Hardwick Development Review Board
Major Subdivision Review
Applicant and Landowner: Brian and Monica Morrissey
478 Dimick Road, East Hardwick
Application #2026-051
October 7, 2026

Shareable link:
https://us06web.zoom.us/rec/share/BUSxZBtWQHRJwl_g2qjp5ObqvZIZDjjy7ebWEKmbCFwUEUtDG87o_DpGN55C0iRM.3DNtzH2ngfy49wXV
Passcode: %LoC2E5S

To consider a Major Subdivision Request by Brian and Monica Morrissey to subdivide 10.25 acres into 2 lots – Lot #1 has 3.95 acres and Lot #2 has 6.3 acres. ROW access is proposed – a 50' deeded ROW along a private road/driveway. Property is in the Rural Residential Zoning District and has a current address of 478 Dimick Road in East Hardwick.

The application requires a Major Subdivision Review under the following sections of the Hardwick Unified Development Bylaws: 2.7 Rural Residential (RR) District; 3.3 Access and Frontage Requirements; 6.3 Major Subdivision Review; 6.4 Application of Subdivision Standards; 6.5 General Standards (applicable to all Major Subdivisions); 6.6 Transportation Facilities & Infrastructure; and 6.7 Facilities and Utilities.

Warnings were posted on September 22, 2026 at the Hardwick Memorial Building, the Hardwick Post Office and the East Hardwick Post Office. The warning was sent to the following neighboring property owners: William Shotwell; Heather and Patrick Morrissey; Roberta and Justin Foster; Ken Davis; Christine and Larry Papineau; Whitney Nattell and Heather Moselle; John Kerr; Michelle and Robert Larose; and Patrick Larsen on September 22, 2026. It was published in the News and Citizen on Thursday, September 17, 2026.

Development Review Board members present: Helm Nottermann; Ruth Gaillard; Andy Gilbert; Peter Moskowitz; Joe Nudell; and Kole, Chair

Development Review Board members absent: Daphne Kalmar and Grace Johnstone

Others present: Kristen Leahy, Zoning Administrator; Brian and Monica Morrissey, applicants; Will Shotwell, neighbor; and Whitney Nattell, neighbor.

During the hearing the following exhibits were submitted:

Exhibit #1: Wetland overlay from VT Natural Resources Atlas
Exhibit #2: Uncommon Species and deer overwintering overlay from VT Natural Resources Atlas.
Exhibit #3: Copies of the deeded R.O.W. language.

Summary of Discussion
Chairperson Kole began the hearing at 7:36 p.m. Kole noted the hearing was quasi-judicial, explained the procedure for the hearing, and swore in all those who wished to speak at the hearing. Kole then asked the applicants to present their Major Subdivision proposal.

The current parcel is approximately 10.25 acres and is accessed by a deeded R.O.W. from Dimick Road in East Hardwick. The applicants are proposing to divide the parcel into two lots. The first lot (3.95 acres) will have the existing Single Unit Dwelling and will continue to be accessed from the Dimick Road R.O.W. No changes will occur with that portion of the parcel.

A second structure has already received a zoning permit. This Single Unit Dwelling would be accessed by a deeded 50' R.O.W. (see Exhibit #3) over the properties of Nigel and Samantha Friend, as well as Patrick and Heather Morrissey. The R.O.W. is accessed by Decker Drive in Greensboro.

During the hearing, neighboring property owners raised concerns about the potential for increased use of the existing shared right-of-way from Dimick Road. The applicants testified that they do not anticipate using the Dimick Road access to serve Lot 2.

The hearing ended at 8:00 p.m. Ruth Gaillard made the motion to enter deliberative session after the hearing. Joe Nudell seconded the motion. All members were in favor.

Findings of Fact:
Based on the application and testimony, the Development Review Board makes the following findings:

2.7 Rural Residential District – (minimum lot size 3 acres, minimum frontage 200 feet) – all lots and proposed uses for the lots (residential) will be in keeping with the stated purpose of the Rural Residential District. The newly subdivided parcel would be accessed by a 50-foot-deeded ROW from Decker Drive in Greensboro (See Exhibit #3).

