

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

August 16, 2007

Decision on the application of:

Gary Carter
360 Patty's Crossing
Marshfield, VT 05658

re: MARSHFIELD PARCEL ID# RT 096
Site Plan Review
Conditional Use Permit

A. Procedural History and Applicant Request

1. Gary Carter (hereafter "Applicant") owns a 216.6± acre parcel on which he intends to develop less than 1-acre, adding on to an existing structure of commercial use. This property lies entirely within the Agricultural and Rural Residential zoning district.
2. On June 1, 2007 the Applicant applied for a Site Plan Review and a Condition Use Permit to create an addition to an existing commercial structure. This addition is L-shaped and will encompass approximately 1,760 square feet. The application included the following documentation:
 - A note from Gary Carter, dated 6/1/07, addressed to Whom It May Concern, giving permission to someone else to act on his behalf.
 - A drawing of the structure, marking the dates and dimensions of the original structure and earlier additions and the distance of the proposed addition to the right of way.
 - A copy of the notice to abutters of a public hearing on this project, on June 7, 2007, and a list of the abutters notified, and their signatures, dated 5/24/07.
 - Two pages addressing the conditional use criteria.
 - A drawing dated 5/07, showing the location of the commercial structure with respect to the road, the parking area, and other structures on the property.
3. On June 7, 2007 the Applicant's representatives, Brian and Tom Carter, came to the Development Review Board (hereafter "DRB") meeting to present their application. DRB members present were Gary Wilson, Paul Brierre, Dina Bookmyer-Baker, and Jim Barlow. Also attending was Zoning Administrator Bob Light. As this was not a warned hearing, the DRB commenced a preliminary

meeting on the application. A warned hearing was scheduled for July 5, 2007. The Zoning Administrator, Bob Light, advised the Carters to amend their application to include a change of use request with respect to a previous addition, designating the entire structure as a commercial use. Mr. Carter indicated he would do so.

4. The Applicant amended the permit application to include a request for change of use, and warned it as such.
5. After due notice, on July 5, 2007, the application was heard by the DRB. This application was reviewed as a site plan and conditional use and change of use. Board members present were Paul Brierre, Dina Bookmyer-Baker, and Jim Barlow. Also attending were Bob Light, Zoning Administrator, and Tom Carter, representing the applicant.

B. The DRB Findings and Conclusions

Section 245-Conditional Uses, General Standards: Pursuant to the requirements of the Town of Marshfield Zoning Regulations, all Conditional Use Applications are reviewed under the requirements of Section 245. The DRB shall make findings on the general standards set forth in Section 245 to determine whether the proposed use will have an undue adverse impact upon:

6. **The capacity of existing or planned community facilities:** The Carters have operated the machine shop since 1979. The building was expanded over the years to accommodate increased business. With the proposed addition, the square footage of the entire building is estimated at 4,057 feet. The Applicant plans to hire one more employee after the addition is complete. They have three employees now. The Applicant doesn't know the design capacity for the septic system that currently serves the building. The water supply is a spring. The usual hours of operation are from 7:00 a.m. to 4:00 p.m.

Conclusion: The proposed building expansion will create an insignificant amount of impact on community facilities, such as water and sewer service, police and fire service, and public utilities.

7. **The character of the area affected:** The building is fully enclosed. The proposed addition will be located behind the existing building and will not be visible to neighbors or passers-by. The closest non-residential neighbor is an agricultural use about one-third of a mile away. The Applicant and the Zoning Administrator characterize it as a quiet operation.

Conclusion: This project is consistent with other uses in the area and it fits in with existing development.

8. **Traffic on roads and highways in the vicinity:** The Applicant states that there will be one more car per day, as he plans to hire one more employee after the addition is complete. He has three employees now. The usual hours of operation are from 7:00 a.m. to 4:00 p.m. The traffic to the shop includes UPS deliveries and sometimes customers. Although, their products and parts are generally small, so the Carters and their staff do most of the pick up and deliveries themselves.

Conclusion: The completed project as proposed will create an insignificant amount of additional traffic.

9. **Bylaws then in effect:** The property and structure are in the Agricultural and Rural Residential zoning district. The entire parcel is 216.6± acres, of which less than 1-acre will be developed for the proposed project. The addition will be located more than 65 feet from the right of way. The structure is more than 40 feet from the property line. No development is proposed on a slope greater than 25%.

Conclusion: The proposed structure meets the Agricultural and Rural Residential zoning requirements for area, setbacks, coverage, and general regulations.

10. **The intrinsic capability of the land to support the use:** The water supply is a spring. The Applicant doesn't know the design capacity for the current septic system. There is no stream or wetland nearby and the proposed project is located on land that is already developed.

Conclusion: The proposed use can be adequately supported by the land. The proposed building expansion will create an insignificant amount of impact on natural resources, such as streams, wetlands, and wildlife habitat.

11. **Utilization of renewable energy resources:** The Applicant states that existing wood heat will be used to help heat the addition.

Conclusion: The proposed project utilizes some renewable energy resources.

