation Project

Dear Mr. Kelly,

The Lamoille County Planning Commission is pleased to provide a letter of support for the Stowe Land Trust's efforts to acquire and conserve the 150-acre Muddy Moose property in Morrystown. This project will further the goals of the Regional Plan.

The property is located within the "Working Lands – Forest" area on the 2023 Regional Plan Future Land Use Map. This area contains Lamoille County's largest blocks of unfragmented forests, with diverse land uses including active forest management, conservation, wildlife management, recreation, and/or aesthetic preservation.

The property also contains about  $\frac{3}{4}$  of mile of Jacob Creek -- including a gorge with a series of waterfalls before the confluence with the Lamoille River, 0.7 miles of frontage along the Lamoille Main Stem, and approximately 12 acres floodplain forest.

A major goal within the Plan is to prevent undue fragmentation of forestlands. The Plan also calls to "*Protect areas that help to attenuate flooding, such as wetlands, floodplains, river corridors, and upland forests.*" Conservation of the Muddy Moose property will result in a contiguous, conserved forest land at a critical location along the Lamoille River. Conservation of these areas is increasingly important and urgent, as Lamoille County experienced three of the five largest floods on record between 2023 and 2024.

On behalf of the Lamoille County Planning Commission, I submit this letter in support of the conservation of the Muddy Moose property.

Sincerely,

Seth Jensen  
Deputy Director

September 29, 2025

Vermont Housing & Conservation Board  
58 East State Street  
Montpelier, VT 05602

Dear Vermont Housing & Conservation Board,

On behalf of the Morristown Conservation Commission (MCC), I am writing to express our strong support for Stowe Land Trust's (SLT) grant application to assist in the acquisition and permanent conservation of a 150-acre parcel of undeveloped forestland located at the end of Cote Hill Road in Morristown, commonly known as Muddy Moose.

This property provides exceptional ecological, recreational and social opportunities to the community. It serves as a wildlife corridor, deer wintering area and contains approximately five miles of maintained and mapped trails that support a wide range of non-motorized recreational uses, including hiking, snowshoeing, and cross-country skiing. The land also features a sandy beach along the Lamoille River, a series of striking waterfalls and a gorge along Jacob Creek. These features make the Muddy Moose parcel an important community resource and underscore the importance of its long-term protection and public accessibility.

In addition to its recreational value, the property encompasses roughly 12 acres of floodplain forest along the Lamoille River and nearly three-quarters of a mile of forested riparian habitat along Jacob Creek—both identified as high-priority water resources by Vermont Conservation Design. These intact riparian and floodplain areas play a vital role in mitigating flood impacts, improving water quality, and supporting biodiversity by buffering stormwater runoff and providing habitat for a variety of species.

The conservation of this parcel also directly supports the goals outlined in the Morristown Town Plan, which emphasizes the importance of protecting the town's natural character and ecological resources. The Plan encourages "the purchase of natural areas for recreational and wildlife corridors" (pg. 59) and seeks to "[preserve] the rural countryside from development pressures" (pg. 6). It further states: "We cherish our forested hills, mountain ridgelines, and open agricultural fields. As such, [we] should look to the Conservation Commission to guide the permanent protection, or outright purchase, of natural areas for recreation and conservation" (pg. 7).

This project aligns directly with those priorities. For all of these reasons, the Morristown Conservation Commission offers its enthusiastic support for Stowe Land Trust's application for funding from the Vermont Housing & Conservation Board.

Thank you for your consideration of this important project.

Sincerely,



Jerry Throne, Chair  
Morristown Conservation Commission



**WASTEWATER SYSTEM AND POTABLE WATER SUPPLY PERMIT****LAWS/REGULATIONS INVOLVED**

10 V.S.A. Chapter 64, Potable Water Supply and Wastewater System Permit  
Wastewater System and Potable Water Supply Rules, Effective September 29, 2007  
Chapter 21, Water Supply Rules, Effective December 1, 2010

**Landowner(s): Northern Tails Properties, Inc.  
2930 Cote Hill Road  
Morristown VT 05661**

**Permit Number: WW-5-5678-1  
PIN: BR10-0325**

This permit affects property identified as Town Tax Parcel ID # Morrystown: 03-002 referenced in a deed recorded in Book 112 Page(s) 275 of the Land Records in Morrystown, Vermont.