3.3 Access & Frontage Requirements. Access would be a deeded 50 feet ROW that has been obtained from Nigel and Samantha Friend and Patrick and Heather Morrissey.

6.3 Major Subdivision Review

6.5 General Standards shall include:

(A) Development Suitability. All land to be subdivided shall be suitable for the intended use and proposed density of development, and not result in undue adverse impacts to public health and safety, natural resources identified in the Hardwick Town Plan, or the character of the surrounding neighborhood in which it is located. Proposed subdivision is in the Rural Residential district which specifically permits residential structures. Intent of the subdivision is residential.

(B) Hardwick Town Plan & Regulations. Subdivisions shall conform to the *Hardwick Town Plan*, other provisions of these regulations, capital budget and programs, and all other municipal bylaws, ordinances and regulations in effect at the time of application. Proposal conforms or is not applicable per the review by the Zoning Administrator.

(C) District Settlement Patterns. A subdivision shall be designed to achieve the purpose, objectives and desired settlement patterns of the zoning district(s) in which it is located, as defined in Article 2. To the extent feasible, new subdivisions of land shall:

(1) **maintain and extend desired settlement patterns, including lot areas and configurations, building locations, and road networks; Accomplished.**
(2) **maintain contiguous tracts of open land with adjoining parcels; and** accomplished.
(3) **connect and extend existing road, sidewalk, path, and utility corridors.** Not applicable.

(D) Lot Layout. Lot layouts shall:
(1) **be consistent with the suitability of land for development, as defined under Subsection (A);** Accomplished.
(2) **conform to desired district settlement patterns, as required under Subsection (C); Accomplished**
(3) **meet zoning district minimum lot size and density requirements under Article 2, except as modified for planned residential developments under Article 5.4;** Lots meet all requirements.
(4) **conform to lot and yard requirements under Section 3.8; and** Lots meet all requirements.
(5) **avoid irregularly shaped lots (e.g., with curves, jogs, dog-legs, etc.), unless warranted due to topographic constraints, or to minimize the fragmentation of natural, scenic or cultural features.** Lot configurations do not have any unwarranted irregularity in shape as per survey.

(E) Survey Monuments. The locations of all proposed permanent surveying monuments and corner markers, as required under the Rules of the Board of Land Surveyors, shall be identified on the final subdivision plat. Proposed monuments noted on surveying map. Applicant testified that markers will be in place upon subdivision acceptance.

(F) Building Envelopes. The Development Review Board may require the designation of building envelopes to limit the location of structures, parking areas, and associated site improvements to one or more portions of a lot. The size and shape of each building envelope shall be established in accordance with these regulations. The Board also may require the identification of specific building footprints if, in its judgment, such information is needed to determine conformance with these regulations. Lot 1 has pre-existing infrastructure and structures. Lot 2 has an indicated house site and has obtained all relevant permits for water and wastewater prior to construction of a residential structure (WW-7-2332-1)

(G) Natural, Scenic & Historic Resource Protection. Subdivision boundaries, lot lines, and building envelopes shall be located and configured to avoid adverse impacts to significant natural, historic and scenic features identified in the *Hardwick Town Plan* or through site investigation. For purposes of these regulations, these shall include wetlands, surface waters, and associated buffer areas (Section 3.12); flood hazard areas (Section 5.3); prominent ridgelines and hilltops, rock outcroppings, and slopes in excess of 25% (Section 3.14); critical wildlife habitat areas; and historic sites, structures and features (e.g., buildings, cellar holes, stone walls). Accordingly:
(1) **lot lines shall be configured to avoid the fragmentation of significant natural or cultural features, including designated buffer areas;** No natural or cultural features were identified on this parcel per the ANR on-line mapping system. The proposed subdivision does not have a deer overwintering community, nor is it host to a vulnerable habitat per the ANR on-line mapping system (See Exhibit #2)
(2) **building envelopes shall be located and sized to exclude such features;** N/A
(3) **roads, driveways and utility corridors, to the extent feasible, shall be shared, located to follow existing linear features (e.g., farm roads, stone walls, tree and fence lines), and to avoid significant natural and cultural features;** Access is shared and over an existing driveway.
(4) **lot lines and building envelopes shall be located to ensure that no buildings are placed on steep slopes, or extend above the height of land (highest point) of any prominent ridgeline or hilltop;** N/A

(5) **historic sites and structures shall be incorporated in subdivision design and layout;** No historic aspects were identified per the ANR on-line mapping system.

