



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, March 11, 2026

[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

1. Appoint Chair and Vice Chair for the year.

III. APPROVE PRIOR MEETING MINUTES

1. Approve minute from 2/11/26.

IV. PUBLIC COMMENTS

V. HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

1. **#2026-07**- Conditional Use Review application submitted by Vermont Land Use planning, on behalf of LH& A Realty for a property located at 32 VT Route 15 East. The project consist of a adding a 50' x 25' addition to the existing structure while removing some existing square footage that will result in a net reduction of 102 sqf. The project also calls for the addition of an additional restaurant use to be located in the southern portion of the building. This restaurant will be 3886 sqf and will have 80 seats and will have a drive-through. This project will also require a reconfiguration of the traffic circulation on the site. There will also be an addition of 6 EV charging stations. The project will be reviewed under the 2023 Morrystown Zoning and Subdivision Bylaws (The Bylaws) and will be subject to the regulations in Section 500 and Section 630.

VI. ACTION ITEMS TO BE CONSIDERED

1. Consideration of an application for Jerry Throne to be appointed to the Development Review Board. Board will consider making a recommendation to the Selectboard on this application.
2. Review of feedback for the Planning Commission regarding potential changes to Morrystown Zoning and Subdivision Bylaws.

VII. OTHER BUSINESS

VIII. ADJOURN

TOWN OF MORRISTOWN
DEVELOPMENT REVIEW BOARD
RULES OF PROCEDURE

I. ESTABLISHMENT OF RULES OF PROCEDURE

- A. Authority: The Development Review Board (Board or DRB) of the Town of Morristown shall be governed and have the powers accorded by the provisions of all applicable state statutes, specifically including, the Morristown Zoning and Subdivision Regulations and these Rules of Procedure as initially adopted by the Board on August 5, 2003.
- B. Adoption of These Rules: The Development Review Board Rules of Procedure shall be those adopted by the Board in accordance with 24 VSA § 4461. Upon adoption of the rules, the Zoning Administrator shall file a copy of these rules and all amendments with the Town Clerk as a public record and post a copy in one or more public places.
- C. Amendments: These rules may be amended at any regular meeting by an affirmative vote of a majority of the Board provided that such amendment has been presented in writing to each member of the Board at least 48 hours preceding the meeting at which the vote is taken.
- D. The Board shall follow Roberts Rules of Procedures (as amended) for small boards when not in conflict with these rules or state statutes.

II. MEMBERS, OFFICERS AND DUTIES

- A. Members: The Board shall consist of seven (7) members and two (2) alternate members. Members shall inform the staff and/or Chair of any anticipated absences.
- B. Terms: Members will serve four (4) year terms. Two (2) members terms will expire every two (2) years and will be up for appointment. Two (2) four (4) year appointments will happen on an annual basis as each member's four (4) year term expires. If a member's steps down before the expiration of their term and a new member is appointed that appointed member shall serve out the rest of that four (4) year term.
- C. Alternate Members: Alternate members will serve when there is a vacancy, absence, or conflict of interest of a regular member. Alternate members shall continue with an application for the duration of its review. The Zoning Administrator will notify the alternate members when their services are required. The first alternate member who responds that they are available will serve as the alternate for the regular member who is not available. Regular members will rejoin the Board after the Alternate member steps down following final action on that application.
- D. Election of Officers: The Board shall elect a Chair and a Vice Chair from among its regular (not alternate) members the first meeting after town meeting day. The terms of the Chair and Vice Chair are for one (1) year and an officer may serve more than one term. Should both the Chair and the Vice Chair be absent from a meeting, an Acting Vice Chair shall be elected by majority vote from those members attending and will serve just for that meeting.
- E. Duties of the Chair: The Chair shall preside over all meetings and hearings of the Board, maintain order, and decide all questions of order and procedure subject to these rules. The Chair may administer oaths and compel attendance of witnesses and the production of material germane to any issue appealed. The Chair may designate an Alternate member to serve in case of the absence or disqualification of a regular member. The presiding officer shall cause the proceedings to be recorded.
- F. Vice Chair: The Vice Chair shall perform all of the duties of the Chair in the Chair's

absence or when the Chair is not presiding.

- G. Acting Vice Chair: In the absence or disqualification of both the Chair and Vice Chair, the Acting Vice Chair shall perform the duties of the Chair.
- H. Secretary: A Secretary, who may or may not be a member of the Board, or the Planning staff, shall be appointed by a majority of the Board. The Secretary shall perform the following duties:
1. Keep the minutes of all Board actions and proceedings, showing the vote of each member upon every question, or if absent, disqualified, or failing to vote, shall so indicate; and shall include in the minutes the names and addresses of all witnesses, and a summary of the facts on which the decision is based and the decision rendered.
 2. Preserve and keep the records of the Board's examinations and other official actions by causing those to be given into the custody of the Zoning Administrator;
 3. Cause to be filed all minutes and records of examination and other official actions with the Town Clerk as a public record. (The Secretary may use the Zoning Administrator to transmit those minutes and records of examination and official actions to the Town Clerk.)
- I. Zoning Administrator: The Zoning Administrator, or his/her designee, who shall not be a member of the Board, shall be the Zoning Administrator for the Development Review Board. In that role, the Zoning Administrator shall be responsible for the orderly and efficient administrative processes concerning all aspects of the Board's function and shall have the following duties:
1. Conduct official correspondence subject to these rules and at the direction of the Board.
 2. Issue the proper forms and compile all information, maps, and records for the Board's review.
 3. Send and/or post all notices required by law and by these rules of procedure.
 4. Inform persons who are to come before the Board of these rules of procedure and the bylaws which pertain to that person's appearance before the Board.
 5. Receive all minutes and records of examination and other official actions from the Secretary of the Board and see they are properly filed with the Town Clerk.
 6. Maintain copies of the minutes and records of examination and other official actions of the Board separate and apart from those filed with the Town Clerk.
 7. Provide an orientation to new Board members.
- J. Vacancies: The Zoning Administrator or his/her designee shall give immediate notice of any vacancy on the Board to the Selectboard. If the office of Chair or Vice Chair becomes vacant, the Board shall fill that office by election from amongst its regular members for the unexpired term at the next regular meeting of the Board.
- K. Interested Persons: are those owning or occupying property in the immediate neighborhood of a property that is the subject of any decision or act taken under this chapter, who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed, and as further defined per 24 VSA 4465 and submit oral or written testimony at the public hearing.

III. GENERAL RULES

- A. Submissions and Completeness Review: All applications, fees, site plans and other items for review are required one month prior to the DRB hearing date. Plans shall be

deemed substantially complete by the Zoning Administrator before the application will be scheduled. The Zoning Administrator shall issue a memo noting that the application has been deemed complete prior to scheduling a public hearing on an application. A technical review meeting with the appropriate town staff shall be required in advance of the submittal cut off for all projects deemed to have an impact on town services. This shall include, but is not limited to, construction of new private or public roads, new connections to town utilities, or construction of utilities proposed to be accepted by the Town. Submittals shall include the items required by the applicable bylaws, unless waived by the Zoning Administrator, upon a determination that such information may not be necessary to determine if the project will comply with the Zoning and/or Subdivision Regulations.. In the event an application is not deemed complete the Zoning Administrator shall issue a memo noting the outstanding items. Applicants can still request a hearing by following the steps noted below.

1. Partial Applications: A partially completed application may be submitted to the DRB for review when requested by the applicant in order to complete additional plan development after an initial DRB hearing. The applicant must, in writing, identify what sections of the appropriate regulations are not being requested to be initially reviewed. After the initial review, the DRB will automatically continue the hearing to a date certain in order for the applicant to complete the additional materials for review.
2. The Board will not issue a final decision until all the required information has been submitted.
3. Partial submittals are only permitted for preparation of more detailed engineering plans such as stormwater management or final grading plans and other situations where the Zoning Administrator determines that the applicant would benefit from attending a hearing before completing the final plans or upon request of the Applicant.

- B. Records: A file of all documents, physical evidence, public proceedings, and decisions showing the vote, absence, or failure to vote of each member upon each question shall be kept by the Zoning Administrator as part of the records of the Development Review Board. All records of the Board shall be public records except for legal opinions from the Town Attorney and draft decisions used in deliberation.
- C. Fees: The Selectboard shall determine such fees as may be necessary for the filing of notices and the processing of hearings and action thereon.

IV. MEETINGS

- A. Regular Meetings: Regular meetings of the Development Review Board shall be held on the 2nd and 4th Wednesday in each calendar month as deemed necessary.
- B. Site Visits: The Board may convene at the site at the request of an interested party or if the Board feels a site visit will aid in their understanding of a proposed project. Site visits are intended to familiarize Board members with the site on which a project or activity has been proposed. Members may visits the site individually. If a quorum of the Board is expected to be present, the site walk would be an open meeting and its date and time must be announced and/or posted in accordance with state law.
- C. Special Meetings: Special meetings of the Board may be called by the Chair or by a majority of the members of the Board provided that at least 24 hours written notice of the time, place, and business of such meeting shall be given each member of the Board. Action items requiring public hearing notice shall conform to the notice requirements in 24 V.S.A. §4447 and will not be scheduled for a special meeting.
- D. Order of Business: The order of business at all regular meetings of the Board will generally be as follows, however, changes in the order of the agenda may occur. The agenda order of the

applications shall be established by the Zoning Administrator in conjunction with the Chair. The order of business shall generally be as follows:

1. Call to order
2. Proposed changes to the agenda
3. Approve prior meeting minutes
4. Public comments
5. Hearing of appeals and development applications
6. Action items to be considered
7. Other business
8. Adjourn

- E. Recess of Meeting or Hearing: The Board may recess a meeting or hearing if all the applications or appeals cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the recessed meeting or hearing shall be announced before adjournment.
- F. Request for Recess: An applicant may request, in writing, a recess. Such a request will be reviewed by the Board and may be granted at the Board's discretion. The Board may grant a recess for the following reasons:
1. Change in schedules that do not allow the applicant or his representative(s) to attend the hearing.
 2. Request to make additional changes to the project plans after being heard at a hearing.
 3. Request to be heard when more than four Board members will be present.
 4. Any other reasons the Board finds reasonable.
- G. Failure to appear (except appeals of the Zoning Administrator's Notice of Violations): If an applicant or their representative fails to appear for a scheduled hearing, such hearing will be rescheduled for the next available meeting. If the applicant or their representative fails to appear for the rescheduled hearing, the application will be rejected .
- H. Failure to appear (Appeals of the Zoning Administrator's Notice of Violations): A failure of the applicant or their representative to appear for an appeal of a Notice of Violation hearing will result in the appeal being considered with the available information and without testimony of the applicant.
- I. Deliberations: All meetings of the Board and its committees shall be open to the public; however, the Board reserves the right to enter into deliberate sessions. No minutes shall be taken during deliberations, nor shall such deliberations be recorded as part of the record. All decisions made during closed deliberations shall be put in writing and signed as prescribed in Section VIII below.
- J. Submissions: If an applicant has written submissions for the Board's consideration, there should be 9 copies included with the original application. Written submissions made at a hearing will likely result in the Board's recessing the hearing to a future date in order to read and consider the information presented.
- V. CONFLICT OF INTEREST All members of the Development Review Board shall abide by the Town of Morristown Ethics & Fraud Policy for Public Officials (as amended) as well as the State Code of Municipal Ethics found in Sec 22 of 24 V.S.A Chapter 60. In the event the Morristown Code of Ethics or State Code of Ethics are in conflict the stricter of the two shall control. In addition, all members of the Board shall comply with the provisions of 12 V.S.A § 61(a) and 24 V.S.A. § 1203 when they conduct hearings. No disqualified member shall preside at the hearing or be counted by the Board in establishing the required quorum. If the Chair is disqualified, the Vice Chair shall preside. In the event the

Vice-Chair is unable to preside, the Board shall elect an Acting Vice-Chair for the proceedings.

VI. CONDUCT OF HEARING OR REVIEW OF ALL APPLICATIONS

A. Order of Hearing or review of applications: The order of proceedings shall be as follows, unless the DRB, in its discretion, determines otherwise:

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

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

C. Record of Proceedings: Proceedings at public hearings shall be recorded electronically A transcript of the proceedings shall be made available at the request of any party upon payment of the reasonable costs thereof.

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

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

1. Any of the above mentioned parties can designate this duty to any of the other board members with their consent.

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

G. Rules of evidence: Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

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

I. Rehearing: An application for rehearing may be made in writing and submitted to the Zoning Administrator prior to the expiration of the 30 day appeal period for the decision in question. This application may be made by either the original applicant or an interested person provided that this person meets the definition of interested person. The Board may reject an application for rehearing without a hearing and render a decision thereon, which shall include findings of fact, within 10 days of the date of filing of the application if (a) the Board concludes the issues raised by the applicant in his or her application have been decided in an earlier appeal, and (b) there has been no substantial change in the evidence, facts, or circumstances of the case. The

decision shall be rendered, or notice given, as in decisions under Section VIII of these Rules of Procedure. The party requesting the rehearing is responsible for paying the appropriate application fees.