This project, consisting of amending Permit WW-5-5678 to reduce the number of recreational cabins to 7 and make revisions to the wastewater and potable water supply systems, located on 2930 Cote Hill Road in Morrystown, Vermont, is hereby approved under the requirements of the regulations named above subject to the following conditions.

**1. GENERAL**

- 1.1 The project shall be completed as shown on the plans and/or documents prepared by Samuel H. Ruggiano , with the stamped plans listed as follows:

Sheet Number	Title	Plan Date	Plan Revision Date
C-1	Existing Conditions	9/21/2010	11/01/2013
C-2	Site Plan	9/08/2010	11/01/2013
C-3	Sewer Plan & Profile and Details	9/23/2010	11/01/2013
C-4	Wastewater Disposal System & Details	9/23/2010	11/01/2013
C-5	Wastewater Disposal Details	9/23/2010	11/01/2013
C-6	Details	9/23/2010	11/01/2013

- 1.2 This permit does not relieve the landowner from obtaining all other approvals and permits PRIOR to construction including, but not limited to, those that may be required from the Act 250 Environmental Commission; other State departments and local officials.
- 1.3 The conditions of this permit shall run with the land and will be binding upon and enforceable against the landowner and all assigns and successors in interest. The landowner shall record and index this permit in the Morrystown Land Records within thirty, (30) days of issuance of this permit and prior to the conveyance of any lot subject to the jurisdiction of this permit.
- 1.4 The landowner shall record and index all required installation certifications and other documents that are required to be filed under these Rules or under a specific permit condition in the Morrystown Land Records and ensure that copies of all certifications are sent to the Secretary.



- 1.5 No permit issued by the Secretary shall be valid for a substantially completed potable water supply and wastewater system until the Secretary receives a signed and dated certification from a qualified Vermont Licensed Designer (or where allowed, the installer) that states:

*"I hereby certify that, in the exercise of my reasonable professional judgment, the installation-related information submitted is true and correct and the potable water supply and wastewater system were installed in accordance with the permitted design and all the permit conditions, were inspected, were properly tested, and have successfully met those performance tests",*

or which otherwise satisfies the requirements of §1-308 and §1-911 of the referenced rules.

- 1.6 This project is approved with the existing 3 bedroom single family residence, cabin #1, with 1 bedroom, Cabins # 2 and 4 with 2 bedrooms each, cabin # 3 with 3 bedrooms and recreational / storage building . No alterations to the existing buildings other than those indicated in this permit that would change or affect the water supply or wastewater disposal shall be allowed without prior approval by the Drinking Water and Groundwater Protection Division. Construction of additional nonexempt buildings including commercial and residential buildings is not allowed without prior permitting by the Drinking Water and Groundwater Protection Division and such permit may not be granted unless the proposal conforms to the applicable laws and regulations.
- 1.7 This project is approved for the construction of 3 more additional cabins, with cabins #5 and 7 with one bedroom each and cabin #6 with 2 bedrooms. Construction of additional nonexempt buildings, including commercial and residential buildings, is not allowed without prior review and approval by the Drinking Water and Groundwater Protection Division and such approval will not be granted unless the proposal conforms to the applicable laws and regulations. No construction is allowed that will cause non-compliance with an existing permit.
- 1.8 Each purchaser of any portion of the project shall be shown a copy of the Wastewater System and Potable Water Supply Permit and the stamped plan(s), if applicable, prior to conveyance of any portion of the project to that purchaser.
- 1.9 All conditions set forth in **Permit Number WW-5-5678 dated 11/22/2010@** shall remain in effect except as amended or modified herein.
- 1.10 By acceptance of this permit, the landowner agrees to allow representatives of the State of Vermont access to the property covered by the permit, at reasonable times, for the purpose of ascertaining compliance with the Vermont environmental and health statutes and regulations, and permit conditions.
- 1.11 Any person aggrieved by this permit may appeal to the Environmental Court within 30 days of the date of issuance of this permit in accordance with 10 V.S.A. Chapter 220 and the Vermont Rules of Environmental Court Proceedings.