(6) **subdividers may be required to incorporate buffers, landscaping or screening in subdivision design, and/or submit management plans to protect significant natural, scenic and historic resources.** Proposed Subdivision is not located within the Flood Hazard area and does not have any wetlands or other natural vulnerable community in the building envelope per the ANR on-line mapping system. (See Exhibit #1)

(H) Stormwater Management & Erosion Control. Subdivisions shall incorporate temporary and permanent stormwater management and erosion control practices appropriate for the type and density of proposed development. Accordingly:

(1) **All stormwater management systems shall be designed to:**

a. **use natural drainage systems to the extent feasible, and minimize the need for maintenance,**
b. **maximize on-site infiltration and treatment of stormwater, and minimize surface runoff,**
c. **accommodate anticipated storm events,**
d. **provide storage areas and treatment to manage flow and protect water quality, and**
e. **avoid damage to adjoining or downstream properties.** Subdivision impacts do not meet stormwater management threshold set by the State of Vermont.

(2) **The Development Review Board may require the submission of stormwater management and erosion control plans, prepared by a licensed professional. Such plans shall incorporate acceptable stormwater treatment practices and sizing criteria set forth in the *Vermont Stormwater Management Manual* as most recently amended.** N/A

(3) **The DRB also may require an evaluation of the effect of the subdivision on existing downstream drainage capacity outside the area of subdivision. Where the DRB finds that increased runoff from the subdivision will exceed the capacity of downstream storage, drainage or treatment systems, it may request that the subdivider delay construction until such capacity exists, or to install necessary off-site improvements as needed to increase capacity.** Hardwick's 2017 Stormwater Master Plan does not identify this area of town as needed additional evaluation of the impact.

(I) Landscaping & Screening. The preservation, planting and maintenance of trees, ground cover, or other vegetation, of a size and type deemed appropriate by the Development Review Board, may be required to:

(1) preserve existing trees, tree lines, wooded areas of particular natural or aesthetic value to the site, or critical wildlife habitat areas;

(2) provide an undisturbed vegetated buffer between developed and undeveloped portions of the site to protect water quality, or other natural or scenic features.

(3) provide screening to increase privacy, reduce noise or glare, or establish a barrier between incompatible land uses; and/or to

(4) establish a tree canopy along roads or pedestrian walkways where the Development Review Board deems it appropriate.

No testimony was received to indicate the need for this requirement.

(J) Energy Conservation. Subdivision design and layout, to the extent feasible, will encourage energy efficiency through:

(1) the siting and orientation of development (e.g., building envelopes), to take advantage of southern exposures and natural vegetative or topographic buffers;

(2) the clustering of development (e.g., lots, building envelopes) to minimize road and utility line extensions and reduce travel distances; and

(3) the effective use of landscaping to provide wind barriers and shading, and to reduce heat loss.

N/A

Section 6.6 Transportation Facilities & Infrastructure

Access will be from Decker Drive in Greensboro over an existing driveway. Primary function of the proposed subdivision will be residential. No concerns regarding the proposed access were brought to the Development Review Board.

Section 6.7 Facilities and Utilities

(A) Public Facilities. The Development Review Board shall find that the proposed subdivision does not create an undue burden on existing and planned public facilities. The Development Review Board may consult with appropriate municipal and school officials to determine whether adequate capacity exists to serve the subdivision.

The DRB finds that this proposed subdivision will not create an undue burden on existing and planned public facilities per the Town Manager's office.

(B) **Fire Protection. The Development Review Board, in consultation with the Hardwick Fire Department, may require that the subdivider provide adequate water storage and distribution facilities for fire protection. The subdivider shall install fire hydrants, dry hydrants, or fire ponds as required by the DRB.** No specific fire protection requirements were imposed by the DRB in this subdivision review.

