

# **TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD**

## **Findings of Fact and Conclusions of Law**

September 25, 2007

Decision on the application of:

Key Bank National Association, Trustee  
Vermont Land Trust, Applicant  
8 Bailey Avenue  
Montpelier, VT 05602

re: MARSHFIELD PARCEL ID# JM 006  
Final Subdivision Review

### **A. Procedural History and Applicant Request**

1. Vermont Land Trust (hereafter "Applicant") has a contract to purchase a 626± acre parcel located at 334 Jake Martin Road. This property lies partially within the Agricultural and Rural Residential zoning district and partially within the Forest and Conservation District.
2. On May 18, 2007 the Applicant applied to subdivide the 626-acre parcel into two parcels. One lot, of approximately 4 acres, would contain an existing single-family dwelling. The remaining acreage is proposed to be conveyed to the Town of Marshfield for a town forest.
3. The application included the following documentation:
  - An Application for Subdivision, received May 22, 2007
  - An 11x17 inch color aerial photograph map of the property
  - A letter from Siobhan Smith to the DRB, received June 26, 2007, describing an amendment to the application with respect to the frontage requirement
  - An 11x17 inch color map showing the redrawn frontage boundaries
  - A letter from the Town of Marshfield to Mark McEathron, dated June 14, 2007, stating that the Town Select board voted to accept the gift of the Stranahan property to be used as a town forest
  - A document from the Vermont Land Trust (VLT) describing the property that the Stranahan family wishes to donate to the town.

4. On July 5, 2007 the Applicant's representative, Mark McEathron, came to the Development Review Board (hereafter "DRB") meeting for a sketch plan review. A DRB sketch plan determination letter dated July 27, 2007 was sent to the applicant classifying the subdivision as a Minor Subdivision and clarifying various concerns to be addressed in the final plan review.
5. After due notice, on August 16, 2007 the Applicant's representative, Siobhan Smith, came to the Development Review Board (hereafter "DRB") final plan review hearing. DRB members present were Paul Brierre, Dina Bookmyer-Baker, 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 626-acre parcel will create two parcels. One lot, of approximately 4 acres, will contain an existing single-family dwelling. This lot will be located at the end of Jake Martin Road and will have 250 feet of road frontage. The remaining acreage, which has over 900 feet of road frontage, is proposed to be conveyed to the Town of Marshfield for a town forest.

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

7. **Section 4022 Roads:** No new roads will be created with this subdivision. Jake Martin Road dead ends at the driveway to the existing house. Municipal vehicles currently use an existing turnaround at the end of road.

**Conclusion:** The subdivision regulations state, "Permanent dead-end roads and cul-de-sacs shall be discouraged unless deemed necessary by the DRB due to physical limitations or safety considerations. All dead end roads in excess of 800 feet shall terminate in a turn-around having a minimum inside radius of 30 feet and a travel lane width of 20 feet, unless otherwise required for emergency vehicles." In light of the fact that there is only dwelling served by this road, that the road is not likely to be extended given the pre-existing house and proposed town forest use, and that there exists a turn-around in front of the house that the municipal vehicles currently use, the

Board will require that the Applicant add a 50-foot easement area, for municipal use, to turn around in the existing flower bed circle in front of the house. This easement area shall be shown on the final recorded plat.

8. **Section 4023 Utilities:** The existing house already has on-site waste disposal, on-site water, and electrical service. No additional services are anticipated to be needed for the town forest lot.

*Conclusion:* No additional utilities are required for this subdivision.

9. **Section 4024 Drainage and Erosion Control:** No additional development, except possible minor improvements on the town forest lot, is proposed.

*Conclusion:* Given that there is no significant proposed development, this section is not applicable to this subdivision.

10. **Section 4025 Fire Protection:** No additional development, except possible minor improvements on the town forest lot, is proposed.

*Conclusion:* The existing house and forest lot can adequately be serviced with municipal fire protection.

11. **Section 1040 Waivers and Variances:** The applicant has requested that it only be required to obtain a survey of the proposed 4-acre lot and not be required to submit a perimeter survey for the remaining 626-acre parcel.

*Conclusion:* In light of the size and proposed use of the remaining parcel, this waiver request is granted.

### C. Decision

This subdivision is approved with the following conditions:

1. A 50-foot easement for municipal use to turn around in the existing flower bed circle in front of the house shall be shown 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, and Bruce Hayden; Voting to deny: None; Voting to abstain: None; Absent: None.

The decision carries, 3-0.

Dated at Marshfield, Vermont this 25<sup>th</sup> day of September 2007.

By: \_\_\_\_\_

Dina Bookmyer-Baker, Clerk  
Marshfield Development Review Board