## **2. WATER SUPPLY**

- 2.1 All water supply conditions set forth in **Permit Number WW-5-5678 dated 11/22/2010@** shall remain in effect except as amended or modified herein.
- 2.2 The barn/recreation room and Cabin 1 are permitted for a water supply from a drilled well (Well #1) for a maximum of 100 gallons of water per day. Cabins 2 and 3 are permitted for a water supply from a drilled well (Well #2) for a maximum of 500 gallons of water per day. Cabins 4, 5, 6, and 7 are permitted for a water supply from a drilled well (Well #3) for a maximum of 600 gallons of water per day. Each well shall be located as shown on the permitted plans and meets or exceeds the isolation distances required in the Water Supply Rule. Each water system shall be operated at all times in a manner that keeps the water supply free from contamination. Should any system fail, and not qualify for a minor repair, the current landowner must engage a Licensed Designer to evaluate the cause of the contamination and to submit an amendment application to this office prior to repair or replacement of the system.
- 2.3 New components of the potable water supplies herein approved shall be routinely and reliably inspected during construction by a qualified Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.

### 3. WASTEWATER DISPOSAL

- 3.1 All wastewater disposal conditions set forth in **Permit Number WW-5-5678 dated 11/22/2010@** shall remain in effect except as amended or modified herein.
- 3.2 The 7 cabins and recreation / storage building are approved for the disposal of wastewater in accordance with the design depicted on the stamped plan(s) for a maximum of 1,200 gallons of wastewater per day. The design capacity of the disposal field is 1,900 gallons per day. The system(s) shall be operated at all times in a manner that will not permit the discharge of effluent onto the surface of the ground or into the waters of the State. Should the system fail and not qualify for the minor repair or replacement exemption, the current landowner shall engage a qualified Vermont Licensed Designer to evaluate the cause of the failure and to submit an application to this office and receive written approval prior to correcting the failure.
- 3.3 New components of the sanitary wastewater system herein approved shall be routinely and reliably inspected during construction by a Vermont Licensed Designer (or where allowed, the installer) who shall, upon completion and prior to occupancy of the associated building, report in writing to the Drinking Water and Groundwater Protection Division that the installation was accomplished in accordance with the referenced plans and permit conditions, as specifically directed in Condition #1.5 herein.
- 3.4 The corners of the proposed primary or replacement wastewater disposal area(s) shall be accurately staked out and flagged prior to construction with the flagging/staking being maintained until construction is complete.
- 3.5 The wastewater system for this project is approved for domestic type wastewater only except as allowed for water treatment discharges. No discharge of other type process wastewater is permitted unless prior written approval is obtained from the Drinking Water and Groundwater Protection Division.
- 3.6 No buildings, roads, water lines, earthwork, re-grading, excavation or other construction that might interfere with the installation or operation of the wastewater disposal systems are allowed on or near the site-specific wastewater disposal system or replacement area depicted on the stamped plans. All isolation distances that are set forth in the Wastewater System and Potable Water Supply Rules shall be adhered to and will be incorporated into the construction and installation of the wastewater disposal field.

David K. Mears, Commissioner  
Department of Environmental Conservation

By   
Carl Fuller PE, Regional Engineer  
Dated November 20, 2013

cc Morristown Planning Commission  
Samuel H. Ruggiano  
Act 250 District Environmental Commission



Outlook

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**EMAIL VERIFICATION FAILED Oct.22 -- Muddy Moose Development**

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**From** Morristown, VT <noreply@civicplus.com>

**Date** Sun 10/5/2025 8:24 AM

**To** Tyler Machia <tmachia@morristownvt.gov>

Name: Ward Freeman

Email: freeigan@gmail.com

Message:

I will be unable to attend the meeting on October 22 (even virtually) so would like to submit a few questions.