(C) Water Systems. The subdivider shall demonstrate to the satisfaction of the Development Review Board that adequate potable water supplies exist on and/or off site to serve the subdivision. In addition:

(1) On-site systems, including individual or community water supply systems, shall be designed in accordance with all applicable state and municipal regulations. The Development Review Board may require that all water sources be identified on the final subdivision plat.

(2) The location of structures and in-ground wastewater disposal systems will be reviewed to ensure such locations do not encroach upon existing water supply isolation distances, as defined by applicable state regulations.

Water is provided by private wells. State permit has been received – WW-7-2332-1.

(D) Wastewater Systems. All other on-site systems, including individual and community (clustered) systems, shall be designed in accordance with applicable state and municipal regulations. The Development Review Board may require that sewage disposal areas be identified on the final plat.

Wastewater capacity is provided by private septic systems. State permit has been received – WW-7-2332-1

(E) Utilities. All existing and proposed utilities, including but not limited to electric, telephone, and cable television utilities, shall be shown on the final plat. In addition:

(1) All utilities within the subdivision shall be located underground, unless the Development Review Board determines that burial is not necessary to preserve the scenic character of the area, or that it is prohibitively expensive. N/A.

(2) The subdivider shall coordinate subdivision design with utility companies, including the Hardwick Electric Company, to ensure that suitable areas are available for above ground or underground installation, within and adjacent to the proposed subdivision. Utility easements of sufficient width shall

be provided to serve both the proposed subdivision, and future service extensions to adjoining properties. Such easements shall be identified on the final plat. Done.

(3) **Utility corridors shall be shared with other utility and/or transportation corridors where feasible, and be located to minimize site disturbance, adverse impacts to significant natural, cultural and scenic features, and to public health.** Done.

Decision and Conditions

Based upon these findings, the Development Review Board voted 6-0 to approve the Morrissey Major Subdivision application as presented with the following conditions.

Conditions:

1. Within 180 days of receipt of final subdivision approval, the subdivider will file 3 copies of plan and final mylar plat for recording in the land records.

Signed:

_____, chair
Kole

date 10/9/26

_____, acting clerk
Kristen Leahy

date 10/10/26

NOTICE:

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding (in person or in writing) before the Development Review Board. Such appeal must be made within 30 days of the date of this decision, pursuant to 24 V.S.A. #4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.

