

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

January 18, 2008

Decision on the application of:

Eric and Anne Allen
1202 N. 16th Steet
Boise, ID 83702

re: PARCEL ID# WHO 87
Final Subdivision Review

A. Procedural History and Applicant Request

1. Eric and Anne Allen (hereafter "Applicant") own a 55 acre parcel located at 6319 Hollister Hill Road, 10 acres of which lie in the Town of Calais. The acreage within the Town of Marshfield lies entirely within the Agricultural and Rural Residential zoning district.
2. On October 2, 2007 the Applicant applied to subdivide the 55 acres into two parcels. Proposed lots include: Lot 1 will be 9.9 acres; and the remaining 44± acres (referred to as Lot 2 on the application) lies within the Town of Marshfield and the Town of Calias. The acreage within Calais is considered a separate lot due to the division by a municipal boundary. Currently there are two buildings on the existing parcel.
3. The application included the following documentation:
 - An Application for Subdivision, received October 2, 2007
 - A proposed recorded plan dated September 2007 prepared by Paul W. Hannan.
4. On October 4, 2007 the Applicant came to the Development Review Board (hereafter "DRB") meeting for a preliminary review.
5. After due notice, on December 6, 2007 Matt Stewart, representing the applicant, came to the DRB final plan review hearing. DRB members present were Paul Brierre, Dina Bookmyer-Baker, Bruce Hayden, and Jean Matthews. Also attending were Bob Light, Zoning Administrator. No other interested parties testified on this matter.

B. The DRB Findings and Conclusions

Section 4020 General standards for Subdivision, PRD and PUD Review: Pursuant to the requirements of the Town of Marshfield Subdivision Regulations, all subdivisions are reviewed for compliance with the following standards:

6. **Section 4020 Lots:** The subdivision of this 55-acre parcel will create two parcels. Proposed lots include: Lot 1 will be 9.9 acres; leaving 44± acres. Lot 1 contains an existing single-family dwelling and associated accessory buildings. The remaining acreage is not proposed for further development. The submitted plan does not show a distance from the house to the rear property boundary.

Conclusion: These lots conform to the applicable zoning regulations and are found to be appropriate for the intended uses. The Board will require, as a condition of approval, that the recorded plan indicate the distance from the house to the rear property boundary.

7. **Section 4022 Roads:** No new roads will be created with this subdivision. The lots share a common driveway. To comply with Section 302 of the Marshfield Zoning Regulations, an easement of at least 50 feet in width is required for shared access.

Conclusion: The existing driveway access onto Hollister Hill Road is adequate. The Board will require, as a condition of approval, that the recorded plan include bearings and distances for the 50-foot driveway easement on the lots.

8. **Section 4023 Utilities:** Existing water and sewage is currently serving Lot 1. The proposed plan shows utility pole locations.

Conclusion: Adequate utilities are available for Lot 1.

9. **Section 4024 Drainage and Erosion Control:** No additional development is proposed.

Conclusion: This section does not apply.

10. **Section 4025 Fire Protection:** Lot 1 contains one single-family dwelling that can be adequately serviced by fire equipment.

Conclusion: The proposed development can adequately be served by the Town fire services.

C. Decision

This subdivision is approved with the following conditions:

1. The recorded plan shall include bearings and distances for the 50-foot driveway easement on the lots.
2. The recorded plan shall indicate the distance from the house to the rear property boundary.
3. Within 180 days of the date of this decision, the Applicant shall record the survey plat with the Town of Marshfield Land Records (24 VSA §4463 (b)). The drawing as filed shall conform to the requirements of Vermont state law for the filing of plats. Prior to recording, at least two authorized DRB members must sign the plat.

Voting in favor: Paul Brierre, Dina Bookmyer-Baker, Bruce Hayden, and Jean Matthews; Voting to deny: None; Voting to abstain: None; Absent: None.

The decision¹ carries, 4-0.

Dated at Marshfield, Vermont this 18th day of January 2008.

By: _____

Dina Bookmyer-Baker, Clerk
Marshfield Development Review Board

¹ NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision may be appealed to the Vermont Environmental Court within 30 days. Notice of appeal shall be filed by certified mailing, with fees, to the Vermont Environmental Court *and* by mailing a copy of the appeal to the Marshfield Town Clerk. Failure of any interested person to appeal this decision to the Vermont Environmental Court within the specified 30-day period shall result in such interested person being bound by this decision or act of the DRB. Thereafter, such an interested person shall not contest, either directly or indirectly, the decision or act of the DRB in any subsequent proceeding, including any enforcement action brought under the provisions of Title 24, Chapter 117 of the Vermont Statutes Annotated. See also Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court).