- J. Ex-parte Communications: While an application is pending, conversations between Board members and any person other than their legal counsel or staff regarding the substance of a particular hearing or application outside of the regular meeting are considered ex-parte contact and are inappropriate.
1. A presiding officer shall not communicate, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, on any issue in the proceeding, while the proceeding is pending, without notice and opportunity for all parties to participate.
 2. No other members of the board sitting in a contested hearing shall communicate on any issue in the proceeding, directly or indirectly, with any party, party's representative, party's counsel, or any person interested in the outcome of the proceeding, while the proceeding is pending.
 3. A presiding officer who receives an ex parte communication on any issue relating to the proceeding and a member who receives any ex parte communication shall place on the record all written communications received, all written responses to those communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person making the ex parte communication.
 4. No member shall have ex-parte communications with the Zoning Administrator when there is an appeal of a notice of violation.

VII. VOTING

- A. Quorum: For the conduct of a meeting or hearing and the taking of any action a quorum shall be present. A quorum for the Development Review Board shall consist of four (4) members. If a quorum of the Board is present at a meeting, that quorum may transact all matters that may or are required to come before it.
- B. Motions: Upon conclusion of the evidentiary portion of the hearing, the DRB may, by motion, direct the Zoning Administrator to prepare draft Findings of Fact for the Board's consideration. All motions require a second. The making or seconding of a motion does not, in all instances, imply support for the motion. A failure to obtain four affirmative votes shall be considered a denial. An abstention shall not be treated as either a positive or negative vote.
- C. Qualification to vote: A board member shall not participate in the decision unless they have heard all of the testimony and reviewed all other evidence submitted for the Board's consideration. Members who have not attended every session of the hearing may participate in the decision if they have listened to the recording of the testimony they have missed (or read the transcripts of this testimony) and reviewed all exhibits and other evidence prior to deliberation.

VIII. DECISIONS MADE BY THE DEVELOPMENT REVIEW BOARD

- A. Majority Vote: The decision on any application or appeal to the Development Review Board shall be made after a motion, a second and the affirmative vote of the majority of the Board.
- B. Written Findings of Fact and Conclusions: The decision shall set forth the findings of fact and conclusions reached by the Board on that matter. This decision shall be reviewed and adopted by the Board and signed by the member of the Board who presided as Chair or Vice Chair at the hearing if it accurately reflects the findings of fact and conclusions, and any applicable

conditions as determined by the Board.

1. A final decision of the Board shall be in writing and shall separately state the findings of fact and conclusions.
 2. The findings shall explicitly and concisely restate the underlying facts that support the decision. They shall be based exclusively on evidence contained in the record of the hearing.
 3. Conclusions shall be based on the findings of fact.
 4. The final decision in any case involving local Act 250 review of municipal impacts shall include notice that it constitutes a rebuttable presumption under the provisions of 10 V.S.A. § 151 and notice that presumption may be overcome in proceedings under 10 V.S.A. § 151.
 5. The Zoning Administrator shall cause copies of the decision to be delivered to each party.
 6. Transcriptions of the proceedings shall be made upon the request and upon the payment of the reasonable costs of transcription by any party.
- C. Conditions to Approvals: The Board may attach additional reasonable conditions, safeguards, and time limitations necessary and appropriate under the circumstances to implement the purposes of the Vermont Municipal and Regional Planning and Development Act and the municipality's plan and bylaws. An application for the amendment or removal of a condition from a previously granted approval shall require a new warned public hearing and will be subject to review by the Board under the bylaws then in effect and other applicable standards.
- D. Stay of Enforcement: If a notice of appeal includes a request for a stay of enforcement, the board may, after a public hearing, grant or deny the stay.

IX. REFERRALS AND EVALUATION REQUESTS

- A. Referral to State Agencies: Approval by the Development Review Board of any application subject to state agency review shall not absolve the applicant of obtaining state approval prior to starting the project.
- B. State Agency Report to the Board: The State Agency Report to the Board may be introduced into the hearing record as evidence.
- C. Request for Other Official Evaluation: As relevant and necessary for the conduct of the hearing, the Board may request from an appropriate municipal department or official an evaluation of the impact a proposed development application will have on traffic, the environment, or community services and finances. This information or report may be presented as testimony at the public hearing and shall become part of the public record.

This amended policy supersedes and replaces all previous versions of this policy or procedure and any other policies or provisions inconsistent with its terms.

Approved on February ___ 20___ by the Morristown Development Review Board.

Gary Nolan (Chair)

Donal Blake (Vice Chair)

Susanna Burnham

Marry Ann Wilson
State of Vermont



Chartered in 1781

Lenny Wing

Christy Snipp

Paul Trudell

MORRISTOWN



**DEVELOPMENT REVIEW BOARD MEETING MINUTES
OF FEBRUARY 11, 2026**

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

Absent: Christy Snipp, Lenny Wing,

ADMINISTRATION and STAFF: Tyler Machia Zoning and Planning Administrator

PARTICIPANTS/GUESTS:

CALL MEETING TO ORDER

PROPOSED CHANGES TO THE AGENDA

1. Gary Nolan added a conversation about the MSI industrial park project to the agenda.

The board discussed the MSI Airport project. They opted to not write a letter explaining their decision to approve the project. The discussion touched on Act 250 regulations, MSHA monitoring requirements, and the Selectboard's separate meeting regarding the permit, though it was clarified that the Selectboard had not criticized the board's interpretation of the rules.

APPROVE PRIOR MEETING MINUTES

1. Approve minutes from 1/28/26.

**Motion to approve minutes from 1/28/26 by Donald Blake Jr. Motion seconded by Paul Trudell.
Motion carried (5/0)**

PUBLIC COMMENTS

HEARING OF APPEALS AND DEVELOPMENT APPLICATIONS

ACTION ITEMS TO BE CONSIDERED

1. Review and approve the new DRB Rules of procedure.

The Morrystown Development Review Board meeting focused on reviewing and approving new DRB rules of procedure. The board discussed several amendments to the rules, including changes to how cross-examination and questioning would be conducted during hearings. They also clarified the definition of "interested parties".

2. Discussion on preparing feedback to the Planning Commission on the 2023 zoning bylaws.

The meeting focused on discussing subdivision regulations and the potential removal of mandatory PUD (Planned Unit Development) provisions. Participants agreed that major traditional subdivisions should not be automatically required to be conservation PUDs. They also discussed issues with landscaping conditions and the lack of a certificate of occupancy process, which makes it difficult to enforce compliance with development conditions. The group decided to review the bylaws and compile a list of potential changes to present to the Planning Commission. They motioned to submit a letter to the planning commission to advocate for changing the subdivision regulations.

Motion by Susan Burnham to draft a letter to the Planning Commission advocating changing the subdivision regulation to allow for major subdivisions that are not PUDs and to allow the chair and vice chair to present the letter to the Planning Commission. Motion Seconded by Paul Trudell.

Motion carried (5/0).

OTHER BUSINESS

ADJOURN

Motion by Marry Ann Wilson to Adjourn. Motion seconded by Susanna Burnham. Motion carried (5/0).

Meeting adjourned at 8:29 PM

Submitted and filed this 2/13/2026.

Tyler Machia, Scribe

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



LH&A Realty Limited Partnership asks for conditional use and site plan approval to convert the existing 95x54 auto-repair area of the old McMahon's Chevy Dealership at 32 VT Rte. 15 East (Parcel 08089) into a locally owned & operated restaurant (the restaurant use was already approved open this property by the DRB via the 2025 Dominos & AT&T application). When the restaurant opens this summer, its entrance will initially face Rte. 100. However, this proposal newly includes a 50x25 addition to the northeast corner of the old car dealership that will square-off the building architecturally. Once this addition is built, the restaurant's front entrance will face Rte. 15 (in-line with the AT&T & Dominos storefronts). The restaurant will have 80 total seats, and a drive-thru on the east side of the building (the drive-thru use was also already approved on this property by the DRB via the same 2025 Dominos & AT&T application). Even with the 1,250 ft² addition, the razing of the exterior wood-frame storage areas on the exterior of the building (as shown on the site plan), reduces the total building footprint by 102 ft².

The 20 parking spaces required by zoning for the restaurant's 80 seats already exist via the ample parking on-site thanks to its former car dealership use. Of these parking spaces, 6 of them have been newly designated for EV charging on the southwest corner of the site plan. Per the wishes of VTrans, the accompanying site plan reconfigures the existing driveways that serve the property, and align them on the north with Center Road and on the west with the driveway to Aubuchon & Maplefields. An 11-11 permit for this final portion of the McMahon's redevelopment, that includes these corresponding minor driveway changes, was approved by the Vermont Agency of Transportation on 1/29/2026.

The landscaping for this property was also already approved by both the DRB & Zoning Administrator as part of the previous AT&T and Domino's application. No additional landscaping is proposed. The handful of previously approved plantings that will be disrupted by the small lateral movements in each driveway have been relocated on the enclosed site plan on a 1 to 1 planting basis to areas that are no longer driveway.

As revised on 3/5/26 for: LH&A Realty Limited Partnership, PO Box 1580, Deland, FL 32721



100 feet Abutters List Report

Morristown, VT
February 13, 2026

Subject Property:

Parcel Number: 08089
CAMA Number: 08089
Property Address: 32 VT RTE 15 E

Mailing Address: L H & A REALTY LIMITED PARTNERSHIP
PO BOX 1580
DELAND, FL 32721

Abutters:

Parcel Number: 08088
CAMA Number: 08088
Property Address: 0 MORRISVILLE PLAZA

Mailing Address: MORRISVILLE REAL ESTATE LLC
276 POST ROAD WEST
WESTPORT, CT 06880

Parcel Number: 08088
CAMA Number: 0808890
Property Address: 105 MORRISVILLE PLAZA

Mailing Address: MORRISVILLE REAL ESTATE LLC
276 POST ROAD WEST
WESTPORT, CT 06880

Parcel Number: 08088
CAMA Number: 0808892
Property Address: 20 MORRISVILLE PLAZA

Mailing Address: MORRISVILLE REAL ESTATE LLC
276 POST ROAD WEST
WESTPORT, CT 06880

Parcel Number: 08088
CAMA Number: 0808893
Property Address: 19 MORRISVILLE PLAZA

Mailing Address: MORRISVILLE REAL ESTATE LLC
276 POST ROAD WEST
WESTPORT, CT 06880

Parcel Number: 0809001
CAMA Number: 0809001
Property Address: 88 CENTER ROAD

Mailing Address: TRACTOR SUPPLY COMPANY
NORTHEAST LLC
5401 VIRGINIA WAY
BRENTWOOD, TN 37027

Parcel Number: 08131
CAMA Number: 08131
Property Address: 13 VT RTE 15 E

Mailing Address: VERMONT CVS PHARMACY LLC C/O
CVS HEALTH CORPORATION
ONE CVS DRIVE
WOONSOCKET, RI 02895

Parcel Number: 2002901
CAMA Number: 2002901
Property Address: 925 BROOKLYN STREET

Mailing Address: AUBUCHON REALTY CO INC
73 JUNCTION SQUARE DR
CONCORD, MA 01742-3049

Parcel Number: 20030
CAMA Number: 20030
Property Address: 897 BROOKLYN STREET

Mailing Address: XTREME REAL ESTATE LLC
813 ELMORE STREET
MORRISVILLE, VT 05661



www.cai-tech.com

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



State of Vermont
Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
Barre City Place, 219 North Main Street
Barre, VT 05641
vtrans.vermont.gov

Agency of Transportation

January 29, 2026

LH&A Realty Limited Partnership
Louis J. Ferris
Po Box 1580
Deland, FL 32720
(Via e-mail only)

Subject: Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
Permit ID 47430
19 VSA § 1111 Permit

Dear Mr. Ferris:

Your application for a permit within the State Highway right-of-way, to remove an access and relocate two existing accesses, serving an AT&T store, Domino's Pizza drive thru, and an 80-seat restaurant with drive thru, has been processed by this office and is enclosed. **This permit covers Phase 2 of a two-phased project, Phase 1 was addressed under VTrans Permit ID 47428.**

Pursuant to Title 19 VSA § 1111(b), authorization for work in the highway right-of-way is strictly contingent upon its compliance with all local ordinances and regulations relating to highways and land use. Furthermore, under Title 19 VSA § 1111(g), the agency or a municipal designee may suspend this authorization if the work fails to comply with such ordinances and regulations.

The permit will contain, but will not be limited to, the attached Special Conditions.

This permit addresses only access to, work within, and drainage affecting the State highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

If you have any further questions about this matter, please call me at **802 498-7055**. **In accordance with the Special Conditions, you must contact the District Transportation Office 6 prior to starting work within the State highway right-of-way. The telephone number in Berlin is (802) 917-2879.**

Sincerely,

DocuSigned by:
Nathan Covey
9CE869E33627456...