1. Water and wastewater are always a concern in rural multi unit development. Has an independent environmental engineer evaluated the septic and leach field design to determine it is sufficient for that many year round residents and if so can we review the report?
2. Are each of the 10 units to be sold as single family homes or will they be owned or managed by a management company? Will there be community facilities and if so, what will they be?
3. Light pollution is a concern. Can we make sure there will be deed restrictions or covenants restricting outdoor lighting and street lights?
4. Finally, if the zoning allows this exception for multi-family housing, what are the future development restrictions? Can the deed include limitations to any future development of the property?

Thank you for addressing these concerns.

Ward Freeman

282 Old Shady Lane

(518) 312-0145



## October 22, 2025 DRB Meeting Staff Notes

APPLICATION: 2025-106

APPLICANT: Vermont Land Use Planning

REQUESTED ACTION: Conditional Use Review & Major Subdivision Review

LOCATION: 2930 Cote Hill Road

EXISTING ZONING: Rural Residential Agricultural

PROJECT DESCRIPTION: #2025-106 Conditional Use and possible Subdivision Review. The Applicants, Vermont Land Use Planning LLC, are applying for Conditional Use Review to convert a non-owner-occupied short-term rental use of the former Muddy Moose property located at 2930 Cote Hill Road parcel ids 03-002(03002) & 03-002-2(03002-2) to multi-family housing. The non-owner-occupied short-term rental is a legally nonconforming use that was previously permitted by the DRB. The plan calls for converting the cabins over to year-round occupancy which would create a multi-family housing use on the property. This multi-family housing use is not a permitted use in the Rural Residential Agriculture district (RRA). However, Section 437 of the Morristown Zoning and Subdivision Bylaws (The Bylaws) allows for a preexisting non-conforming use to be converted to another legally non-conforming use provided that the DRB approves the change in use through Conditional Use Review. The DRB will consider whether or not the use is more compatible with the surrounding area than the existing non-conforming use. The Applicants could potentially be required to adjust the boundaries of parcels 03002 & 03002-2 to make sure all of the cabins are located on parcel 03002-2. If this is deemed necessary, the Zoning Administrator will be requiring this boundary adjustment to be reviewed as a subdivision as noted in Section 795.2 of The Bylaws and will be reviewed as a Major Subdivision along with the previously mentioned conditional use review. The project will be reviewed under the 2023 Morristown Bylaws.

### PARCEL HISTORY:

1. Conditional Use Review 2010-038, Approved 7/8/10
2. Site Plan Review 2010-077, Approved 9/9/2010
3. Zoning Permit 2014-031, Approved 4/24/14
4. Zoning Permit 2014-032, Approved 4/24/14
5. Zoning Permit 2014-033, Approved 4/24/14

### LIST OF APPLICANT SUBMISSIONS:

- A. Conditional Use and Subdivision Review Application, 9/26/25.
- B. Narrative 9/26/25
- C. Existing Conditions Site Plan, 9/25/25
- D. Site Plan, 10/16/25
- E. Draft Plat 10/17/25
- F. LCPC Letter 9/25/25
- G. MCC Letter 9/29/25



PROCEDURAL INFORMATION:

1. Application deemed complete on 9/26/25
2. Agenda placed in News and Citizen 9/29/2025
3. Notice placed on the town website and at three locations in town on 9/29/2025
4. Abutters notified on 9/30/2025
5. Notice sent to Applicant 9/30/2025

STAFF COMMENTS (Comments In Bold):

