

Town of Marshfield
Development Review Board
122 School Street, Room 1
Marshfield, Vermont 05658
(802) 426-3305

November 28, 2017

Ms. Pamela Knapp
Mr. William Fitzpatrick
P.O. Box 236
Plainfield, Vermont 05667

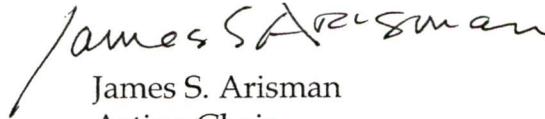
Dear Ms. Knapp and Mr. Fitzpatrick:

Enclosed please find the decision of the Marshfield Development Review Board (DRB) regarding your application for subdivision of your property. For the reasons stated in the decision, the DRB has **approved** your application.

The DRB thanks you for your cooperation and testimony during the hearing process.

Best regards.

Sincerely yours,



James S. Arisman
Acting Chair
Development Review Board

cc (w/ decision): Robert Light, Zoning Administrator
All DRB Members
Rebecca Armell and Dan Dolan
718 Laird Pond Rd, Plainfield, VT 05667

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

**Application for Subdivision of
William Fitzpatrick and Pamela Knapp
Re: Town of Marshfield Parcel ID #FE003.D
900 Laird Pond Road, Plainfield, Vermont 05667**

I. Procedural History.

1. William Fitzpatrick and Pamela Knapp (Applicants) own a parcel of approximately 10.3-acres, with a 911/mail address of 900 Laird Pond Road, located in the Town of Marshfield, Vermont. Applicants have determined that they wish to subdivide this parcel.

2. On July 20 2017, Applicants submitted their written Application for Subdivision of the above-referenced 10.3-acre property. The Marshfield Development Review Board (DRB) held its public hearing on this application on November 16, 2017.

II. Findings of Fact.

3. After due notice by the Applicants to adjoining landowners, the DRB on November 16, 2017 held its hearing on the subject application for subdivision. DRB Members James Arisman, Gary Leach, Les Snow, and Jenny Warshow conducted the hearing. DRB Clerk Robin Schunk was present and prepared the written minutes of the proceedings. Applicants Will Fitzpatrick and Pamela Knapp, and Zoning Administrator Robert Light were duly sworn and testified in this matter. Adjoiners Dan Dolan and Rebecca Armell were also present, were sworn, and provided brief comments but voiced no opposition to the application. The DRB credits the testimony of the witnesses it in this matter and finds as follows.

4. Applicants Fitzpatrick and Knapp own and wish to subdivide their approximately 10.3-acre parcel located in the Town of Marshfield, so as to create two new lots, one to be approximately 2.7-acres in size (Lot #1), and the other to be approximately 7.6-acres in size (Lot #2).¹ Proposed Lot #1 includes an existing dwelling, well, and septic system. A shop building previously located on proposed Lot

1. The lot sizes listed above were determined from acreage information included in the application for subdivision that was filed in this matter. The "2 Lot Subdivision Plan", dated August 28, 2017 and submitted with the application, identifies Lot 1 as "Lot 5-A" and Lot 2 as "Lot 5-B". However, for the purposes of this decision, we will refer herein to the lots respectively as Lot #1 or Lot #2.

#1 has been moved from that lot and relocated to proposed Lot #2 where it will be converted to a two-bedroom residence with its own septic system and shared water from the well on Lot #1. Both lots are already served by their own respective driveways entering from Laird Pond Road.²

5. During the DRB hearing, the Applicants presented as an exhibit a copy of written document, captioned "Boundary Agreement", wherein abutters Carlo Rovetto and Melissa Whittaker conveyed to Mr. Fitzpatrick and Ms. Knapp by quitclaim .005-acres of land described as:

[A] triangle of land as depicted as beginning on the current border between the two parties [Fitpatrick/Knapp and Rovetto/Whittaker] and T.H. 44 (Laird Pond Road) and proceeding 15 feet along T.H. 44 to a point and then running diagonally 30 feet to the above mentioned mutual border.

Applicants arranged for the conveyance by Rovetto/Whittaker to themselves of the .005-acres in question for the purpose of increasing applicants' total road frontage on Laird Pond Road to be in excess of 500 feet (increasing from its prior length of approximately 487 feet). The Zoning Administrator approved this conveyance as a minor lot line adjustment on November 1, 2017.

6. Due to the increased road frontage gained by the Applicants through the above conveyance, subdivision of their approximately 10.3-acre parcel could then be carried out in conformance with Section 420 of the Town of Marshfield Zoning Regulations, which require a minimum road frontage of at least 250 feet. Each proposed lot will have at least the required minimum of 250 feet of frontage on Laird Pond Road (which serves as the southern boundary of the newly created lots). No further development of either lot has been applied for by either applicant, and our hearing expressly did not consider or in any way approve any development that might be proposed at a later date.³

2. The Zoning Administrator generally interprets our Zoning Regulations as requiring an application for and issuance of a zoning permit prior to relocation of an existing structure from a previously permitted location to a different location. See Marshfield Zoning Regulations, Section 225, Subsection 5 (zoning permit required for relocation of existing building). Here, the DRB considered at hearing only the suitability of the requested subdivision application, took no evidence regarding any other application or matter, and, specifically, did not address or approve in any way the relocation of the shop building, referred to Paragraph 4, above. Review and determination regarding relocation of the building was carried out by the Zoning Administrator based on the application filed by Mr. Fitzpatrick and Miss Knapp.

3. We note that the Subdivision Plan map submitted by Applicants depicts two "Proposed Guest Cabins" on Lot #2. Because we considered no application with regard to development of any such "guest cabins", we have disregarded their presence as drawn on the Subdivision Plan and will direct Applicants to have these depictions removed from the final plan when it is filed with the Town of Marshfield, pursuant to our Subdivision Regulations, Section 2040. Further, we note that the Subdivision Plan submitted by applicants erroneously refers to abutter "Carlo Robetto", which should be corrected to read "Carlo Rovetto" before filing.