Nathan Covey
Permit Coordinator
Permitting Services

Enclosures

cc: **(Via e-mail only)**
District Transportation Office #6
Vermont Land Use Planning LLC – Todd Thomas

PERMIT ID# 47430

Town: Morrystown
Route: VT 15
Mile Marker: 0.92 RT
Log Station: 48+58 RT

Morrystown
VT 15
0.92 RT
48+58 RT

FOR AGENCY USE ONLY

Town: Morrystown
Route: VT 100
Mile Marker: 6.579 RT
Log Station: 347+42 RT

Morrystown
VT 100
6.579 RT
347+42 RT

VERMONT AGENCY OF TRANSPORTATION
State Highway Access and Work Permit

Applicant to Complete

Owner's/Applicant's Name, Address, E-mail & Phone No. L H & A Realty Limited Partnership
PO Box 1580, Deland, Florida (attn Louis J. Ferris / LouisJFerris@gmail.com / 802-917-1922)
Co-Applicant's Name, Address, E-mail & Phone No. (if different from above) On behalf of the property owner:
Todd Thomas / VTLandUsePlanning@Gmail.com / 802-324-9825

The location of work (town, highway route, distance to nearest mile marker or intersection & which side)
32 VT Route 15 East (aka Old McMahon's Chevy Dealership)

Description of work to be performed in the highway right-of-way (attach plan) A 50x25 addition and the 95x54 auto-shop at the old McMahon's Chevy Dealership will be turned into a 6326ft2 local restaurant with 80-seats and a drive-thru. The restaurant joins the 1616ft2 storefronts for AT&T & a take-out only Dominos Pizza. To facilitate the new restaurant, per VTrans request, the two existing Route 100 & Route 15 driveways to McMahon's are being realigned with existing accesses to the north (Center Rd) & west (Aubuchon).

Property Deed Reference Book: 145 Page: 598 (only required for Permit Application for access)

Fee \$ 250.00 (fees do not apply for residential or agricultural purposes)

Is a Zoning Permit required? Yes No - If Yes, # Administrative zoning permit submitted 9/5/25

Is a 30 VSA § 248 permit required? Yes No - If Yes, # _____

Is an Act 250 permit required? Yes No - If Yes, # _____

Other permit(s) required? Yes No - If Yes, name and # of each _____

Date applicant expects work to begin 10/15/2025 to 2025

Owner/Applicant: Louis J. Ferris Position Title: Property owner

(Print name above)

Sign in Shaded area:  Date: 9/5/2025

Co-Applicant: Todd Thomas Position Title: Consultant

(Print name above)

Sign in Shaded area:  Date: 9/5/2025

INSTRUCTIONS:

-Contact the Development Review and Permitting Services Section (802.636.0037) or your local area Transportation Maintenance District Office to determine your issuing authority. The issuing authority will determine what plans, fee and other documents are required to be submitted with your Vermont Statutes Annotated, Title 19, Section 1111, permit application request.

- **Original signatures are required on an original Form. The Owner/Applicant and Co-Applicant (if applicable) declares under the pains and penalty of perjury that all information provided on this form and submitted attachments are to the best of their knowledge true and complete.**

FEE:

-See Fee Schedule for applicable administrative processing and application review fee.

PERMIT APPROVAL

This covers only the work described below: Permission is granted to work within the State Highway right-of-way to remove an access and relocate two existing accesses, serving an AT&T store, Domino's Pizza drive thru, and an 80-seat restaurant with drive thru, at the location indicated, in accordance with the attached plan and permit special conditions.

The work is subject to the restrictions and conditions on the reverse page, plus the Special Conditions stated on the attached page(s).

Date work is to be completed November 1, 2026

Date work accepted: _____

Signed by:
By Theresa C. Gilman
102200498424498
Authorized Representative for
Secretary of Transportation

By: _____
DTA or Designee

Issued Date January 29, 2026

NOTICE: This permit covers only the Vermont Agency of Transportation's jurisdiction over this highway under Vermont Statutes Annotated, Title 19, Section 1111. It does not release the petitioner from the requirements of any other statutes, ordinances, rules or regulations. This permit addresses only access to, work within, and drainage affecting the state highway. It does not address other possible transportation issues, such as access to town highways, use of private roads, and use of railroad crossings. If relevant to the proposed development, such issues must be addressed separately.

No work shall be done under this permit until the owner/applicant has contacted the District Transportation Office at:
District #6 1736 US 302, Berlin, VT 05641 (802) 241-0172

July 1, 2016 (All previously dated editions are not valid)

RESTRICTIONS AND CONDITIONS

DEFINITIONS:

"Agency" means the Vermont Agency of Transportation (a/k/a VTrans).

"Engineer" means the authorized agent of the Secretary of Transportation.

"Owner/Applicant" means the party(s) to whom the permit is to be issued.

"Co-Applicant" means the party who performs the work, if other than Owner/Applicant or a secondary Owner/Applicant under a joint permit application.

"Permit Holder" means the party who currently owns the lands abutting the highway that are the subject of the permit.

GENERAL:

By accepting this permit, or doing any work hereunder, the Owner/Applicant agrees to comply with all of the restrictions and conditions and any imposed special conditions. If the Owner/Applicant is aggrieved by the restrictions and conditions or special conditions of the permit, they shall submit a written request for consideration to the Engineer within 30-days of permit issuance and prior to starting any work. No work will be authorized by the Agency, or performed under the permit, until the dispute is fully resolved.

Vermont Statutes Annotated, Title 30, Chapter 86 ("Dig Safe") requires notice to Dig Safe before starting excavation activities. The Permit Holder or his/her contractor must telephone Dig Safe at 811 at least 48 hours (excluding Saturdays, Sundays and legal holidays) before, but not more than 30 days before, starting excavation activities at any location. In addition, please note that the Agency and many municipalities are not members of Dig Safe and will need to have their utility facilities investigated with due diligence prior to starting excavation activities in or on the State Highway right-of-way.

The Permit Holder is to have a supervisory representative present any time work is being done in or on the State Highway right-of-way. A copy of this permit and Special Conditions must be in the possession of the individual performing this work for the Permit Holder.

Except with the specific, written permission of the District Transportation Administrator, all work in the State Highway right-of-way shall be performed during normal daylight hours and shall cease on Sunday, on all holidays (which shall include the day before and the day following), during or after severe storms, and between December 1 and April 15. These limitations will not apply for the purposes of maintenance, emergency repairs, or proper protections of the work which includes, but not limited to, the curing of concrete and the repairing and servicing of equipment.

The Owner/Applicant shall be responsible for all damages to persons or property resulting from any work done under this permit, even if the Applicant's Contractor performs the work. All references to the Owner/Applicant also pertain to the Co-Applicant.

The Owner/Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.

The Owner/Applicant must, in every case where there is a possibility of injury to persons or property from blasting, use a pre-approved Blasting Plan. All existing utility facilities shall be protected from damage or injury.

The Owner/Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.

All temporary and permanent traffic control measures and devices shall be MUTCD compliant.

The Owner/Applicant shall not do any work or place any structures or obstacles within the State Highway right-of-way, except as authorized by this permit.

The Owner/Applicant may pay the entire cost of the salary, subsistence and traveling expenses of any inspector appointed by the Engineer to supervise such work.

The Engineer may modify or revoke the permit at any time for safety-related reasons, without rendering the Agency or the State of Vermont liable in any way.

In addition to any other enforcement powers that may be provided for by the law, the Engineer may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Engineer may physically close the work area and take corrective action to protect the safety of the highway users.

The Permit Holder shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the highway right-of-way that has been brought about by the execution of the permitted work, for a minimum period of eighteen (18) months after final inspection by the District.

Any approved variance from the permitted plans is to be recorded on "as-builts" with copies provided to both the Chief of Permitting Services and the District Transportation Administrator.

ACCESS:

This permit (if for access) does not become effective until the owner/applicant records in the office of the appropriate municipal clerk, the attached "Notice of Permit Action"

As development occurs on land abutting the highways, the Agency may revoke a permit for access and require the construction of other access improvements such as the combination of access points by adjoining owners.

Under Vermont Statutes Annotated, Title 19, Section 1111, no deed purporting to subdivide land abutting a state highway can be recorded unless all the abutting lots so created are in accordance with the standards of Section 1111.

The Permit Holder acknowledges and agrees that neither this permit nor any prior pattern of use creates an ownership interest or other form of right in a particular configuration or number of accesses to or through the highway right-of-way, and that the right of access consists merely of a right to reasonable access the general system of streets, and is not a right to the most convenient access or any specific configuration of access.

DRAINAGE:

The Owner/Applicant shall install catch basins and outlets as may be necessary, in the opinion of the Engineer, to preclude interference with the drainage of the state highway. Direct connections shall not be allowed without written approval.

UTILITY WORK; CUTTING AND TRIMMING TREES:

The Owner/Applicant shall obtain the written consent of the adjoining owners or occupants or, in the alternative, an order from the State Transportation Board in accordance with, Vermont Statutes Annotated, Title 30, Section 2506, regarding cutting of or injury to trees.

In general, all utilities shall be located adjacent to the State Highway right-of-way boundary line and shall be installed without damaging the highway or the highway right-of-way. No pole, push-brace, guy wire or other aboveground facilities shall be placed closer than 10 feet to the edge of traveled-way. If the proposed utility facilities are in conflict with the above, each location is subject to the approval of the Engineer.

Poles and appurtenances shall be located out of conflict with intersection sight distance, guardrail, ditches, signs, culverts, etc.

Where the cutting or trimming of trees is authorized by permit, all debris resulting from such cutting and trimming shall be removed from the State Highway right-of-way.

Open cut excavation for highway crossings is NOT the option of the Applicant, and may be utilized only where attempted jacking, drilling, or tunneling methods fail or are impractical. The Owner/Applicant shall obtain an appropriate modification of the highway permit from the Engineer before making an open cut.

JOINT PERMITS:

A joint permit application is required when more than one party will be involved with the construction, maintenance, and/or operation of the facility being constructed under this permit. Examples include, but are not limited to, joint ownership or occupancy of a utility pole line and construction of a municipal utility line by a contractor. Both utility companies, and in the second case, the municipality and the contractor, must be joint applicants.

LH&A Realty Limited Partnership
Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
January 29, 2026
Page 1 of 5

SPECIAL CONDITIONS

This permit is granted subject to the restrictions and conditions on the back of the permit, with particular attention given to the Special Conditions listed below. This permit pertains only to the authority exercised by the Vermont Agency of Transportation (Agency) under Vermont Statutes Annotated, Title 19, Section 1111, and does not relieve the Permit Holder from the requirements of otherwise applicable statutes, rules, regulations or ordinances (e.g., Act 250, zoning, etc.). The Permit Holder shall observe and comply with all Federal and State laws and local bylaws, ordinances, and regulations in any manner affecting the conduct of the work and the action or operation of those engaged in the work, including all orders or decrees as exist at present and those which may be enacted later by bodies or tribunals having jurisdiction or authority over the work, and the Permit Holder shall defend, indemnify, and save harmless the State and all its officers, agents, and employees against any claim or liability arising from or based on the violation of any such law, bylaws, ordinances, regulations, order, or decree, whether by the Permit Holder in person, by an employee of the Permit Holder, by a person or entity hired by the Permit Holder, or by a Subcontractor or supplier.

The Permit Holder shall accomplish all work under this permit in accordance with detail D and the profile and notes of standard drawing B-71B, copy attached, standard drawing C-10, standard drawing C2A, standard drawing C3B and standard drawing T56 and the attached plan last revised by VTrans revision 2 dated 01/28/2026. **This permit covers all work address on the plan as Phase 2, Phase 1 was addressed under VTrans Permit ID 47428.**

If queuing at either drive-thru results in 95th percentile queues backing up onto either state highway, the Permit Holder shall work with the municipality to develop an onsite circulation plan to alleviate the safety concern.

The Permit Holder shall file a municipal clerk certified copy of the recorded "Notice of Permit Action" within one (1) month of the permit issuance date in the Office of the Development Review and Permitting Services Section.

A preconstruction meeting to discuss work to be completed must be held prior to the Permit Holder's employees or contractor beginning work. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such meeting.

Please note that the Vermont Agency of Transportation is not a member of Dig Safe. The Permit Holder shall also contact Dan Ertel, State Signal Supervisor, at (802) 343-2188. Mr. Ertel will need to locate and mark all existing buried utility facilities owned by the Agency near the location of the proposed work.

Upon completion of the work, the Permit Holder shall be responsible to schedule and hold a final inspection. The Permit Holder is required to notify the District Transportation Administrator five (5) working days in advance of such inspection.

Roadway shoulder areas must be maintained free of unnecessary obstructions, including parked vehicles, at all times while work is being performed under this permit.