1. The Applicants, Vermont Land Use Planning LLC, are applying for Conditional Use Review to convert a non-owner-occupied short-term rental use of the former Muddy Moose property located at 2930 Cote Hill Road parcel ids 03002 & 03002-2 to multi-family housing. The non-owner-occupied short-term rental is a legally nonconforming use that was previously permitted by the DRB. The plan calls for converting the cabins over to year-round occupancy which would create a multi-family housing use on the property. This multi-family housing use is not a permitted use in the Rural Residential Agriculture district (RRA). However, Section 437 of the Morristown Zoning and Subdivision Bylaws (The Bylaws) allows for a preexisting non-conforming use to be converted to another legally non-conforming use provided that the DRB approves the change in use through Conditional Use Review. The DRB will consider whether or not the use is more compatible with the surrounding area than the existing non-conforming use. The Applicants could potentially be required to adjust the boundaries of parcels 03002 & 03002-2 to make sure all of the cabins are located on parcel 03002-2. If this is deemed necessary, the Zoning Administrator will be requiring this boundary adjustment to be reviewed as a subdivision as noted in Section 795.2 of The Bylaws and will be reviewed as a Major Subdivision along with the previously mentioned conditional use review.
2. The Applicants note in their narrative that they are seeking to convert a legally nonconforming non owner-occupied short term rental use to a multi-family dwelling.
3. Section 204.5a of The Bylaws notes that multi-family housing is not an allowed use in the RRA district.
4. Section 437 notes that a pre-existing non-conforming use can be exchanged for another non-conforming use through conditional use review provided that the use is more compatible with the uses allowed in the district as noted in Section 204.5a and Section 1111 of The Bylaws. **(While the applicants have the right to apply for this change of use The Board does not have to approve it. It is worth pointing out that there are alternative ways this project could be developed that would allow the cabins to be converted to year-round residential use while complying with the regulations for the RRA. The Board could require The Applicants to apply for a planned unit development and require lot 03002-2 to be subdivided so that each cabin has its own lot. This would make the project comply with the RRA regulations noted in Section 204.5a as each lot would have its own residential use which is an allowed use in the RRA. While this may represent more of a burden on the applicant it would allow them to still convert the cabins to year round occupancy without creating another legally non-conforming use.**
5. Each dwelling unit is required to have 1 parking space per dwelling unit as noted in section 453 of The Bylaws



6. The Applicants plan set shows parking at each dwelling unit.
7. Conditional use applications must comply with Section 500 and Section 630 of The Bylaws.
8. Section 502 of The Bylaws notes that site plan approval requirements for conditional use applications.
9. The project is in compliance with the following sections of Section 502 of The Bylaws: a, b, c, d, e, f, g.
10. The applicants site plan does not show the location of trash and recycling or show how it is to be screened as noted in Section 502.h of The Bylaws.
11. The Applicant site plan does not provide the location of clustered mailboxes as noted in Section 502.i of The Bylaws.
12. The Project will be subject to the landscaping requirements noted in Section 505 of The Bylaws.
13. The applicants have not submitted a landscaping plan for this project, however, the applicants are not proposing any new structures with this application as they are only looking to convert the use and adjust the lot boundaries. **(The Board could consider requiring additional landscaping or a landscape plan.)**
14. Section 630 of the bylaws list the specific standards for Conditional Use Review.
15. Section 632 notes the following general standards which prohibits development from negatively impacting any of the following:
  - a. 632.1 The capacity of existing or planned community facilities
  - b. 632.2 The character of the area affected
    - i. Section 1110 of The Bylaws notes that the purpose of the RRA zone is to “preserve an area for agriculture, forestry, and very low-density single-family homes”.
    - ii. State Law now prohibits single family only zoning but still allows for the prohibition of more than two dwelling units on a lot.
    - iii. **(The Board will need to consider whether or not converting the cabins to multi-family housing negatively impacts the character of the area as noted in Section 1110 and Section 204.5a of The Bylaws)**
  - c. 632.3 The reduction in the capacity of the land to hold water so as to avoid soil erosion.
  - d. 632.4 Will not result in undue water, noise, or air pollution.
16. Section 635 notes the DRB could use the following specific standards to impose conditions on the project.
  - a. 635.1 Increasing the required lot size or yard dimensions in order to protect adjacent properties.
  - b. 635.2 Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property.
  - c. 635.3 Controlling the location and number of vehicular access points to the property.
  - d. 635.4 Increasing the street width.
  - e. 635.5 Increasing or decreasing the number of off-street parking or loading spaces
  - f. 635.6 Allowing an additional dwelling unit above what the zoning normally yields for an on-site property manager is provided for residential developments of ten or more units.
  - g. 635.7 Specify or limiting a business' hours of operation.
  - h. 635.8 Specifying a specific time limit for construction, alteration, or enlargement to begin for a structure to house a conditional use.



