

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

February 26, 2008

Decision on the application of:

Alice M. Hafner Trust
Charles M. Hafner, Applicant
P.O. Box 144
New London, NH 03257

re: MARSHFIELD PARCEL ID# 10-01-06
Final Subdivision Review

A. Procedural History and Applicant Request

1. Alice M. Hafner Trust (hereafter "Applicant") owns to 25.6± acre parcel located at 3545 Vermont Route 232. This property lies within the Agricultural and Rural Residential zoning district.
2. On May 17, 2007 the Applicant applied to subdivide the 25.6± acre parcel into three parcels. Lot 1 and Lot 2 each would contain approximately 10 acres and are proposed for future development of single-family dwellings. Lot 3 would contain 5 acres and include an existing dwelling.
3. The application included the following documentation:
 - An Application for Subdivision, received May 18, 2007.
 - A survey of the property, prepared by Dwight M. Baker and dated March 10, 2006.
 - A subdivision plan (2 sheets) prepared by Dwight M. Baker, dated December 18, 2007, showing the proposed subdivision lines, the two existing driveways, the existing right-of-ways, and the proposed access for Lot 2.
4. On July 5, 2007 the Applicant's representative, Charles M. Hafner, came to the Development Review Board (hereafter "DRB") meeting for a sketch plan review. On July 20, 2007 a DRB sketch plan determination letter was sent to the Applicant, classifying the subdivision as Minor and clarifying various concerns to be addressed in the final plan review.
5. After due notice, on January 17, 2008 the Applicant's representative, Charles M. Hafner, came to the Development Review Board final plan review hearing. DRB members present were Paul Brierre,

Dina Bookmyer-Baker, Chuck Bohn, Vince Feeney, and Bruce Hayden. Also attending was Zoning Administrator Bob Light.

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 25.6-acre parcel will create three parcels. Lot 1 and Lot 2 each would contain 10.1 acres and are proposed for future development of single-family dwellings. Lot 3 would contain 5 acres and includes an existing dwelling that is currently being used as a camp, but will be sold as a single-family dwelling. All lots meet the Rural Residential District size and lot frontage requirements.

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

7. **Section 4022 Roads:** All lots will have direct access onto Vermont Route 232. No new roads will be created with this subdivision. Lot 1 will contain an existing right-of-way to adjacent lots located in the Town of Peacham. The Applicant will need to obtain the necessary Vermont highway access permits for Lots 1 and Lot 2 prior to development.

Conclusion: Adequate access can be provided for Lot 1 and Lot 2. All applicable standards of section 4022 are satisfied.

8. **Section 4023 Utilities:** The existing house already has on-site waste disposal, on-site water, and electrical service. Lot 1 and Lot 2 are proposed to also have on-site water and waste disposal. Section 4023 of the Marshfield Subdivision Regulations provides that both water supply systems and subsurface disposal of sewage and septage must meet all state and local requirements. This section also provides that the DRB may require evidence that adequate water supply and sewage disposal is available prior to granting final subdivision approval. Notwithstanding this section, state law provides that beginning July 1, 2007, provisions of municipal septic ordinances and zoning bylaws that regulate potable water supplies and wastewater systems are superseded by new state septic statutes and regulations. 10 V.S.A. §1976(b).

Conclusion: Adequate electrical service is available. Water and sewage disposal is no longer under local jurisdiction.

9. **Section 4024 Drainage and Erosion Control:** Minor land disturbance will be involved in the eventual development of Lot 1 and Lot 2. Disturbance of over one-acre will require a Vermont general construction permit.

Conclusion: Given the limit amount of proposed development, no specific erosion or stormwater controls are required.

10. **Section 4025 Fire Protection:** Development of Lot 1 and Lot 2 can be easily accessed by fire equipment.

Conclusion: The proposed development can adequately be serviced with municipal fire protection.

11. **Section 1040 Waivers and Variances:** The Applicant has not requested any waivers.

Conclusion: This section is not applicable.

C. Decision

This subdivision is approved with the following conditions:

1. The camp on Lot 3 shall be designated as a dwelling instead of a camp on the final recorded plan.
2. 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).