LH&A Realty Limited Partnership
Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
January 29, 2026
Page 2 of 5

Two-way traffic shall be maintained at all times unless permission is granted from the District Transportation Administrator. Whenever two-way, one-lane controlled traffic is authorized to be maintained by the Applicant's Contractor, **the traveling public shall not be delayed more than 10 minutes.**

All grading within the State Highway right-of-way associated with the proposed construction shall be subject to inspection and approval by the District Transportation Administrator or his or her staff. The Permit Holder shall be responsible for ensuring that all grading work in or on the State Highway right-of-way complies with applicable statutes, rules, regulations or ordinances.

In areas to be grass covered, the Permit Holder shall restore turf by preparing the area and applying the necessary topsoil, limestone, fertilizer, seed, and mulch, all to the satisfaction of the District Transportation Administrator. The Permit Holder shall be responsible for ensuring that all turf restoration work in or on the State Highway right-of-way is in compliance with applicable statutes, rules, regulations or ordinances.

The placement, size, shape, and color of all pavement markings must be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) and Vermont standards, as in effect at the time of construction. All existing pavement markings that become disturbed or overlaid with pavement shall be replaced by the Permit Holder with "in kind" (durable or paint) markings to the satisfaction of the District Transportation Administrator. The Permit Holder shall bear all costs associated with this work.

In the event that area lighting proves to be a hazard to the traveling public, the Permit Holder will be ordered to remove or modify it at his or her expense to the satisfaction of the District Transportation Administrator.

This permit does not become effective until the Permit Holder records, in the office of the appropriate municipal clerk, the attached "Notice of Permit Action". The Permit Holder, and their assigns and successors in interest, are obligated by this permit to complete, operate and maintain the access(es) in accordance with the Special Conditions.

The conditions of this permit and the land uses permitted herein in using the State highway access shall run with the land and are binding upon and enforceable against the Applicant and their successors and assigns.

No change shall be made to the design, operation or use of the approved accesses without a permit amendment issued by the Agency of Transportation or a guidance document from the Development Review and Permitting Services Section that a permit amendment is not required. **This permit allows an AT&T store, Domino's Drive Thru and, an 80-Seat Restaurant with drive thru.**

The accesses must be constructed in such a manner as to prevent water from flowing onto the State Highway. If the access is not constructed satisfactorily, the District Transportation Administrator can order reconstruction of the access at the Permit Holder's expense.

LH&A Realty Limited Partnership
Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
January 29, 2026
Page 3 of 5

The accesses at Vermont Route 100 L.S. 347+42 RT and Vermont Route 15 L.S. 48+58 RT will serve as the only access to this property and to any future subdivisions of this property unless approved otherwise by the Agency. The Permit Holder is required to allow a connection and to grant an associated right to pass between the access and adjoining properties (in the future) that will result in a combination of accesses to serve more than one property or lot. By issuance of this permit, the Agency revokes all previous permits for access to this property.

The Permit Holder must install curbing or other suitable physical barriers to restrict ingress and egress of vehicles to the approved access only.

Curb material is as specified on the attached plan dated 01/23/2026.

In the event traffic from this project increases to the point where traffic signals, additional lanes for turning or any other modifications are necessary, the Permit Holder shall bear the expense of such improvements or facilities. The Agency may require the Permit Holder to update or provide a traffic study to determine if additional modifications are necessary.

The Permit Holder is responsible for access maintenance (beyond the edge of paved shoulder). "Access maintenance" will include, but not be limited to, the surface of the access, the replacement and maintenance of the culvert, as necessary, the trimming of vegetation, and the removal of snow banks to provide corner sight distance.

In conformance with Vermont Statutes Annotated, Title 19, Section 1111(f), the Agency may eliminate this access in the future where development has burdened the highway system to such an extent that a frontage road or other access improvements (which may serve more than one property or lot) must be constructed to alleviate this burden. The Permit Holder shall bear the expense of the frontage road or other access improvements. The Agency shall determine the need of a frontage road or other improvements based upon and justified by standard Agency procedures.

The Permit Holder shall pave the access (drive) from the edge of paved shoulder to the State Highway right-of-way.

In the event of the Permit Holder's failure to complete all the work, approved under this permit, by the "work completion date," the Agency, in addition to any other enforcement powers that may be provided for by law, may suspend this permit until compliance is obtained. If there is continued use or activity after suspension, the Agency may physically close the driveway or access point if, in the Agency's opinion, safety of highways users is or may be affected.

The Permit Holder shall promptly and unconditionally pay for full repair and restoration of any and all damages to existing underground utility facilities (meaning any underground pipe, conduit, wire or cable, including appurtenances) that have been brought about by the execution of the permitted work. The Permit Holder also is required to pay for any costs to repair the highway following and resulting from any repairs to existing utilities occurring as a result of the work covered by this permit.

LH&A Realty Limited Partnership
Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
January 29, 2026
Page 4 of 5

The Permit Holder shall verify the appropriate safety measures needed, prior to construction, so proper devices and/or personnel are available when and as needed. Traffic control devices, shall be in conformance with the MUTCD, Agency standards and any additional traffic control deemed necessary by the District Transportation Administrator. The Permit Holder's failure to utilize proper measures shall be considered sufficient grounds for the District Transportation Administrator to order cessation of the work immediately.

The Permit Holder will perform construction in such a way as to minimize conflicts with normal highway traffic. When two-way traffic cannot be maintained, the Permit Holder shall provide a sign package that conforms to the MUTCD or Agency standards, as well as trained Flaggers. The District Transportation Administrator may require a similar sign package with trained Flaggers whenever it is deemed necessary for the protection of the traveling public. In addition, the District Transportation Administrator may require the presence of Uniform Traffic Officers (UTOs); moreover, the presence of UTOs shall not excuse the Permit Holder from its obligation to provide the sign package and Flaggers.

When traffic control becomes so complex that the traffic control cannot be accomplished using Agency standards, the Permit Holder must submit a traffic control plan to the Agency's Permitting Services office for Agency approval prior to beginning work.

The Permit Holder shall ensure that all workers exposed to the risks of moving highway traffic and/or construction equipment wear high-visibility safety apparel meeting the requirements of ISEA (International Safety Equipment Association) "American National Standards for High-Visibility Safety Apparel," and labeled as ANSI (American National Standards Institute) 107-2004, or latest revisions, for Performance Class 2 or 3 requirements. A competent person - one designated by the Permit Holder's Contractor to be responsible for worker safety within the activity area of the State highway right-of-way - shall select the appropriate class of garment. The Engineer may suspend this permit until compliance is obtained.

Independence; Liability: The Permit Holder will act in an independent capacity and not as officers or employees of the State.

The Permit Holder shall defend the State and its officers and employees against all claims or suits arising in whole or in part from any act or omission of the Permit Holder or of any agent of the Permit Holder. The State shall notify the Permit Holder in the event of any such claim or suit, and the Permit Holder shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit.

After a final judgment or settlement, the Permit Holder may request recoupment of specific defense costs and may file suit in the Washington Superior Court requesting recoupment. The Permit Holder shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Permit Holder.

The Permit Holder shall indemnify the State and its officers and employees in the event that the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Permit Holder.

LH&A Realty Limited Partnership
Morristown, VT15, L.S. 0048+58 RT and
Morristown, VT100, L.S. 0347+42 RT
January 29, 2026
Page 5 of 5

Insurance: Before beginning any work under this Permit the Permit Holder must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Permit Holder to maintain current certificates of insurance on file with the State for the duration of work under the Permit. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Permit Holder for the Permit Holder's operations. These are solely minimums that have been established to protect the interests of the State.

Workers' Compensation: With respect to all operations performed under the Permit, the Permit Holder shall carry workers' compensation insurance in accordance with the laws of the State of Vermont.

General Liability and Property Damage: With respect to all operations performed under the Permit, the Permit Holder shall carry general liability insurance having all major divisions of coverage including, but not limited to:

Premises - Operations
Products and Completed Operations
Personal Injury Liability
Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

\$2,000,000 Per Occurrence
\$2,000,000 General Aggregate
\$2,000,000 Products/Completed Operations Aggregate
\$ 50,000 Fire/Legal Liability

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

Automotive Liability: The Permit Holder shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Permit. Limits of coverage shall not be less than: \$1,000,000 combined single limit.

Permit Holder shall name the State of Vermont and its officers and employees as additional insureds for liability arising out of this Permit.

VERMONT AGENCY OF TRANSPORTATION
NOTICE OF PERMIT ACTION

Grantor (Owner/Applicant): LH&A REALTY LIMITED PARTNERSHIP
Address: Street: PO Box 1580
City/State/ZIP: DELAND, FL 32720

Location of Work:

Town:	Morristown
Route:	VT15
Log Station/MM:	0048+58

Town:	Morristown
Route:	VT100
Log Station/MM:	0347+42

Property Deed Reference: Book: 145 Page: 598

Permit ID #: 47428

Description of Work: REMOVE AN ACCESS AND RELOCATE TWO EXISTING ACCESSSES, SERVING AN AT&T STORE, DOMINO'S PIZZA DRIVE THRU, AND AN 80-SEAT RESTAURANT WITH DRIVE THRU

Issued Permit Notice of Violation
 Suspension of Permit Withdrawn

Action Date: January 29, 2026

Signed by:

Signature: 10220048B424498...
Authorized Representative for
the Secretary of Transportation

Location of Record: Vermont Agency of Transportation
Development Review & Permitting Services Section
Barre City Place, 219 North Main Street
Barre, Vermont 05641

Town/City of _____ Clerk's Office
Received _____ at _____ a.m./p.m.
and recorded in Book _____ on Page _____
of land records. _____
Attest: _____
Assistant Town/City Clerk

SCOPE OF WORK - VTRANS S.1111 PERMIT ID #47428 AND PERMIT ID #47430

(rev. 2)

Phase 1 -- Permit ID #47428

All work associated under Phase 1 shall be completed prior to the opening of Domino's and/or the AT&T Store.

1. Easterly Access on VT15 shall be closed. Temporary closure is permitted using curb stop, jersey barrier or similar properly secured to prevent shifting. Closure device shall be installed at curb face or interior (not in ROW) to the parcel and visible to motorist.

2. Installation of an MUTCD-compliant "NO LEFT TURN" sign on the westerly VT15 access.

Phase 2 -- Permit ID #47430

All work under Phase 2 shall be completed no later than November 1, 2026 (rev.2)

1. Relocate and reconstruct westerly access on VT15 to align with Center Road, with the center line for the access and town highway opposite each other. The access shall be 30' wide.

2. Permanently close the easterly access on VT15. All existing bituminous curbing shall be removed and replaced with concrete or granite curbing per VTrans standards.

3. Remove and reset the MUTCD-compliant "NO LEFT TURN" sign set under Phase 1.

4. Relocate and reconstruct access on VT100 (Brooklyn Street) to align with access across the road. Access shall be 30' wide and shall match adjacent curbing.

5. Relocate (remove and reset) existing lane assignment sign in conflict with VT100 (Brooklyn St) access relocation. Sign is to be located within VTrans right-of-way as directed by VTrans District Transportation Administrator.

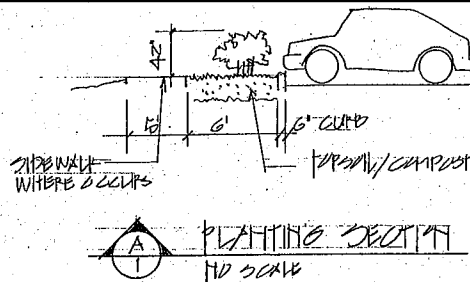
6. Existing sidewalk along VT100 (Brooklyn St) shall be adjusted to to the relocated access. Sidewalk terminus at drive shall be ADA-compliant with the appropriate ramp, as needed.

(Additional notes and revision provided by VTrans following site meeting on 9/25/25 with Consultant, Owner and Town Zoning Administrator.)

NOTE:

All landscaping shall be outside of the State highway right-of-way.

The scope of work described herein is for redevelopment of the parcel, formerly McMahon's automotive dealership, and the approved development of two small store fronts, Domino's and AT&T by Morristown DRB. The future build out of the site in the area described as "Restaurant" on the plan, shall be reviewed by the Agency, in conjunction with DRB review, to ascertain if any additional mitigation will be required. VTrans shall issue a separate S.1111 permit (PERMIT ID #47430) for Phase 2 of development. A traffic impact study is required for the "Restaurant" w/ Drive Thru.