- i. 635.9 Requiring that any future enlargement or alteration of the use be reviewed by the DRB to permit any new conditions.
  - j. 635.10 The ORB may require one, three and five year reviews of any project before the Board.
17. Section 636 Notes that the DRB may impose any extra reasonable conditions it deems necessary to protect the health safety and welfare of the public and to ensure compliance with the zoning regulations.
18. Section 660 does not apply as the applicants are not proposing any new lots. They are simply adjusting the boundaries of two existing lots.
19. In order to convert the short term rentals to multi family housing the applicants must ensure that the lot has enough space to house the number of units shown.
20. The cabins will be located on lot 03002-2 which consist of 18 acres or 653,400 sqf. Section 204.5b notes that each residential unit in the RRA is required to have 80,000 sqf of lot area.
21. The Applicants site plan shows 8 potentials units which would require 640,000sqf of lot area
22. The Applicants have shown that they have enough lot area to accommodate these 8 units.
23. The Applicants site plan and narrative note that 3 of the existing cabins, cabins 1,2 &3, are located on lot 03002.
24. Therefore, the applicants are required to adjust the boundaries of the lots to ensure that the multi-unit housing use is confined to lot 03002-2.
25. Section 795 notes the requirements for a boundary line adjustment.
26. Section 795.2 notes that the Zoning Administrator may require a boundary line adjustment to be reviewed as a Subdivision.
27. Given that the cabins are located on two parcels and the fact that this project involves the establishment of a new legally non-conforming use the Zoning Administrator determined that it was in the best interest of the town to have the DRB approved this Boundary Line adjustment and have it reviewed as a major subdivision.
28. Section 710.2 notes that the Zoning administrator has to approve all minor subdivisions. Therefore, this boundary line adjustment has to be reviewed as a Major Subdivision in order for the DRB to approve the application.
29. All Major Subdivisions are subject to the regulations noted in Section 510 of The Bylaws.
30. The Project is subject to the standards in Section 510.1-6 of The Bylaws.
31. Section 510.6.a. notes that a minimum of 50% of the proposed development area shall be permanently protected.
32. The combined area of both lots is 168 acres.
33. To comply with the 50% conserved open space requirement noted in a. of Section 510.6 the applicants are required to conserve a minimum of 84 acres of land.
34. The site plan for Lot 03002 shows no development and would consist of 115 acres which is in excess of the 50% minimum noted in Section 510.6 of The Bylaws.
35. The Applicants narrative notes that 03002 will be permanently preserved (**The applicants narrative notes that lot 03002 will be preserved; however, the applicants site plan and plat does not explicitly say this. The Board could consider conditions that would further limit the development of both lots.**)
36. Item b. of Section 510.6 notes that the open space lot must abut the other lots in the proposed subdivision.



