

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

July 19, 2017

Mr. Richard Williams
Mr. Don Marsh, PE
P.O. Box 157
Montpelier, Vermont 05601-0157

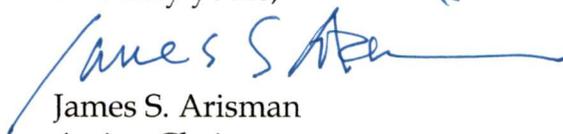
Dear Messrs. Williams and Marsh:

Enclosed please find the decision of the Marshfield Development Review Board (DRB) regarding your applications for site plan review and conditional use. For the reasons stated in the decision, the DRB has **approved** your applications.

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
George Harris, P.O. Box 371, Plainfield, Vermont 05667-0371

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Re: Hollister Hill Housing Assocs., LP
P.O. Box 157, Montpelier, VT 05601-0157
(Applicant)

re: Hollister Hill Apartments, Redevelopment
42 Austin Road, Marshfield, Vermont 05658;
Marshfield Parcel ID# H0005; Apps. for
Site Plan Review; Conditional Use Permit

Findings of Fact, Conclusions of Law, and Order

I. Background and Procedural History, Findings.

Pursuant to Town of Marshfield, Vermont Zoning Regulations, Section 235, and other authority, the Marshfield Development Review Board (DRB) credits the testimony of the witnesses before it in the above-captioned matter and finds as follows in this matter, based on that testimony, the evidence, submissions, and record in this matter. In the instant matter before the Board, Hollister Hill Housing Associates, LP, has applied to the DRB for site plan review and conditional use review regarding a proposed change in its ongoing redevelopment project.

A. Background and Procedural History.

1. The Housing Foundation, Inc., a Vermont non-profit corporation, is a developer of housing for low-income families, the elderly, and persons with disabilities. In January 2016, agents for the Housing Foundation contacted both the Town of Marshfield Zoning Administrator (ZA), Robert Light, and the Town of Marshfield Selectboard, presenting a proposal for the redevelopment of the Hollister Hill Apartments site, located within the Town of Marshfield. The complex is located on a 7.7-acre parcel.

2. On October 6, 2016 the Housing Foundation filed with the Town applications for a Zoning Permit; Conditional Use; and Site Plan Review. The latter two applications were referred to the DRB for review, hearing, and determination. *See* Marshfield Zoning Regulations at Sections 225, 245 & 250. The applications were accompanied by a project summary, a site plan, an existing conditions plan, a planting and lighting plan, building elevation plans, and cut sheets for the proposed lighting and fixtures. The Housing Foundation's plan for redevelopment of the existing site was to be carried out through a phased demolition of the current buildings followed by new construction of apartment buildings.

3. The Marshfield DRB first considered the above-referenced applications in public hearings beginning on November 10, 2016 and continuing on December 8, 2016. The DRB also carried out a site visit at the location of the existing Hollister Hill Apartment complex on December 3, 2016. By decision dated January 20, 2017, the DRB approved with minimal conditions the applications of the Housing Foundation, Inc. for redevelopment of the Hollister Hill Apartments.

4. We note that in considering the two new applications presently before the DRB that the landowners and applicant are identified as Hollister Hill Housing Associates, LP. On this point, Mr. Marsh testified during the July 13, 2017 DRB hearing that Hollister Hill Associates, LP, are now the “subsequent” owners and partnership for the project, with the land and apartments having been transferred to this new corporate entity. As such, the present applications before the DRB are in the name of the new, successor ownership.

B. Applications to Move Location of Storage Building.

5. During the initial demolition and redevelopment of the Hollister Hill Apartment site, it was determined by planners that the location previously approved by the DRB for the site’s 16’ by 52’ storage building would be improved by moving it 280’ to the south from the original proposed location. This change, according to the Applicant, would improve the visual appearance of the site to persons entering the location by vehicle or on-foot from Hollister Hill Road. The proposed change would mean that residents and visitors to the project area would see first the newly reconstructed buildings and site landscaping rather than the storage building. The size of the storage building, its design, and lighting features would be unchanged from the original proposals.

6. By applications for site plan and conditional use review, dated June 5, 2017, Hollister Hill Housing Associates, LP, requested approval of the new location for the storage building, in essence, asking the DRB to enter a minor amendment of its earlier decision regarding redevelopment of the Hollister Hill Apartments. The submitted application materials included site drawings representing the new location for the storage building, lighting, and elevations.

C. Hearing Testimony Regarding Proposed Change to Project Site.

7. After due public notice, these new applications were considered by the DRB at public hearing under the site plan and conditional use standards of the Marshfield Zoning Regulations. The DRB members present for the hearing were: James Arisman, Gary Leach, Les Snow, and Jenny Warshow. Also present for this matter were Bob Light, Zoning Administrator, and Robin Schunk, DRB Clerk. For Hollister Hill Housing Associates, LP (Applicant), Don Marsh, project

engineer appeared and testified. Local resident George Harris was also present regarding this matter. All testifying witnesses were placed under oath.

8. Don Marsh, of Marsh Engineering Services, PLC, testified for Applicant regarding the proposed relocation of the storage building. Mr. Marsh explained that the Applicant was seeking DRB approval to locate the site's 16' by 52' storage building 280' to the south from the originally identified location, essentially for aesthetic reasons. The proposed change would mean that residents and visitors would see first the newly reconstructed apartment buildings and landscaping rather than the storage building. Mr. Marsh testified that the size of the storage building, its design, and lighting features would be unchanged from the original proposals.