Relocate access on VT100 (Brooklyn St) to align with Aubuchon access. Curbing to match existing. Access width is 30ft (Phase 2)

Existing lane assignment sign impacted by access relocation to be reset as directed by VTrans (Phase 2)

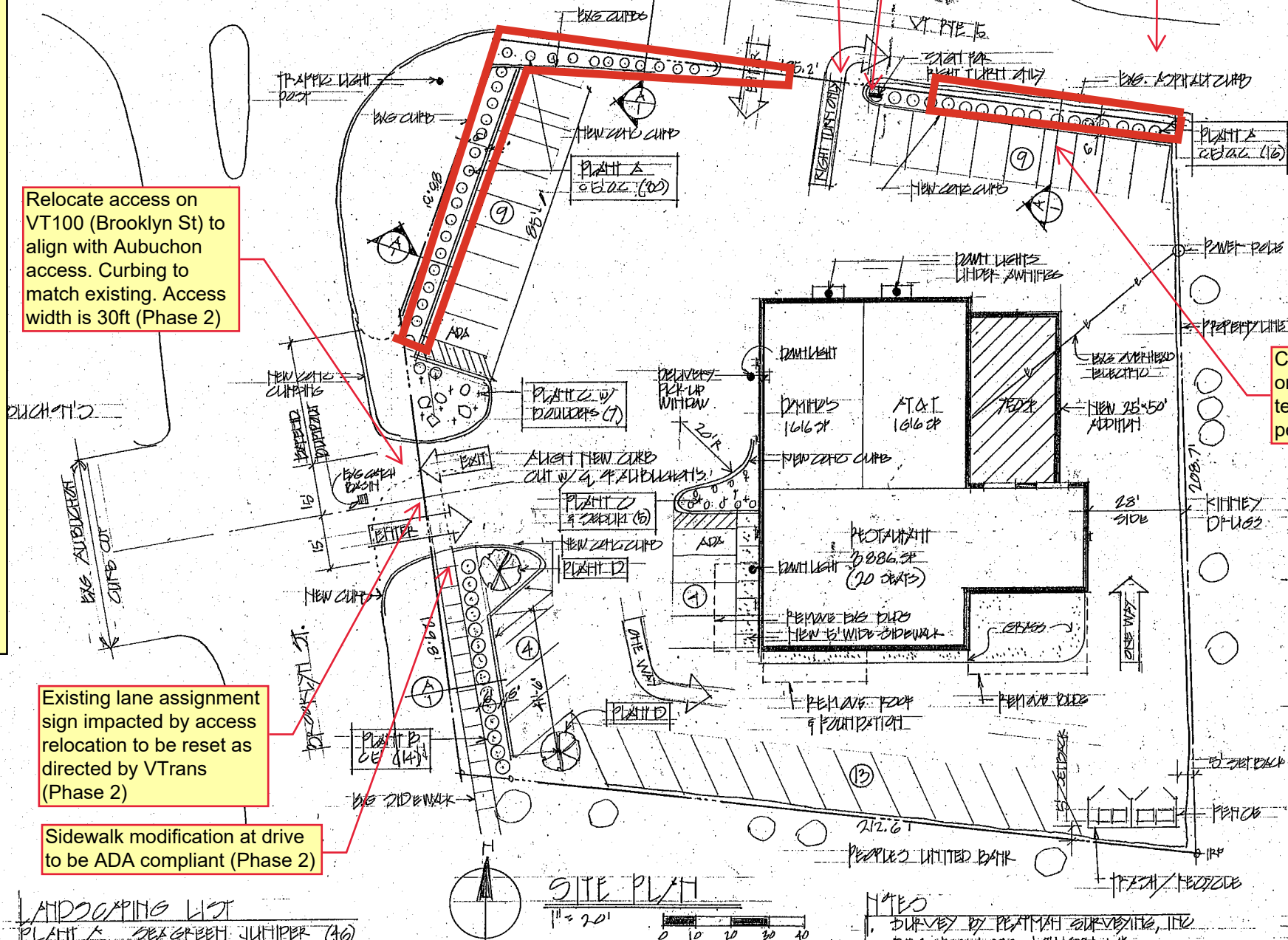
Sidewalk modification at drive to be ADA compliant (Phase 2)

Relocate westerly VT15 access to align with Center Rd (Phase 2). Access width is 30ft.

All curbing shall be replaced with concrete or granite (Phase 2)

Install "NO LEFT TURN" sign (Phase 1). Relocate / Reset sign following access realignment (Phase 2).

Close easterly access on VT15 (Phase 1 - temporary / Phase 2 - permanent)



- LANDSCAPING LIST
- PLANT A SEA GREEN JUNIPER (6)
 - PLANT B WINTER DERRY (4)
 - PLANT C BURNING BUSH & YEW (12)
 - PLANT D RED OAK 2 1/2" (2)

- PLANTING NOTES
1. PERMANENT ASPHALT PAVING EXCAVATE 16" APPROX LAYER
 2. ADD 16" - 20" OF TOP SOIL / COMPOST MATERIAL
 3. INSTALL PLANTINGS, FERTILIZE & MULCH
 4. MAINTENANCE - TRIM & PRUNE PLANTS A & B TO 42" HIGH AND PRUNE & MULCH SPRING

- NOTES
1. SURVEY BY PLATTMAN SURVEYING, INC RR1 BOX 1078 JAMSBURY, VT
 2. ZONING DISTRICT - COM SITE 1 ACRES
 3. RETAIL DRIVE 9' BORDS AND OVERLAPS
 4. SIDEWALKS - FRONT 20', SIDE 6', REAR 6'
 5. PARKING - BUILDING W/ADDITIONAL 7,000 SQ FT 25 SPACES PER 1000 SF = 20 SPACES
 6. SITE HAS 39 SPACES INCLUDING 2 ADA EXTERIOR LIGHTING TO COMPLY W/ SECTION 409 OF BY-LAWS

SRD SILVER RIDGE DESIGN INCORPORATED ARCHITECTS

PO Box 32 • 37 Pauls Lane Hyde Park, Vermont 05655 802.888.2400 • 802.888.5073 Fax 802.888.2013



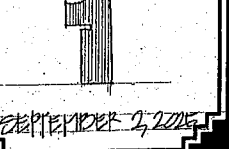
project FORMER MCMAHON'S RESTAURANTS & ADDITION

32 VT. HIG. EAST WARREN, VT

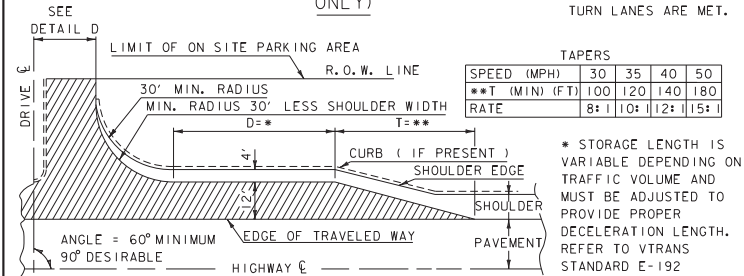
sheet title SITE PLAN

REVISED DATE BY VTRANS FOR S.1111 PERMIT ID #47428 (Phase 1) OCTOBER 1, 2025

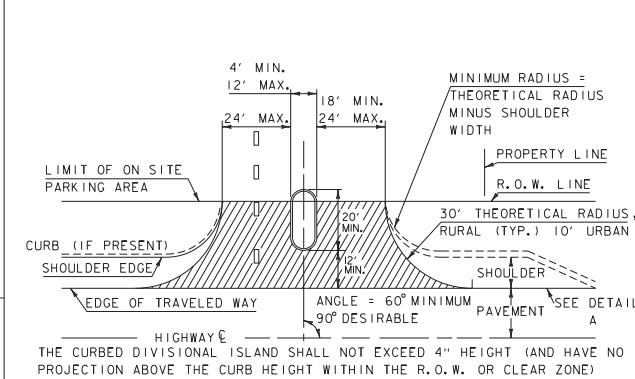
Revision 2: 01-28-2026 By VTrans for S.1111 PERMIT ID #47430 (Phase 2)



DETAIL A RIGHT TURN LANE FOR COMMERCIAL DRIVE (UNSIGNALIZED INTERSECTIONS ONLY)

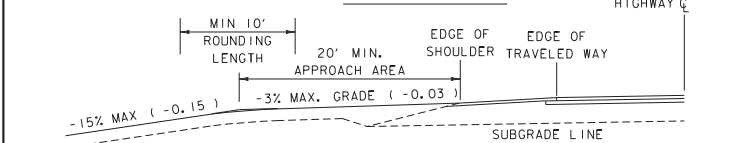


DETAIL B TWO-WAY COMMERCIAL DRIVE WITH DIVISIONAL ISLAND

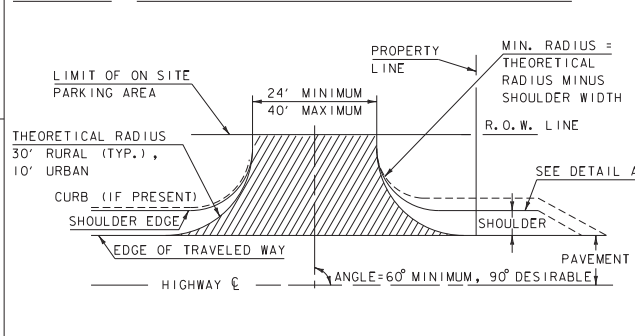


- THIS SHEET IS INTENDED FOR USE BY DESIGNERS ON HIGHWAY PROJECTS AND IN CONJUNCTION WITH A PERMIT FOR WORK WITHIN HIGHWAY RIGHTS OF WAY. ALL CONSTRUCTION REQUIRED BY THE PERMIT AND INDICATED ON THIS SHEET SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND IS SUBJECT TO THE APPROVAL OF THE VERMONT AGENCY OF TRANSPORTATION. WHEN USED WITH THE PLANS FOR A HIGHWAY CONSTRUCTION PROJECT, THIS SHEET IS INTENDED TO BE A GUIDE FOR THE DESIGNER CONCERNING DRIVE WIDTHS, HORIZONTAL, VERTICAL AND GEOMETRIC CHARACTERISTICS.
- ALL COMMERCIAL DRIVES SHALL BE PAVED FROM THE EDGE OF THE TRAVELED WAY TO THE HIGHWAY RIGHT-OF-WAY, TO THE FARTHEST POINT OF CURVATURE ON THE DRIVEWAY EDGE OR AS DIRECTED BY THE DISTRICT TRANSPORTATION ADMINISTRATOR. THIS PAVING IS INDICATED IN DETAILS (A, B AND D) BY HATCHING.
- DEPTH OF SUBBASE AND PAVEMENT TO BE THE SAME AS HIGHWAY OR AS SHOWN IN DETAIL F WITHIN THE LIMITS OF THE HIGHWAY RIGHT-OF-WAY.
- VEHICULAR ACCESS FROM PARKING AREAS TO THE RIGHT-OF-WAY AT OTHER THAN APPROVED ACCESS POINTS WILL BE PREVENTED BY THE CONSTRUCTION OF CURBING OR OTHER SUITABLE PHYSICAL BARRIER.
- IF CURB IS PRESENT, SEE APPROPRIATE CURB DETAIL STANDARD.
- WHERE TRAFFIC VOLUME FOR A PROJECT IS SUBSTANTIAL THE AGENCY MAY REQUIRE SPECIAL LANES FOR TURNING, SIGNALS OR OTHER MODIFICATIONS. BASED ON TRAFFIC STUDIES THE AGENCY WILL DETERMINE SPECIFIC TREATMENT TO BE USED.
- CIRCULAR DRAINAGE CULVERTS UNDER DRIVES SHALL HAVE A MINIMUM INSIDE DIAMETER (I.D.) OF 15" OR AS OTHERWISE SHOWN ON THE PLANS. PIPE ARCHES USED UNDER DRIVES SHALL HAVE A MINIMUM INSIDE CROSS-SECTIONAL AREA EQUIVALENT TO THAT PROVIDED BY A 15" CIRCULAR PIPE. IF A CULVERT LARGER THAN 15" IS LOCATED UPSTREAM OF THE PROPOSED CULVERT THEN THE NEW CULVERT SHALL, AT A MINIMUM, MATCH THE SIZE OF THE UPSTREAM CULVERT.
- THE OFFSET BETWEEN THE PROPERTY LINE AND THE EDGE OF THE DRIVEWAY MAY BE GOVERNED BY LOCAL ZONING LAWS. DRIVEWAY WIDTH RESTRICTIONS SHOWN PERTAIN ONLY TO THE AREA WITHIN THE HIGHWAY R.O.W. OR THE END OF THE TURNING RADIUS WHICHEVER IS GREATEST.
- DRIVEWAY GRADES STEEPER THAN THOSE SHOWN MAY BE ALLOWED AS LONG AS A 20' APPROACH AREA IS ACHIEVED FOR THE VEHICLE TO PAUSE BEFORE ENTERING THE HIGHWAY.
- THIS STANDARD APPLIES TO LARGER RESIDENTIAL DEVELOPMENTS, SUBDIVISIONS AND OTHER COMMERCIAL ACCESSES. SEE VTRANS STANDARD B-71A FOR FIELD DRIVES, LOGGING DRIVES, AND RESIDENTIAL ACCESSES SERVING UP TO TWO SINGLE FAMILY HOMES OR A DUPLEX.
- FOR DRIVEWAY AND INTERSECTION SPACING DISTANCES REFER TO THE "VERMONT AGENCY OF TRANSPORTATION ACCESS MANAGEMENT PROGRAM GUIDELINES", LATEST REVISION.
- INTERSECTION SIGHT DISTANCES, EQUAL TO OR GREATER THAN THOSE SHOWN BELOW SHOULD BE PROVIDED IN BOTH DIRECTIONS FOR ALL DRIVES ENTERING ON PUBLIC HIGHWAYS, UNLESS OTHERWISE APPROVED BY THE AGENCY OF TRANSPORTATION. INTERSECTION SIGHT DISTANCE IS MEASURED FROM A POINT ON THE DRIVE AT LEAST 15 FEET FROM THE EDGE OF TRAVELED WAY OF THE ADJACENT ROADWAY AND MEASURED FROM A HEIGHT OF EYE OF 3.5 FEET ON THE DRIVE TO A HEIGHT OF 3.5 FEET ON THE ROADWAY. STOPPING SIGHT DISTANCE IS MEASURED FROM AN EYE HEIGHT OF 3.5 FEET TO AN OBJECT HEIGHT OF 2.0 FEET ON THE ROADWAY.

