

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

January 18, 2008

Decision on the application of:

Timothy and Sheila R. Booth
P.O. Box 146
Marshfield VT 05658

re: MARSHFIELD PARCEL ID#
CA006 / 05-01-23
Final Subdivision Review
Boundary Line Adjustment

A. Procedural History and Applicant Request

1. Timothy Booth (hereafter "Applicant") owns three parcels totaling 1.93± acres, located at 52 Creamery Street. This property lies within the Village Residential District.
2. On October 12, 2007 the Applicant applied to adjust the boundaries between the three parcels. Lot 2 will be 0.60± acres, Lot 3 will be 0.69± acres, and Lot 4 will be 0.64± acres.
3. The application included the following documentation:
 - An Application for Subdivision, received October 12, 2007
 - A proposed final plan of the Booth property dated August 14, 2000 which was prepared by American Consulting Engineers and Surveyors.
4. After due notice, on December 6, 2007, the Applicant, came to the Development Review Board (hereafter "DRB") for a final plan review hearing. DRB members present were Paul Brierre, Dina Bookmyer-Baker, Bruce Hayden, and Jean Matthew. Also attending were Zoning Administrator Bob Light, and the Applicant, Timothy Booth. No other interested parties testified.

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:

5. **Section 4020 Lots:** The reconfiguration of the three existing parcels is proposed to create more desirable lots given the existing structures.

Conclusion: The resulting 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 final plan show previous lot lines.

6. **Section 4022 Roads:** No new roads will be created with this subdivision. Lots 3 and 4 share a common driveway. Lot 2 is served by a common driveway over an existing adjoining lot. The proposed plan shows 50-easements for all shared driveways, but does not show the bearings.

Conclusion: The Board will require, as a condition of approval, that the recorded plan include bearings for the 50-foot driveway easements on all lots.

7. **Section 4023 Utilities:** No new utilities are proposed. To comply with Section 4023 of the Marshfield Subdivision Regulations, all utility lines shall be shown on the final plan. The proposed plan does not indicate utility locations. A 30-foot water and sewer easement without distances and bearings is shown on Lot 2.

Conclusion: The Board will require, as a condition of approval, that the recorded plan include bearings and distances for the 30-foot water and sewer easement on Lot 2. In addition the recorded plan shall show all utility line locations.

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

Conclusion: This provision is not applicable.

9. **Section 4025 Fire Protection:** The existing development is adequately being served by fire equipment.

Conclusion: The reconfigured lots can adequately be served by the Town fire services.

C. Decision

This subdivision is approved with the following conditions:

1. The recorded plan shall show previous lot lines.
2. The recorded plan shall include bearings for the 50-foot driveway easements on all lots.

3. The recorded plan shall indicate the bearings and distances for the 30-foot water and sewer easement on Lot 2.
4. The recorded plan shall show all utility line locations.
5. 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).