

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

February 26, 2008

Decision on the application of:

Raymond and Jackie Fredericks
56 William Lyford Road
Marshfield VT 05658

re: MARSHFIELD PARCEL ID# 1-01-10
Final Subdivision Review
Boundary Line Adjustment

A. Procedural History and Applicant Request

1. Raymond and Jackie Fredericks (hereafter "Applicant") owns 6.2±-acre parcel, located at 56 William Lyford Road. This property lies within the Agriculture and Rural Residential District.
2. On October 20, 2007 the Applicant applied to transfer a 24-foot strip of land from the Fredericks parcel an adjacent parcel owned by Pierre and Yolanda Dumler and located at 3714 Vermont Route 232. The transfer is requested in order to correct an error discovered in the current property boundary.
3. The application included the following documentation:
 - An Application for Subdivision, received October 20, 2007
 - Plan prepared by Dwight Baker dated
4. After due notice, on January 17, 2008 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, Chuck Bohn, and Vince Feeney. Zoning Administrator Bob Light was present. Also present were Pierre and Yolanda Dumler offering testimony on the application, and Melissa Newland and Michael Wetherell, abutters to the subdivision.

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 two existing parcels is proposed to correct an error in the current property boundary.

Conclusion: The resulting lots conform to the applicable zoning regulations and are found to be appropriate for the intended uses.

6. **Section 4022 Roads:** No new roads will be created with this subdivision.

Conclusion: This provision is not applicable.

7. **Section 4023 Utilities:** No new utilities are proposed.

Conclusion: This provision is not applicable.

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 being adequately served by fire equipment.

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

C. Decision

This subdivision is approved with the following conditions:

1. 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, Chuck Bohn, Vince Feeney.

Voting to deny: None.

Voting to abstain: None.

Absent: None.

The decision¹ carries, 5-0.

Dated at Marshfield, Vermont this 26th day of February 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).