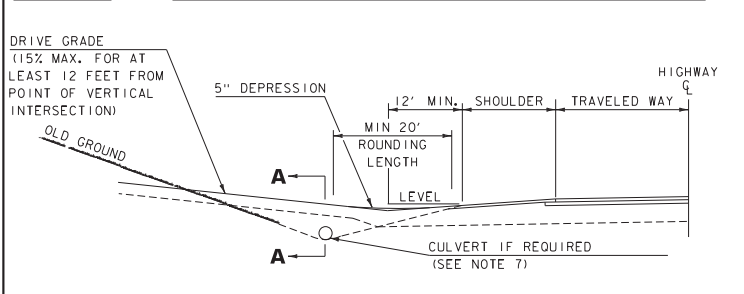
DETAIL C PROFILE OF DRIVE INTERSECTION (FILL SECTION)



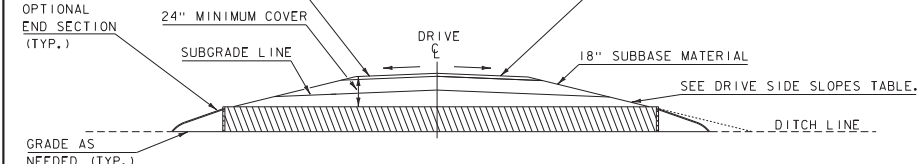
DETAIL D TWO-WAY UNDIVIDED COMMERCIAL DRIVE



DETAIL E PROFILE OF DRIVE INTERSECTION (CUT SECTION)



DETAIL F SECTION A-A



DRIVE SIDE SLOPES TABLE

LOCATION OF SLOPE	SLOPE RATE
DESIGN SPEED > 40 MPH	1:6 OR FLATTER
URBAN AREAS, OR DESIGN SPEED < 40 MPH	1:4 DESIRABLE 1:2 ALLOWABLE
OUTSIDE CLEAR ZONE	1:2 OR FLATTER

SIGHT DISTANCE TABLE

POSTED SPEED OR DESIGN SPEED (MPH)	MINIMUM STOPPING SIGHT DISTANCE (FT)	MINIMUM INTERSECTION SIGHT DISTANCE (FT)
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610

THE ABOVE VALUES ARE TAKEN FROM THE 2011 AASHTO "A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS & STREETS."

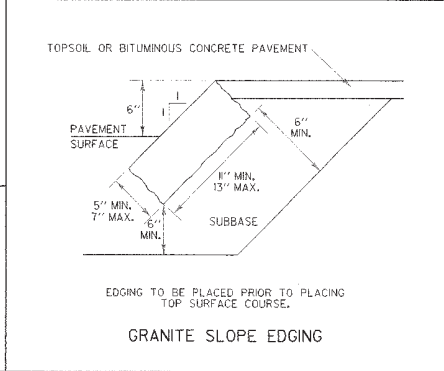
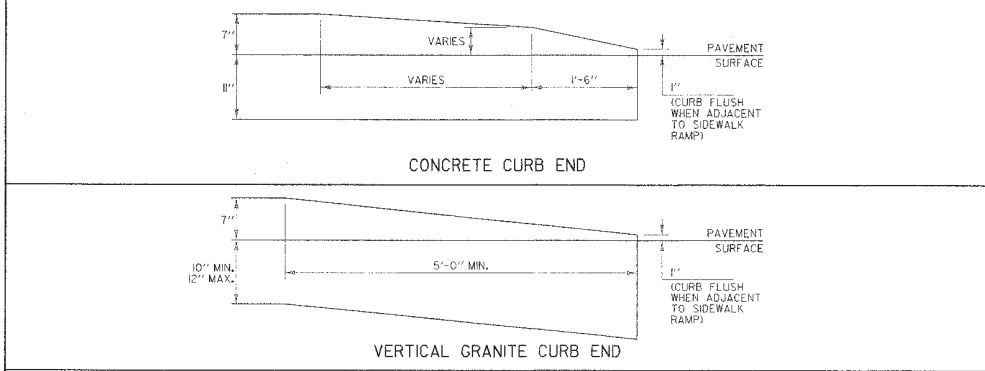
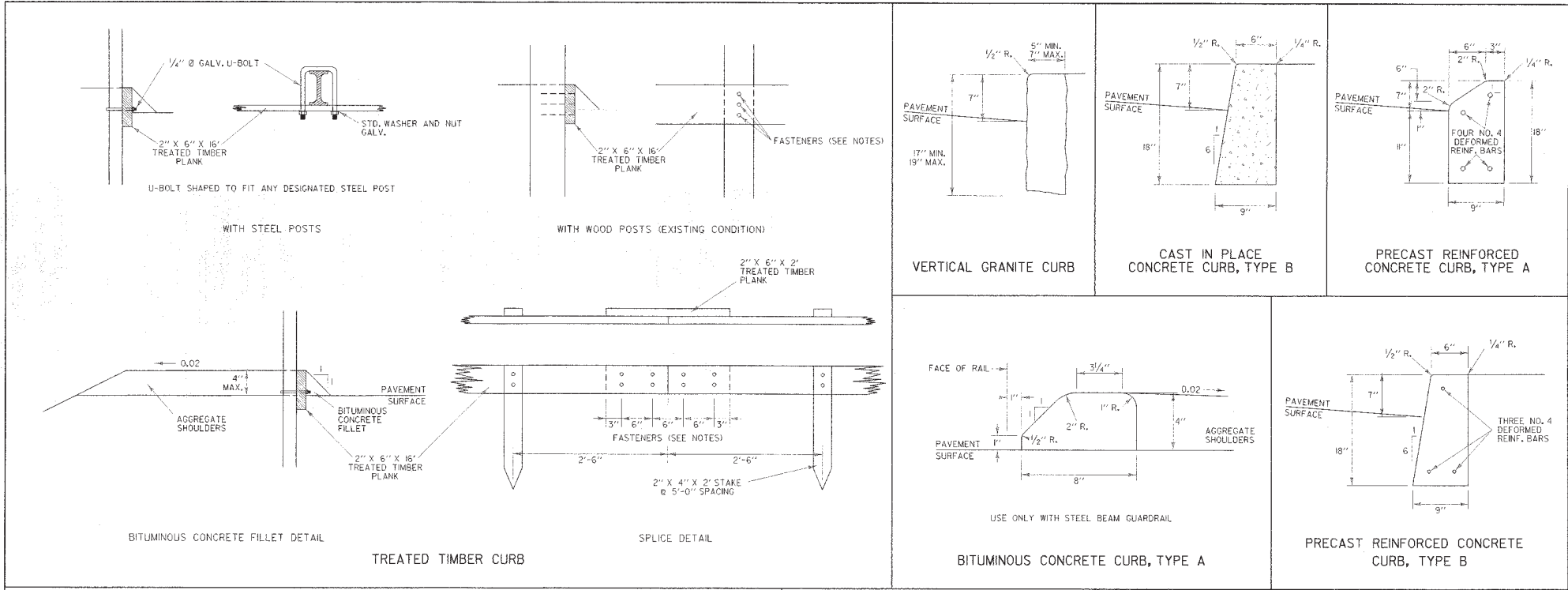
REV.	DATE	DESCRIPTION
0	JUL. 1, 2019	ORIGINAL APPROVAL

OTHER STANDARDS REQUIRED:

COMMERCIAL DRIVES



STANDARD B-71B



GENERAL NOTES:

- HEIGHT OF REVEAL OF CURB SHALL NOT EXCEED FOUR INCHES WHERE DESIGN OR POSTED SPEED IS EQUAL TO OR GREATER THAN 40 MPH AND WHEN INSTALLED WITH GUARDRAIL (STANDARD SHAPE) TO BE BURIED TO THIS DEPTH.
- WHEN CONCRETE SIDEWALK IS CONSTRUCTED ADJACENT TO CONCRETE OR VERTICAL GRANITE CURB, ASPHALT TREATED FELT SHALL BE PLACED BETWEEN THE SIDEWALK AND CURB FOR THE TOTAL DEPTH OF THE SIDEWALK.
- FASTENERS (20d NAILS OR SCREWS) SHALL BE CORROSION RESISTANT TO THE TREATED LUMBER.
- FOR SPECIFICATIONS FOR EXPANSION/CONTRACTION JOINTS AND LENGTHS OF SECTIONS, SEE SECTION 616.
- JOINTS BETWEEN CURB SECTIONS SHALL BE MORTARED IN CONFORMANCE WITH SECTION 616.
- BITUMINOUS CONCRETE AND TREATED TIMBER CURB SHALL BE IN CONFORMANCE WITH SECTION 616.
- TWO INCH MINIMUM CLEARANCE FROM FACE OF CONCRETE TO EDGE OF REINFORCING STEEL.

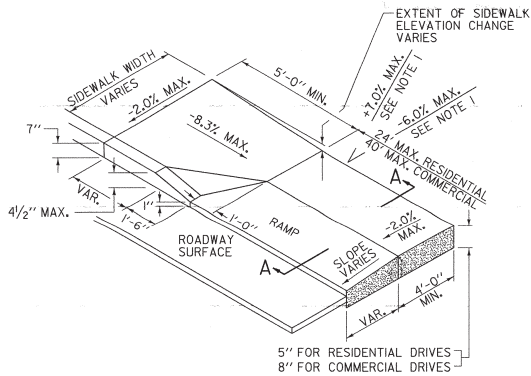
OTHER STDS. REQUIRED: NONE

REVISIONS AND CORRECTIONS
 FEB. II, 2008 - ORIGINAL APPROVAL DATE

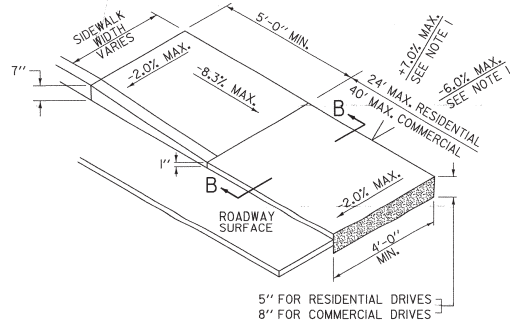
APPROVED
Kevin J. Mlawick
 ROADWAY, TRAFFIC & SAFETY ENGINEER
Paula F. Fierman
 DIRECTOR OF PROGRAM DEVELOPMENT
Mark D. Kuttler
 FEDERAL HIGHWAY ADMINISTRATION

CURBING

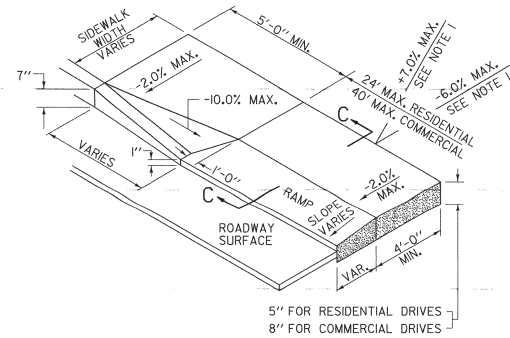
STANDARD C-10



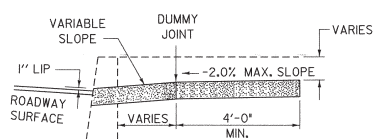
TYPE 1 - COMBINATION CROSSING WITH FLARE