37. Lot 3002-2 abuts lot 3002 which is undeveloped.
38. Section 510.6.h notes that dedicated open space may be used for sewerage disposal systems if the DRB determines that the proposed layout and grading of the systems will not inhibit the recreational use of the area.
39. The Applicants site plan shows an easement for a sewer system for lot 03002-2 located on lot 03002.
40. Section 510.6.J notes that the storage of equipment and placement of structures, except structures built for the residents of the development such as a boat launch or community building, shall not be allowed in the open space. No structures shall be allowed in the section of dedicated open space that is depicted on the subdivision plan as the prime AG area.
41. The ANR atlas notes that there are no structures located on the area indicated as prime AG soils.
42. Section 510.6.k notes the following:
  - a. The ownership of the open space shall be conveyed to the Town, the Town's Conservation Commission, or a nonprofit organization **or land trust** whose principal mission is the conservation and protection of open space, or to a corporation or trust owned jointly or in common by the owners of lots within the proposed Conservation Subdivision. If conveyed to a trust or the subdivision's homeowners association, maintenance of such open space and facilities shall be permanently legally guaranteed, with said guarantee providing for mandatory assessments for open space maintenance expenses being levied against each lot as part of the homeowner's association. Any proposed open space, unless conveyed to the Village, Town of or its Conservation Commission, shall be subject to a recorded conservation restriction, providing that such land shall be perpetually maintained as open space and be preserved exclusively for the purposes set forth herein.
43. The Applicants have indicated in their narrative that parcel 03002 will be sold to Friends of Stowe Conservation Inc.
44. Section 510.6.l notes the following:
  - a. A maintenance easement shall be granted to the Town to ensure its perpetual maintenance and provide that in the event the open space is not maintained in reasonable condition. The easement must state that the Town may, after notice to the lot owners and public hearing, enter upon such land to provide maintenance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot(s) to ensure payment of such maintenance.
45. The Applicants have not provided a maintenance easement to the town to ensure perpetual maintenance of the open space lot 03002 or any other open space on lot 03002-2.
46. Section 510.6.m notes the following:
  - a. Protected open space must be clearly delineated on the ground with permanent markers or monumentation before any zoning permits are issued for construction within the subdivision. When no visual distinction exists along the boundary of a subdivision lot and the protected open space (ex. in an open field setting), the use of boulders unearthed during construction, blasted ledge, split-rail fence, street trees (per §505 d&e of the Bylaws), tree blazing, signage, or other reasonable measures shall be used to delineate the



- open space and ensure it is not encroached upon by construction equipment, or by abutting landowners.
47. The Applicants have not indicated how the open space would be delineated.
  48. Section 510.6.n notes the following:
    - a. Walkways, hiking trails or bicycle paths shall be provided where feasible to link the lots with the dedicated open space. At a minimum, at least half of the proposed house lots shall be connected by said walkways, hiking trails or bicycle paths. Public access to any trail system in the dedicated open space shall not be restricted via the private status of the streets within the development.
  49. The Applicants narrative notes that lot 03002 is to be conserved. However, the narrative does not note whether there will be trails or other recreational features on this land. There is also no indication of a proposed or existing trail network. **(The Applicants should provide additional documentation to confirm whether any trails exist and how the public will access them. The board could also consider requiring the construction of trails for public use).**
  50. The applicants project will be Subject to the subdivision regulations noted in Article VII of The Bylaws.
  51. The Applicants project will be subject to the subdivision plat regulations noted in Section 770.a-t of The Bylaws.
  52. The Applicants plat has provided the information noted in the following Sections of 770: a-r.
  53. While the applicant's narrative notes that lot 03002 is intended to be conserved by Friends of Stowe Conservation Inc. this is not noted on the Plat. Site elements to be preserved are required to be shown on the plat as noted in Section 770.s.
  54. While the plat and site plan shows a pond located on the property the applicants plat does not note the purpose of the pond, nor does the narrative indicate a plan for fire suppression and there has been no written confirmation from the Morristown Fire Department that the site has adequate facilities for fire suppression as noted in Section 770.t.
  55. This project will be subject to the general subdivision regulations noted in Article VIII of The Bylaws.
  56. The project shall comply with the regulations noted in Section 810.1 which notes the following:
    - a. All land to be subdivided shall be, in the judgment of the Zoning Administrator or the DRB, of such a character that it can be used for building purposes without danger to public health or safety, or to the environment. Land subject to periodic flooding, poor drainage, inadequate capability to withstand structure, including street, utilities, and buildings, or other hazardous conditions, shall not ordinarily be subdivided.
  57. Section 810.2 notes the following energy conservation requirements:
    - a. In order to conserve energy, all subdivisions shall use the least amount of area for roadways and the least length of sewer, water and utility lines within environmentally and economically sound limits.
  58. Section 810.3 notes that the proposed subdivision shall conform to the town plan.
  59. Section 810.4 notes that due regard shall be given to the preservation of natural features.
  60. The applicants narrative notes that lot 03002 is intended to be conserved.
  61. Section 820 lays out the regulations for streets in a subdivision.