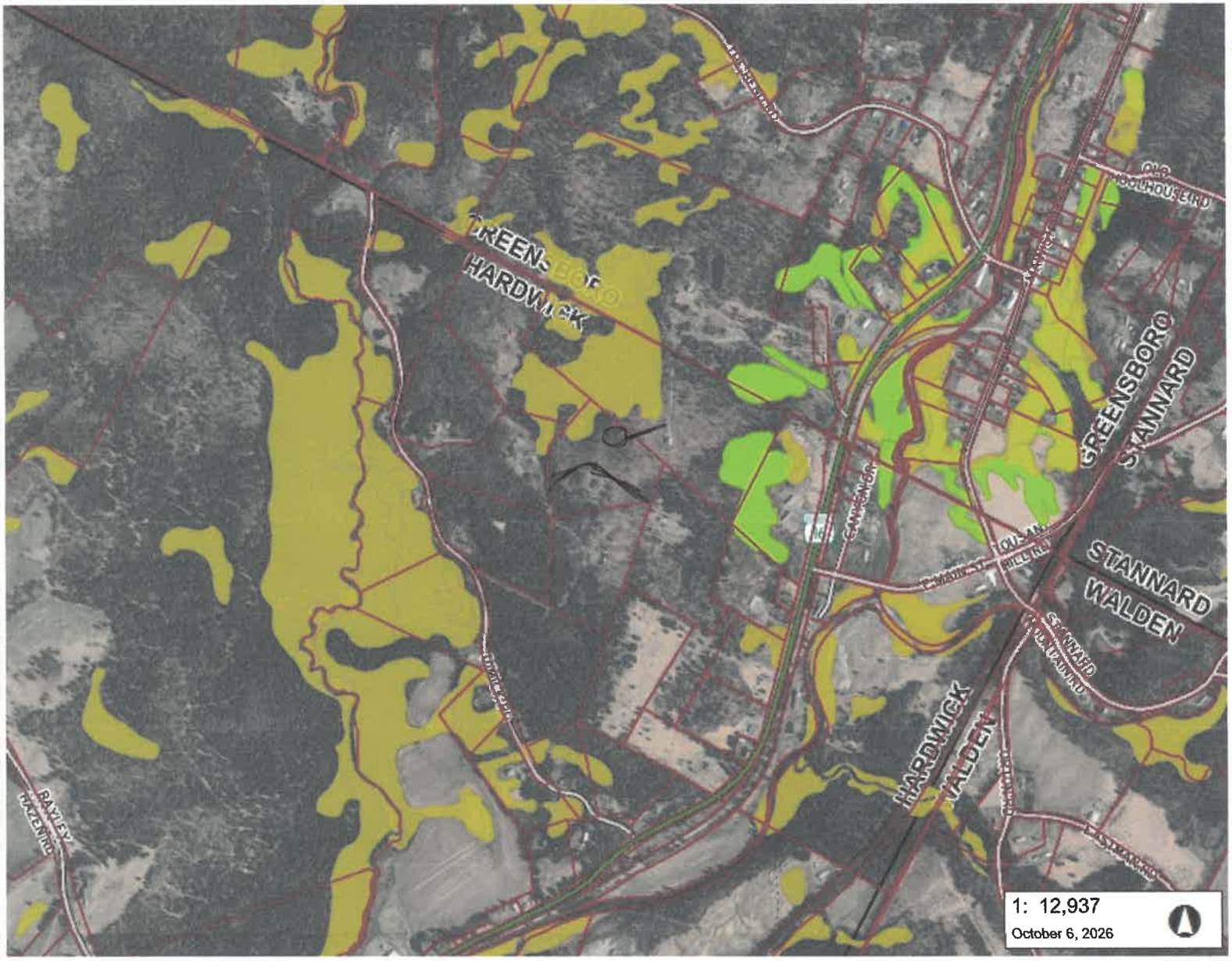
Exhibit #1

VERMONT

Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov





LEGEND

- Wetland - VSWI
  - Class 1 Wetland
  - Class 2 Wetland
  - Wetland Buffer
- Wetlands Advisory Layer
- Parcels (standardized)
- Roads
  - Interstate
  - US Highway; 1
  - State Highway
  - Town Highway (Class 1)
  - Town Highway (Class 2,3)
  - Town Highway (Class 4)
  - State Forest Trail
  - National Forest Trail
  - Legal Trail
  - Private Road/Driveway
  - Proposed Roads
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

657.0 0 328.00 657.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere 1" = 1078 Ft. 1cm = 129 Meters