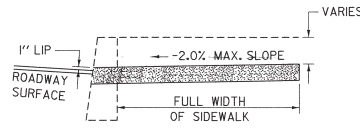
TYPE 2 - PARALLEL CROSSING WITH LANDING



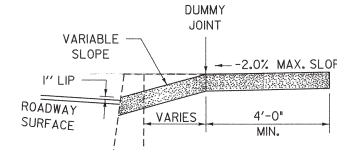
TYPE 3 - LEVEL LANDING WITH FLARE



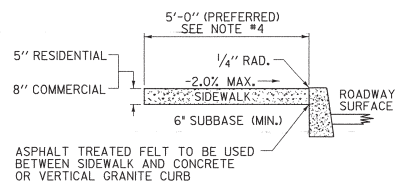
SECTION A - A



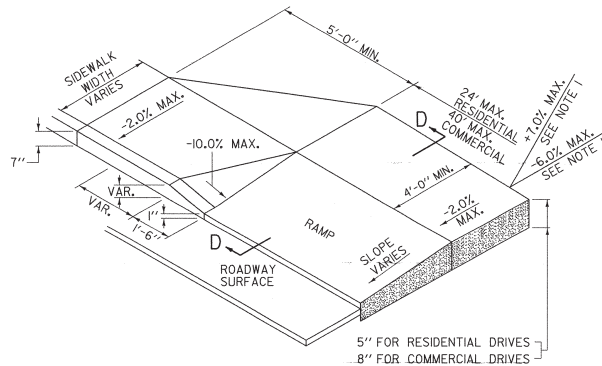
SECTION B - B



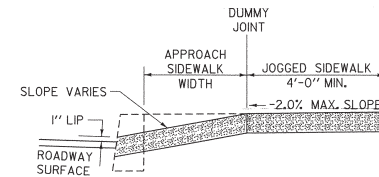
SECTION C - C



PORTLAND CEMENT CONCRETE SIDEWALK



TYPE 4 - JOGGED CROSSING



SECTION D - D

GENERAL NOTES :

1. THESE TYPICALS APPLY WHERE GRADE OF DRIVE IS BETWEEN -6.0% AND +7.0%. FOR GRADES IN EXCESS OF THESE, ALTERNATIVE CROSS SECTION OF RAMP AND SIDEWALK MAY BE APPROVED BY THE ENGINEER.
2. DUMMY JOINTS SHALL BE PROVIDED AT TRANSITIONS (GRADE CHANGES) OF RAMPS AND FLARES.
3. DRIVEWAY RAMPS TO BE PAID FOR AS PORTLAND CEMENT CONCRETE SIDEWALK.
4. SIDEWALKS THAT ARE LESS THAN 5' WIDE REQUIRE 5' WIDE BY 5' LONG PASSING AREAS (NO GREATER THAN 2.0% CROSS SLOPE) AT INTERVALS NOT TO EXCEED 200'. DRIVEWAYS MEETING THESE REQUIREMENTS MAY BE USED AS A WHEELCHAIR PASSING AREA.
5. IN NO CASE SHALL THE CROSS SLOPE OF AN ACCESSIBLE ROUTE EXCEED 2.0%.

OTHER STANDARDS REQUIRED: B-71

REVISIONS AND CORRECTIONS
 DEC. 14, 1971 - ORIGINAL APPROVAL DATE
 OCT. 25, 1985 - REVISED TO CONFORM TO 1986 SPECIFICATIONS
 JUNE 1, 1994 - REISSUED WITHOUT CHANGE, UNDER NEW SIGNATURES.
 JAN. 3, 2000 - UPDATED TO REFLECT METRIC STD. CHANGES.
 OCT. 14, 2005 - UPDATED TO REFLECT REVISED ADAAG STANDARDS

APPROVED

 DIRECTOR OF PROGRAM DEVELOPMENT

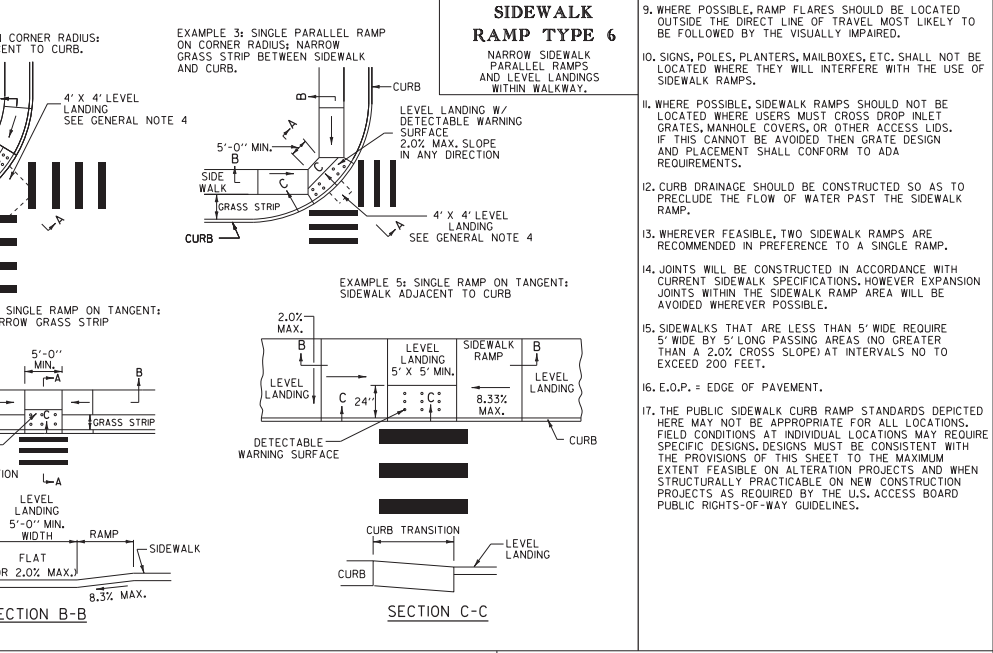
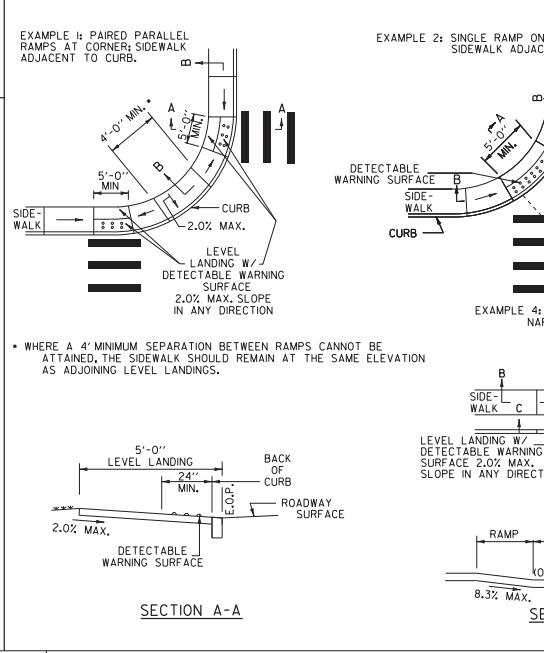
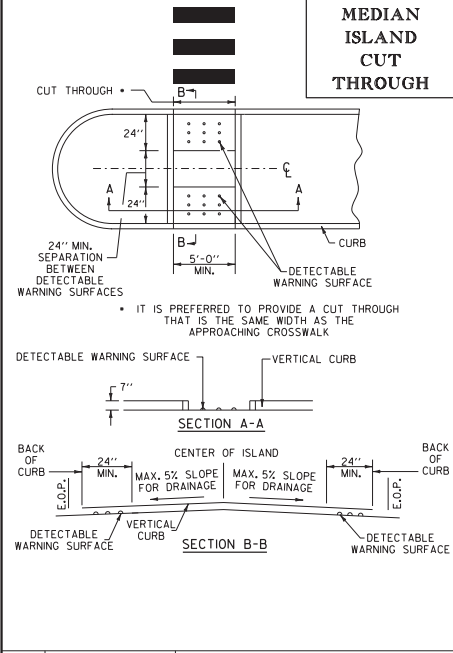
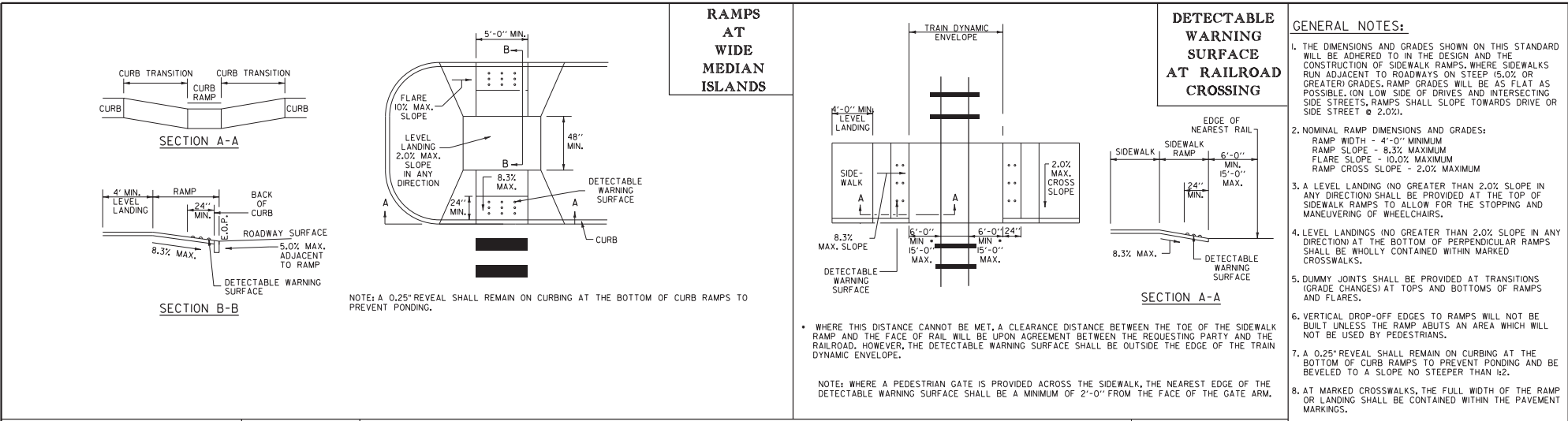
 ROADWAY PROGRAM MANAGER

 FEDERAL HIGHWAY ADMINISTRATION

PORTLAND CEMENT CONCRETE SIDEWALK DRIVE ENTRANCES WITH SIDEWALK ADJACENT TO CURB



STANDARD C-2A



REV.	DATE	DESCRIPTION
0	FEB. 02, 2004	ORIGINAL APPROVAL
2	MAR. 10, 2008	MINOR REVISIONS TO COMPLY WITH ADAAG
3	JUN. 28, 2017	MINOR REVISIONS TO COMPLY WITH PROWAG
4	APR. 07, 2020	MISCELLANEOUS REVISIONS
5	FEB. 17, 2022	MINOR NOTE REVISIONS FOR DRAINAGE

OTHER STANDARDS REQUIRED: C-2A, C-2B, C-3A, AND C-10
VTRANS AND FHWA APPROVAL ON FILE WITH CONTRACT ADMINISTRATION

SIDEWALK RAMPS AND MEDIAN ISLANDS



STANDARD
C-3B



March 11, 2026, DRB Meeting Staff Notes

APPLICATION: 2026-07

APPLICANT: Vermont Land Use Planning

REQUESTED ACTION: Conditional Use Review

LOCATION: 32 Vt Rte 15 East

EXISTING ZONING: Commercial

PROJECT DESCRIPTION: #2026-07- Conditional Use Review application submitted by Vermont Land Use planning, on behalf of LH& A Realty for a property located at 32 VT Route 15 East. The project consist of a adding a 50' x 25' addition to the existing structure while removing some existing square footage that will result in a net reduction of 102 sqf. The project also calls for the addition of an additional restaurant use to be located in the southern portion of the building. This restaurant will be 3886 sqf and will have 80 seats and will have a drive-through. This project will also require a reconfiguration of the traffic circulation on the site. There will also be an addition of 6 EV charging stations. The project will be reviewed under the 2023 Morristown Zoning and Subdivision Bylaws (The Bylaws) and will be subject to the regulations in Section 500 and Section 630.

PARCEL HISTORY:

1. Appeal of Interim Assistant Zoning Administrator, 3/3/25
2. Appeal Denied, 4/9/25
3. Conditional Use Review 2025-053, Approved, 8/15/25

LIST OF APPLICANT SUBMISSIONS:

- A. Conditional Use Application
- B. Conditional Use Application signed
- C. Abutters List
- D. Vtrans 1111 Permit
- E. Narrative
- F. Site Plan

PROCEDURAL INFORMATION:

1. Agenda placed in News and Citizen 2/16/2026
2. Notice placed on the town website and at three locations in town on 2/16/2026
3. Abutters notified on 2/17/2026
4. Notice sent to Applicant 2/19/2026

STAFF COMMENTS (Comments In Bold):

1. Conditional Use Review application submitted by Vermont Land Use planning, on behalf of LH& A Realty for a property located at 32 VT Route 15 East. The project consists of a adding a 50' x 25' addition to the existing structure while removing some existing square footage that will result in a net reduction of 102 sqf. The project also calls for the addition of an additional



restaurant use to be located in the southern portion of the building. This restaurant will be 3886 sqf and will have 80 seats and will have a drive-through. This project will also require a reconfiguration of the traffic circulation on the site. There will also be an addition of 6 EV charging stations. The project will be reviewed under the 2023 Morrilltown Zoning and Subdivision Bylaws (The Bylaws) and will be subject to the regulations in Section 500 and Section 630. The property in question has sat vacant for some time but had previously been operated as Motor Vehicle Sale & Repair Facility.