7. Lot #1 will have a substantially rectangular shape and will be taken from the dominant 10.3-acre parcel. Proposed Lot #2 could be characterized as having a “dogleg” shape, although we note that Lot #2 is of substantial size (7.6-acres) so that the effect of such arguable irregularity in shape will be minimal. Section 4021 of the Town’s Subdivision Regulations disfavors irregular lot shapes, stating that these should be “avoided”. The DRB considered this lot shape and found following deliberation that Lot #2 as proposed by the Applicants could be approved as drawn and would not be in conflict with the precatory language of Subdivision Regulation 4021.

III. Further Findings and/or Conclusions of Law.

8. Pursuant to the Marshfield Subdivision Regulations, adopted March 4, 2014, subdivision applications are reviewed for compliance with the general standards set forth therein. **Regulation Section 4021** requires that the layout of proposed lots conform to the regulations and be appropriate for any intended construction. Here, no new development is currently planned for either of the proposed lots, following subdivision. The proposed new boundary lines between the two parcels, as set out in the plan submitted with the application, have been drawn with generally straight lines on all sides. The proposed division conveys at least the required 250 feet of road frontage to both Lot #1 and Lot #2. Both Lots meet the minimum lot sizes and setback requirements of Section 420 of our Zoning Regulations. The proposed lot lines are marked with survey monuments at necessary points and are indicated on the subdivision plan drawing. **The DRB concludes that proposed lots meet the requirements of Regulation Section 4021.**

9. For subdivisions, all roadways and intersections are required by **Regulation Section 4022** to be designed for safe and efficient movement of vehicles. Here, however, no new roads, intersections, or curb cuts are proposed. No new development is currently proposed for either lot. No increase in traffic can be expected. **The DRB concludes that the proposed subdivision meets the requirements of Section 4022.**

10. No change in public water supply, sewage disposal, or utilities is proposed by the Applicants. As a result, the requirements of **Regulation Section 4023** do not apply to either Lots #1 or #2.

11. Under **Regulation Section 4024**, temporary and permanent drainage and erosion control measures may be required by the DRB, if deemed necessary following review. Here, no additional development of either parcel has been proposed. The DRB concludes that this provision does not apply to the requested subdivision.

12. Pursuant to **Regulation Section 4030**, the DRB may require facilities necessary for adequate fire protection. Applicants have proposed no new development. The DRB finds that the proposed subdivision will not increase demand for fire or emergency services.

13. **Regulation Sections 4031, 4032, 4033, and 4034** address pedestrian access, natural resource protection, possible needed landscaping and screening, and protection of farmland and open fields. The DRB finds that the proposed subdivision will not adversely affect pedestrian access, natural resources, farmland, or open fields and, further, that no special conditions regarding landscaping or screening are required. At present, no new development on either lot is immediately planned.

14. **Regulation Sections 4035 and 4036** require protection of district settlement patterns and of the rural character outside of the village area. Applicants' proposed subdivision does not present a plan for any immediate additional development. The proposed subdivision does not appear to be inconsistent with existing patterns of settlement in the District and does not require imposition of special conditions to protect the rural character outside the Village. No additional screening or buffer is required at this time. No new curb cut(s) are proposed or will be required.

15. All technical information, i.e., the August 28, 2017 subdivision plan provided by Applicants, is certified as to accuracy, as required by **Regulation 4040**. The DRB in rendering this decision accepts and credits the sworn testimony of those appearing before it in this matter. **Regulation 4050**.

16. The DRB concludes based on all of the above facts that both proposed lots are of adequate area, possess the required road frontage, and thus satisfy all requirements of the Town of Marshfield Subdivision Regulations and, thus, may be and are **approved** by the DRB.

IV. Decision and Order.

The Subdivision Application of William Fitzpatrick and Pamela Knapp is hereby **APPROVED** by the Marshfield Development Review Board, with the following conditions:

i) **Within 180 days of the date of this decision**, Applicants shall record the final plat with the Town of Marshfield Land Records. See 24 V.S.A. Sect. 4463(b). The plat shall conform to the requirements set forth in 27 V.S.A., Chapter 17 and to the final recording provisions of the Marshfield Subdivision Regulations, Section 2040. Further, the final plat shall remove and shall not include reference to or depiction of "proposed guest cabin[s]" and shall correct the spelling of the name of abutter Carlo Rovetto. In addition to the final plat, prepared on Mylar, Applicants shall submit two full-sized paper copies of the final subdivision plan.

ii) Prior to recording, as required above, Applicants shall provide notice in writing to the Zoning Administrator and DRB as to any changes, if any, affecting the subdivision and which might be deemed to be inconsistent with the application, subdivision plan, record, and testimony in this matter. At least two members of the

DRB, who voted in the hearing on this matter, must review, approve, and sign the plat, verifying that it is consistent with and unchanged from the submission(s) previously reviewed by the DRB in deciding this matter, other than the changes required immediately above.

iii) No changes, modifications, or revisions that alter the plan, plat, or conditions shall be made unless such proposed revisions are first submitted to the DRB, and the DRB thereafter approves any such revisions following a public hearing. See Marshfield Subdivision Regulations, Section 2060.

Voting to Approve Subdivision: James Arisman, Gary Leach, Les Snow, and Jenny Warshow.

Voting to Disapprove: None.

Approved and Ordered at Marshfield, Vermont, this 28th day of November 2017.

By: 
James S. Arisman, for the Marshfield
Development Review Board

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 of the date of this decision. 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).