12. **The goals and objectives of the Town Plan:** As the Applicant indicates, the town plan includes the goal "to stimulate appropriate economic development and provide opportunity for individuals to

establish locally-based business ventures.” (See chapter 8, Section III Economic Development Goals, Objectives, and Strategies of the Marshfield Town Plan, adopted January 17, 2006)

Conclusion: The proposed project fits well within the economic goals of the Marshfield town plan.

Section 245-Conditional Uses, Specific Standards: Pursuant to the requirements of the Town of Marshfield Zoning Regulations, all Conditional Use Applications are reviewed under the requirements of this section. The DRB shall make conclusions on the specific standards that include the following:

13. Measures required for reducing fumes, gas, dust, smoke, odor, noise, vibration, or similar

nuisances: The building is fully enclosed and houses high-precision machine tools. The Applicant states that each machine is equipped with a re-circulating cooling system. The only waste created is metal shavings, and they are collected twice per year by a salvage company. The Applicant and the Zoning Administrator characterize it as a quiet operation.

Conclusion: The DRB concludes that no additional requirements are necessary to reduce pollution or nuisance of this project, as the impact is minimal.

14. Conditions for open spaces: The parcel is 216.6± acres. The proposed addition will be located behind the existing building. The closest non-residential neighbor is an agricultural use about one-third of a mile away. The project is located in a 2-acre radius with the dwelling and other buildings.

Conclusion: The DRB concludes that no conditions are required regarding the extent of open spaces between the proposed expansion and surrounding properties.

15. Requirements for landscaping and fencing: The proposed addition will be located behind the existing building and will not be visible to neighbors or passers-by. The business is quiet.

Conclusion: The DRB makes no requirements for landscaping and fencing.

16. Adequacy of vehicular circulation: The square footage of the entire building is estimated at 4,057 feet. Therefore, the applicant needs room for 4 parking spaces, which he has.

Conclusion: The DRB concludes the existing parking facilities are adequate.

17. Water supply and sewage disposal requirements: The Applicant does not know the design capacity for the septic system that currently serves the building. The water supply is a spring.

Conclusion: Based on the information before it, the DRB concludes that Applicant's water and sewer capacity is adequate. The Applicant should also be aware that State regulations and requirements may apply to its wastewater system and water supply.

18. **Increased dimensional and setback requirements:** The addition will be located more than 65 feet from the right of way. The structure is more than 40 feet from the property line. The proposed structure meets the dimensional and setback requirements for the Agricultural and Rural Residential zone.

Conclusion: The DRB makes no additional requirements for dimension or setback.

19. **Design restrictions or conditions to maintain the character of the neighborhood:** The proposed project is at the end of a dead-end road. This business fits in well with the area and the Town Plan.

Conclusion: The DRB concludes that the proposed project is reasonable and does not need to be restricted to maintain the character of the neighborhood.

Section 251-Site Plan Review Procedure: Pursuant to the requirements of the Town of Marshfield Zoning Regulations, the DRB shall review the site plan map and supporting data before approval or approval with stated conditions, or disapproval, is given, and taking into consideration the following objectives:

20. **Compatibility between the proposed use and existing adjacent uses:** The Applicant estimates that the closest non-residential neighbor is an agricultural use about one-third of a mile away.

Conclusion: The proposed use is compatible with existing adjacent land uses.

21. **Safety of vehicular and pedestrian circulation between the site and roads:** There are no pedestrians accessing the business. The business has no loading dock. The Applicant anticipates having four employees. There is adequate parking located close to the building. Pedestrian circulation is minimal.

Conclusion: Safe and adequate vehicular and pedestrian circulation has been provided.

22. **Adequacy of circulation, parking, and loading facilities:** The business has no loading dock. There is adequate parking located close to the building. There is room for vehicles to turn around.

Conclusion: Adequate circulation and parking has been provided.

23. Adequacy of landscaping, screening, setbacks, and architectural design; and location of all proposed signs and outdoor lighting, in regard to achieving compatibility with and protection of adjacent property: The proposed addition will be located behind the existing building and will not be visible to neighbors or passers-by. The structure meets the dimensional and setback requirements for the Agricultural and Rural Residential zone. The parcel is 216.6± acres. The commercial use is located on a dead-end road. The usual hours of operation are from 7:00 a.m. to 4:00 p.m.

Conclusion: The project as proposed is compatible with and respects adjacent properties.

24. Protection of the utilization of renewable energy resources: Existing wood heat will be used to supplement heat in the addition.

Conclusion: The proposed project utilizes some renewable energy resources.

C. Decision

This project is approved as submitted with no conditions.

Voting in favor: Jim Barlow¹, Paul Brierre, and Dina Bookmyer-Baker; Voting to deny: None; Voting to abstain: None; Absent: None.

The decision² carries, 3-0.

Dated at Marshfield, Vermont this 16th day of August, 2007.

By: _____

Dina Bookmyer-Baker, Clerk
Marshfield Development Review Board

¹ DRB member Jim Barlow resigned from the board, effective immediately, on July 20, 2007.

² 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 (or the Zoning Administrator, if so designated). 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).