2. The Applicants are looking to add an additional restaurant use to the building located at 32 VT Route 15 East. The new proposed restaurant use will take up 3886 sqf with 80 seats with a drive through.
3. The applicants are also proposing a 1250 sqf addition to the northwest corner of the building. However the applicants will remove some existing wood frame structures resulting in a net reduction of 102 sqf.
4. The restaurant's uses require conditional use review by the Development Review Board and will be subject to site plan and conditional use review as noted in Section 500 and 630 of The Bylaws.
5. Section 206 of The Bylaws notes that the Zoning Administrator or DRB, may require the submission of building renderings for the COM zone.
6. The Applicants have not provided exterior elevations for the project. (**The Board should consider whether they want to require the applicants to submit exterior elevations prior to approving this project.**)
7. The Applicants narrative notes that the new restaurants initial entrance will be on the west side of the building. However, once the 1250 sqf addition is built the entrance will be relocated and or added to the north side of the building. (**While the applicants narrative notes that the entrance will be relocated or added to the north side of the building as part of a 1250 sqf addition the narrative does not explicitly say whether the 1250 sqf space will be added to the restaurant or kept available for some other future use. The Applicant's narrative also does not note if this 1250 sqf space will be built prior to the occupancy of the new restaurant. The board could consider requiring the Applicants to clarify the plans for the intended use of this space and require that this project be constructed in phases.**)
8. Section 206.h notes that all loading docks and garbage storage areas shall be located to the rear of the building.
9. The Applicants site plans note that trash shall be located in the southeast corner of the lot and will be screened by an enclosure.
10. The Applicants site plans do not show any proposed loading docks.
11. Section 206.k notes that parking shall be located to the sides of the building and shall not be located between the building and road from which it derives frontage.
12. Parking will be located between the building and the street; however, it shall be screened by landscaping. The parking spaces themselves are pre-existing.
13. Section 206.l notes that sidewalks are required if called for by the Morrilltown Sidewalk Policy.
14. Section 3. of the Morrilltown Sidewalk policy notes that any commercial redevelopment requires the installation of sidewalks to the commercial sidewalks standards noted in Section 5.a of the sidewalk policy.
15. The site plan shows sidewalks running along the west side of the property.
16. The Applicants have not provided a lighting plan for the project as noted in Section 206.m.



17. The Applicants have shown downcast and shielded lighting on their sight plan, however the narrative does not note how they will comply with Section 490 of the Bylaws.
18. The Applicants have not provided a plan for utilities noted in Section 206.n of The Bylaws.
19. The Applicants have not provided a waiver request from any of the Standards of Section 206 as noted in Section 206.o of The Bylaws.
20. The Project is subject to Parking Requirements noted in Section 450 of The Bylaws.
21. Section 453 of the Bylaws notes that restaurant uses requires 1 spaces per 4 seats.
22. The Applicants project calls for 80 seats in the proposed restaurant.
23. Based on the formula noted above the applicants are required to have 20 parking spaces for the restaurant use.
24. The applicants site plan has 38 parking spaces.
25. The applicants have not indicated a plan for the 1250 sqf space at this time. **(The applicants should specifi what the use of this 1250 sqf space is. If no use is planned at this time that should be clarified.)**
26. Conditional uses require site plan review and are subject to the regulations noted in Section 500 of The Bylaws.
27. The Applicants have submitted a site plan that provides the information noted in a-i of Section 502.
28. The site plan must have all the materials noted in Section 503 of The Bylaws.
29. Section 503.1 notes that the Board may propose adequate provisions for traffic circulation.
30. The Applicants site plan shows traffic circulation through the site. The site plan shows dedicated entrance and exit lanes on both the north and west side of the property. In addition, traffic will flow to the south of the building to access the drive through on the east side of the building before exiting the site. The applicants also have an approved Vtrans 1111 permit. The Applicants have also proposed 6 EV charging spaces. **(The Board may consider requiring confirmation from Morrisville Water and Light that these EV stations can be serviced. In addition the applicants do not show how traffic will stack in the drive-through lane. The board should consider whether they need to see this information).**
31. The Project is subject to the landscaping requirements noted in Section 505 of The Bylaws which note that any non-residential use must have landscaping.
32. The Applicants site plans shows a landscaping plan noting the type and number of plantings and there location.
33. The Applicants plan set shows landscaping screening the parking from view as required in Section 505.b of The Bylaws.
34. Section 505.c notes that no space shall be more than 30 feet from the trunk of said shade tree.
35. The Applicants site plan shows shad trees on the southwest corner of the site. All of the parking areas are screened with plantings. There are no larger shade trees on the north side of the project. **(The Board should consider whether the applicants should be required to plant additional shade trees on the north side of the property to ensure that parking is withing 30 feet of a shade tree. It is worth considering that any proposed shade tree on the north side of the property could impact site lines for traffic exiting or entering from route 15 east).**
36. Section 505.g notes that all plants shall be native and not listed as invasive.
37. The applicants landscaping plan notes the number and species of proposed plantings.
38. The Project will be subject to any of the requirements noted in Section 630 of The Bylaws.



39. Town Staff recommended that the application be continued until the applicant has provided all outstanding information.

OUTSTANDING ITEMS:

1. Exterior elevations as noted in Section 206.
2. Additional shade trees on the north side of the property.
3. Specific what the proposed use is for the 1250 sqf addition to the northeast corner of the building.
4. Plan showing how the proposed lighting complies with Section 490 of the bylaws.

ITEMS FOR DRB CONSIDERATION:

1. Should the Applicants provide updated exterior elevation for the project?
2. Should the project be built in phases?
3. Should the Applicants be required to plant additional shade trees on the north side of the property to ensure compliance with Section 505.C?
4. Should the Applicants be required to note the intended use of the addition on the northeast side of the property?

RECOMMENDATIONS TO THE DRB

1. Continue the application to allow the applicants to supply outstanding information
2. Approve the application with the following conditions
 - a. The applicants are required to submit updated exterior elevation of the structure prior to or in conjunction with submitting an application for a zoning permit to establish the new restaurant use.
 - b. Applicants shall provide written confirmation that Morrisville Water and Light can service the 6 proposed EV charging stations.
 - c. Landscaping shall be complete installed prior to the new restaurant opening.
 - d. Require that the project be built in phases
 - i. Phase 1 landscaping traffic and parking changes and establishing a 3884 sqf restaurant use in the southern portion of the building.
 - ii. Phase 2 proposed 1250sqf addition with an entrance of its north side.

Board/Committee Interest : Submission #24

Name

Jerry Throne

Email

Jerry.throne@outlook.com

Are you a resident of Morristown

Yes

Which Board/Committee are you interested in?

Development Review Board - 4 yr term - Meets Wednesdays as necessary at 6pm

Do you have any actual, potential, or perceived conflicts of interest?

Potential conflict of interest with the Morristown Conservation Commission to be determined.

How did you learn about this Board/Committee?

Town website and discussion with Judi Alberi.

Have you attended any meetings of board/committee in the six months prior to your interest?

Yes

Do you provide any goods or services to the public related to this Board/Committee?

No

Are you familiar with the governing rules under which this Board/Committee operates?

Yes

Briefly, what qualities, experience, training and/or skills will you bring to this board/committee?

Knowledge of town plan and zoning & subdivision bylaws.

Extensive 50+ years experience in construction industry, including legal matters.

Please share your ideas related to the Board/Committee and the topics they are responsible for?

Duties of the DRB combine zoning board of adjustment and planning commission functions, including reviewing subdivisions, site plans, and variances. The DRB acts as a quasi-judicial panel that must follow strict public hearing procedures, conflict-of-interest rules, and state law.

Have you appeared in front of this Board/Committee before advocating for a specific issue? If yes, explain.

I have advocated for the building of trails as part of conservation subdivisions.

My availability allows me to attend most of the meetings of the Board/Committee for which I am applying.

Yes

Is there anything else you feel we should know about you?

I am currently chair of the Morristown Conservation Commission.

Your name in this space affirms that the information provided is true to the best of your knowledge.

Jerry Throne

Rules of Procedure for Jointly Appointed Subordinate Boards

1. Source of Authority

All jointly appointed subordinate boards of the Morristown Selectboard and the Morrisville Village Trustees shall be governed by the provisions of all applicable Vermont State Statutes (specifically including the Vermont Open Meeting Law – 1 VSA §310-314), Municipal Bylaws, and these Rules of Procedure.

2. Purpose

All jointly appointed subordinate boards shall be subject to these “Rules of Procedure” to ensure that all meetings are timely, efficient and transparent to and for the public, and to ensure consistency of procedures for all joint boards.

3. Application

This policy setting forth these Rules of Procedure for all meetings of all jointly appointed subordinate boards shall apply to all regular, special and emergency meetings of these boards. These Rules of Procedure for jointly appointed subordinate boards shall be made available by the Town & Village Clerk upon request. These Rules of Procedure may only be amended by a successful majority vote of each Legislative Body.

4. Appointment

All jointly appointed subordinate boards shall be appointed by a majority vote of each Legislative Body. Upon receiving notice of a board vacancy per #9 of these rules, the Legislative Bodies, to ensure the continuity of the subordinate board or committee, shall first look to fill any vacancy with an existing board alternate that desires to become a full-time member of their respective board. If no such alternate exists, the Town’s Administrative Assistant shall notice the vacancy on jointly appointed boards on the Town’s website, and post a link regarding this vacancy on Front Porch Forum. Only Village or Town residents who appear on the current voter checklist shall be eligible to serve on jointly appointed boards¹. However, if no Village or Town residents on the voter checklist step forward to serve within a month of a vacancy being posted, the Legislative Bodies may appoint a non-Town or non-Village resident to fill the vacancy. Village and Town residents interested in serving on a jointly appointed subordinate board shall email the Town’s Administrative Assistant (Admin@MorristownVT.org) regarding interest in filling said vacancy. The Town’s Administrative Assistant shall keep an ongoing list of all emails received from eligible residents wishing to serve on a jointly appointed board during the current calendar year. The Administrative Assistant shall provide all emails received (from candidates that responded to the vacancy posting, and from candidates that previously applied within the calendar year), to each Legislative Body. Candidates for any vacancy on a jointly appointed board shall interview with the board that they are interested in, and said board shall furnish an appointment recommendation to each Legislative Body at the conclusion of the interview process.

5. Election of Officers

All jointly appointed subordinate boards shall elect annually a Chair & Vice Chair. Said election shall take place at the board’s first meeting after appointments are made by the respective Legislative Bodies.

¹ All existing members of jointly appointed subordinate boards as of 4 May 2022 are grandfathered from this new residency requirement. Said members, regardless of existing or future residency, may continue to serve on said boards, and shall remain eligible to be reappointed thereto upon the expiration of their current term.

6. Chair

The Chair shall set the agenda, preside over the meeting, call it to order, maintain order, decide all questions of order and procedure, and shall appoint any sub-committees found necessary to carry out the business of the respective board or commission.

7. Vice Chair

The Vice Chair shall assume all duties and authorities in the absence of the Chair.

8. Meeting Minutes

Meeting minutes shall include all meeting actions and proceedings, showing the vote of each board member upon every question, or if absent, disqualified, or failing to vote, shall so indicate. Meeting minutes shall include the names of all board members in attendance, a summary of the facts on which the decisions are based and the decisions rendered. All meeting minutes must be kept in accordance with 1 VSA §312(b)(2).

9. Vacancies

The Chair of all jointly appointed subordinate boards shall notify the Morristown Selectboard and the Morrisville Village Trustees of any vacancy on their board within one week from said vacancy taking place. Said vacant seat shall be filled via the #4-appointment process for the remainder of the term.

10. Quorum

A quorum must be present for any meeting, vote or official action of all jointly appointed subordinate boards. A quorum shall consist of a majority of the jointly appointed respective board, regardless of any vacancies or disqualification, in order for the respective board to act. If a quorum of the members of the respective board or commission is not present, no action shall be taken and/or conducted.

11. Recess of Meeting or Hearing

All jointly appointed subordinate boards may recess a meeting or hearing if all business cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time and place of the recessed meeting shall be announced before adjournment.

12. Majority Vote Required

Determinations on any matter before all jointly appointed subordinate boards shall require the concurrence of a majority of the respective board or commission regardless of any vacancies or disqualifications.

13. Attendance

Members of all jointly appointed subordinate boards are strongly encouraged to resign if total absences exceed fifty percent of the total meetings in a calendar year. Attendance of all jointly appointed subordinate boards can be reviewed by the Morristown Selectboard and the Morrisville Village Trustees annually and shall be a consideration during the reappointment decision-making process.

14. Conflict of Interest

All jointly appointed subordinate boards are strongly encouraged to adopt their own conflict of interest policy until such time that a blanket policy is adopted by the Morristown Selectboard and/or the Morrisville Village Trustees.

For the Village of Morrisville:

For the Town of Morristown:

 5/20/22

Village Trustees Chair & Date

 5/10/22

Selectboard Chair & Date