62. The project is in compliance with the standards noted in Section 820.1-.5 as well as 820.7 and 820.8 of The Bylaws.
63. Section 820.6c notes that every lot in the subdivision shall be served by an approved public or private road.
64. Lot 03002-2 and 03002 are served by a cul de sac at the end of Cote Hill Road. However, it is unclear whether the applicants have obtained an approved access permit for lot 03002.
65. The Applicants site plan and application materials do not appear to note an approved a ROW access for Lot 03002.
66. Section 830 notes that the applicants are required to provide copies of the waste water permit prior to receiving subdivision approval.
67. The applicants have not provided an updated wastewater permit for this project.
68. Lot 03002-2 has a wastewater permit that was amended in 2013 to accommodate 7 cabins; however, The Applicants have not indicated whether this application would require an amended wastewater permit to accommodate the year round usage of these cabins as long term housing.
69. The Applicants project is subject to the Fire Protection regulations noted in Section 840.8. For Subdivisions not served by the Morrisville Water and Light System the applicants shall do the following:
  - a. Supply a dry hydrant in an existing water source, that is located within a half mile drive of the subdivision road, which provides at least 100,000 gallons of water. If no such source exists, the developer shall provide a fire pond within the subdivision that is equipped with a dry hydrant that provides the same 100,000 gallon minimum of water for firefighting. Morrisville Fire shall supply the head for the dry hydrants regardless of the water source.
70. The project is subject to the storm water regulations noted in Section 850 of the Bylaws.
71. The applicants are not proposing new structures or further land development with this application beyond adjusting the boundary and converting the use.
72. The project is subject to the site preservation regulations noted in Section 860 of the bylaws.
73. Section 870 of the bylaws notes that community facilities, open space and other common property may require a homeowners association.
74. The applicants have not indicated whether or not a homeowners association would be created to govern any community facilities open space or other common property for lots 03002-2 and 03002.

#### OUTSTANDING ITEMS:

1. The Applicants site plan does not show the location of trash and recycling or show how it is to be screened as noted in Section 502.h of The Bylaws.
2. The Applicant site plan does not provide the location of clustered mailboxes as noted in Section 502.i of The Bylaws.
3. The Applicants have not provided a maintenance easement to the town to ensure perpetual maintenance of the open space lot per Section 510.6.l of The Bylaws.
4. Plan to delineate proposed open space as noted in Section 510.6.m of The Bylaws.
5. Documentation of an existing or proposed trail network on lot 03002 as noted in Section 510.6.n of The Bylaws.



6. The site elements to be preserved as noted in Section 770.s of The Bylaws.
7. Written confirmation from the Morristown Fire Department that the site has adequate facilities for fire suppression as noted in Section 770.t of The Bylaws.
8. Documentation that lot 03002 has an approved access on to Cote Hill Road as noted Section 820.6c of The Bylaws.
9. Copies of the wastewater permit or confirmation that an updated waste water permit is not required as noted in Section 830 of The Bylaws.
10. Documentation that the project is in compliance with Section 840 of The Bylaws.
11. An HOA to govern any community facilities open space or other common property for lots 03002-2 and 03002 As noted in Section 870 of The Bylaws.

#### ITEMS FOR DRB CONSIDERATION:

1. The Board will need to consider whether or not converting the cabins to multi-family housing negatively impacts the character of the area as noted in Section 1110 and Section 204.5a of The Bylaws.
  - a. Do alternatives to develop this project exist that would be in compliance with the regulations for the RRA?
2. The Board could consider conditions that would further limit the development of both lots.
3. The Board could consider whether the applicant should be required to submit documentation that they do not need an updated wastewater permit for this project.
4. The Board could consider requiring the Applicants establish an HOA to govern community facilities or open space.

#### RECOMMENDATIONS TO THE DRB

1. Consider continuing the application until The Applicants have provided the information noted in the Outstanding Items section.
2. Consider denying the application and request that the applicants further subdivide lot 03002-2 through a planned unit development to create individual lots for each cabin which would be an allowed use per Section 204.5a of The Bylaws and would not result in a new legal nonconformity.
3. Consider approving the application provided that the applicants provide the information noted in the Outstanding Items Section. This could be achieved by continuing the application until the information has been provided or through conditions of approval or some combination thereof.