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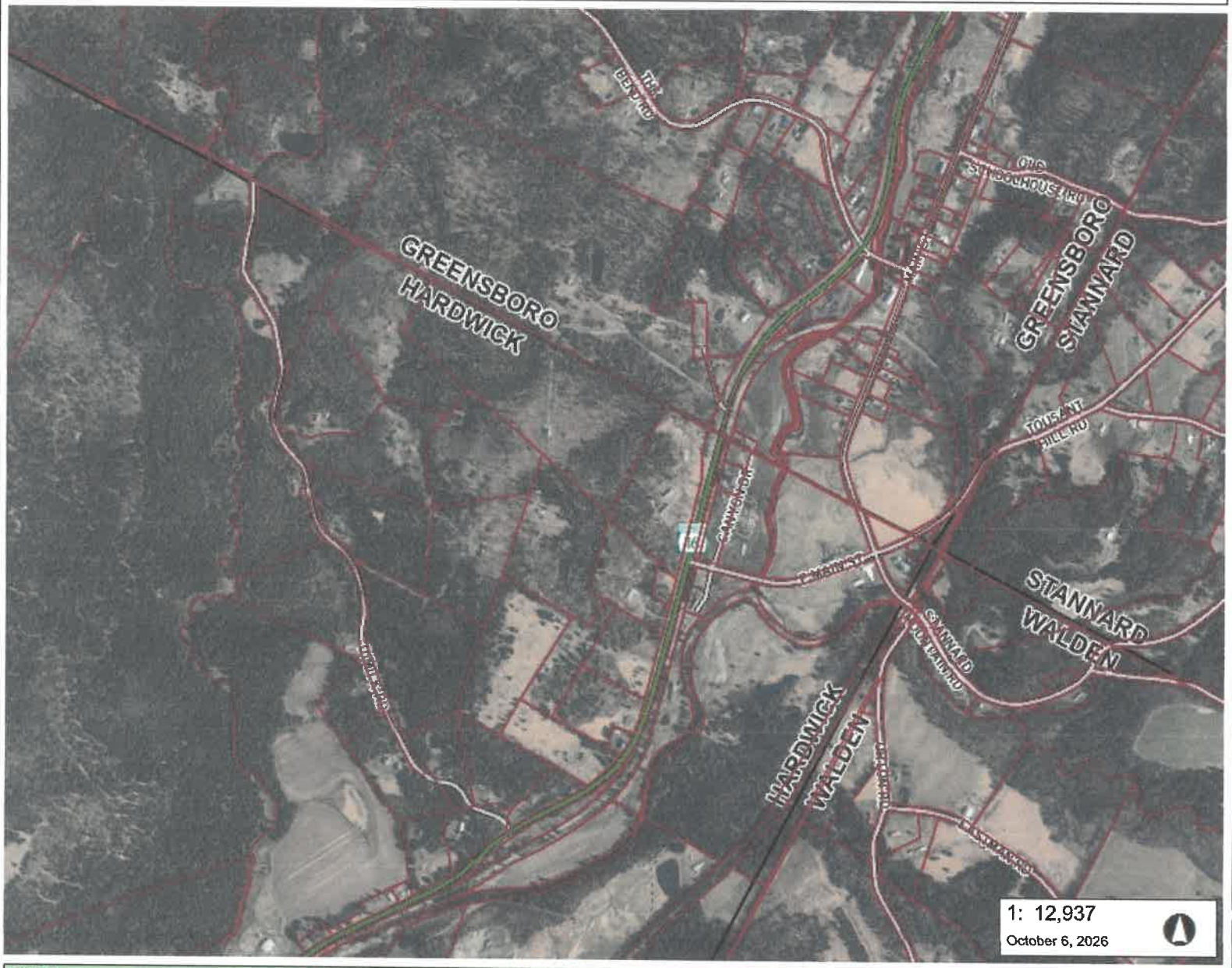
Exhibit #2

VERMONT

Natural Resources Atlas

Vermont Agency of Natural Resources

vermont.gov





LEGEND

- Uncommon Species and other
  - Plant
  - Animal
  - Natural Community
- Deer Wintering Areas
- Parcels (standardized)
- Roads
  - Interstate
  - US Highway; 1
  - State Highway
  - Town Highway (Class 1)
  - Town Highway (Class 2,3)
  - Town Highway (Class 4)
  - State Forest Trail
  - National Forest Trail
  - Legal Trail
  - Private Road/Driveway
  - Proposed Roads
- Town Boundary

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Exhibit #3

RIGHT OF WAY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned Patrick Morrissey and Heather Morrissey, husband and wife as tenants by the entirety, of Hardwick, County of Caledonia, and State of Vermont, for good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto Brian Morrissey and Monica Morrissey, husband and wife as tenants by the entirety, of Hardwick, County of Caledonia, and State of Vermont, and their heirs and assigns, the right to enter upon and cross the lands of the undersigned, situated in Hardwick, in the County of Caledonia, State of Vermont, and more particularly described as follows;

Being a portion of all and the same land and premises conveyed to Patrick Morrissey and Heather Morrissey by Warranty Deed of Samantha Friend and Nigel Friend, dated July 31, 2023, and recorded in Book 163, Page 160, Hardwick Land Records; and being further described as a fifty (50) foot wide right of way easement for access and utilities. Said right of way is depicted on a survey plan entitled "Subdivision Property of Monica & Brian Morrissey, 478 Dimick Road, East Hardwick, VT," dated May 7, 2026, as prepared by Gilson Land Surveying, to be recorded in the Hardwick Land Records.

In granting this easement it is expressly understood the right of way is for ingress, egress, and utilities, for foot and vehicular access, all seasons of the year.

The undersigned covenant that they are the owners of the above-described lands and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: Union Bank.

IN WITNESS WHEREOF, the undersigned have set their hands this 26th day of June, 2026.

IN THE PRESENCE OF:

Karen Field (witness)

Witness as to both Patrick Morrissey

Heather Morrissey

STATE OF VERMONT
COUNTY of Caledonia

At Hardwick this 26th day of June 2026, Patrick Morrissey and Heather Morrissey personally appeared and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me: Karen Field
01.31.2027
157.0011467
Notary Public

Vermont Property Transfer Tax
32 V.S.A. Chap. 231
-ACKNOWLEDGMENT-
RETURNS RECEIVED
Returned No. 08192604
Signed _____, Clerk
Date August 19, 2026

Hardwick Vermont Town Clerk's Office
August 19 20 26 at
12 o'clock 13 minutes P M
Received for record and recorded in book
170 on page(s) 192-193
of LAND records
Attest: _____
Town Clerk

GREENSBORO, VT., TOWN CLERK'S OFF
RECEIVED FOR RECORD
THIS 18th DAY OF Aug A.D. 202
AT 6 O'CLOCK 00 MINUTES A
RECORDED IN GREENSBORO RECORDS, BOOK 69 PAGE
ATTEST Kim S Greaves TOWN C

RIGHT OF WAY EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned Nigel Friend and Samantha Friend, husband and wife as tenants by the entirety, of Greensboro, County of Caledonia, and State of Vermont, for good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant unto Brian Morrissey and Monica Morrissey, husband and wife as tenants by the entirety, of Hardwick, County of Caledonia, and State of Vermont, and their heirs and assigns, the right to enter upon and cross the lands of the undersigned, situated in Hardwick, in the County of Caledonia, State of Vermont, and more particularly described as follows;

Being a 50-foot-wide right of way for access and utilities located on a portion of all and the same land and premises conveyed to Nigel Friend and Samantha Friend by Quit Claim Deed of Samantha Friend and Nigel Friend, dated June 8, 2011, and recorded in Book 47, Page 591, Greensboro Land Records; and being further described as a 50-foot-wide right of way that begins on Decker Drive (on Route 16) located in Greensboro, Vermont, which shall be shared by the Grantors, Grantees, and others, up until a point in the driveway, approximately 915 feet from the edge of VT Route 16. The right-of-way then leaves on the left side of Decker Drive and continues to travel southwest until it reaches the Hardwick property currently owned by Patrick Morrissey and Heather Morrissey.

In granting this easement it is expressly understood the right of way is for ingress, egress, and utilities, for foot and vehicular access, all seasons of the year.

The undersigned covenant that they are the owners of the above-described lands and that said lands are free and clear of encumbrances and liens of whatsoever character except those held by the following persons: Community National Bank.

IN WITNESS WHEREOF, the undersigned have set their hands this 11th day of Aug, 2026.

IN THE PRESENCE OF:

Kim S Greaves
Witness as to both

Nigel Friend

Samantha M. Friend
Samantha Friend

STATE OF VERMONT
COUNTY of Orleans

At Greensboro this 11th day of Aug 2026, Nigel Friend and Samantha Friend personally appeared and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Kim S. Greaves
Notary Public, State of Vermont
My Commission Number: 157.0001543
My Commission Expires January 31, 2027

Before me: Kim S Greaves
Notary Public

Hardwick Vermont Town Clerk's Office
September 11 20 26 at
09 o'clock 10 minutes A M
Received for record and recorded in book
170 on page(s) 288
of LAND records
Attest: _____
Town Clerk