II. Further Findings and/or Conclusions of Law.

A. Section 245-Conditional Use, General Standards.

9. Under the requirements of the Town of Marshfield Zoning Regulations, all Conditional Use applications are reviewed under the provisions of Section 245. The DRB reviews and enters its findings in determining whether the proposed use will have an undue adverse impact upon: the capacity of community facilities; the character of the area; traffic; bylaws; the capability of the land to support the proposed use; utilization of renewable energy resources; and the goals of the Town Plan.

10. In the DRB's decision and order of January 20, 2017 we reviewed in detail the individual Section 245 criteria with regard to the Hollister Hill redevelopment project. We found at that time that the proposed redevelopment project met the standards and requirements of Section 245. We take notice of this decision in considering the current applications. Our Section 245 findings and conclusions remain the same at this time-- they are unchanged by the Applicant's current proposal for relocation of the site of the project's storage building. As such, we adopt those earlier findings and conclusions for the purposes of this decision. We need not repeat them here.

11. **Conclusion of the DRB, Section 245-Conditional Use, General Standards:** for the reasons set forth above, we conclude that the current proposal by Applicant to move the previously approved location of the storage building for the Hollister Hill Apartment complex is consistent with the Section 245 general review criteria. This change in the project design, as represented in the applications and testimony before the DRB, will not result in undue adverse impact upon the immediate neighborhood, adjoining areas, and the character of the Village Zoning District.

B. Section 245-Conditional Use, Specific Standards.

12. Pursuant to the requirements of the Town of Marshfield Zoning Regulations, all Conditional Use applications are reviewed under the specific requirements of this section. The DRB reviews and records its conclusions under standards that include the following: conditions to be imposed, if any, necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisances; to preserve open spaces; landscaping and fencing to maintain the zoning district character; to promote adequate vehicle circulation, parking, loading; to meet water and sewer standards; setbacks required to accommodate the proposed use; and the design and location of signs and lighting to maintain the character of the neighborhood.

13. The DRB in its January 20, 2017 decision reviewed in detail and applied the specific standards of the Section 245 criteria to the Hollister Hill redevelopment project. We found at that time that the proposed redevelopment project largely met the specific standards of Section 245. We also required a number of conditions in approving the project. However, none of those conditions were directly related to the storage building or its proposed location. Our review findings under the specific criteria of Section 245 remain the same, and we take notice of them and adopt here those earlier findings and conclusions for the purposes of this decision.

14. **Conclusion of the DRB, Section 245 Specific Standards:** for the reasons and findings set forth immediately above, we conclude that the current proposal by Applicant to move the location of the storage building for the Hollister Hill Apartment complex to a different location than was approved earlier by the DRB is consistent with the Section 245 specific review criteria. Our conclusion is based on the applications and testimony of Applicant, considered with the conclusions and conditions imposed by our earlier order. In sum, the proposed change in location of the storage building to a more southern site, as represented in the applications and testimony before the DRB, will not adversely affect any of the specific factors that are reviewed under Section 245.

C. Section 251, Site Plan Review.

15. Our January 20 2017 decision regarding the redevelopment of the Hollister Hill Apartments carried out the Site Plan Review that is required by Section 250 of our Zoning Regulations for the development of multi-family housing within the Town of Marshfield. Pursuant to Section 251 of the Zoning Regulations, the DRB reviewed the site plan map and supporting data for the project in approving, with conditions, redevelopment of the apartment complex. In doing so, the DRB reviewed each of the objectives set forth in Section 251 for

site plan reviews. Our January 20, 2017 approval of the project set forth our findings and conclusions under Section 251 and imposed with this approval a series of conditions drawn from our review.¹ We we take notice of our earlier decision and adopt its findings and conclusions here without repeating them. The current proposal for relocation of the project's storage building does not change our earlier conclusions.

16. **Overall Conclusion of the DRB, Section 251, Site Plan Review:** the DRB concludes from the facts, conclusions, and related conditions set forth in its earlier decision and adopted here that the application for relocation of the project's storage building meets the site plan criteria of Section 251. On this basis, the Marshfield Development Review Board, pursuant to Section 251 of the Zoning Regulations, **approves relocation of the storage building** to 280' south of the previously approved location that was identified during the hearings preceding our January 20, 2017 decision.²

III. Decision and Order.

For the reasons set forth above, the Applications of Hollister Hill Housing Associates, LP, for Conditional Use and Site Plan Review with regard to relocation of the site of the project's storage building are hereby **approved** and **so ordered** by the Marshfield Development Review Board. All other provisions and conditions of the DRB's January 20, 2017 decision regarding redevelopment of the Hollister Hill Apartments remain unchanged.

The proposed project shall be completed according to the applications, plans, testimony, and submissions by Applicant and/or its agents. This approval is set forth herein by the DRB, is entered pursuant to the Town of Marshfield conditional use and site plan review standards.

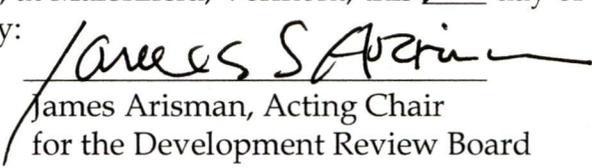
1. See Page 11, Paragraph 34, DRB decision of January 20, 2017, Application of the Housing Foundation, Inc.

2. During the July 13, 2017 hearing, George Harris, an interested party who had participated in the earlier January 2017 DRB hearings regarding the redevelopment of the Hollister Hill Apartments, questioned whether Applicant had provided proper notice to adjoining owners regarding the July 13, 2017 DRB hearing on the possible relocation of the storage building. The DRB took this question under advisement, requesting that project engineer Don Marsh, review the matter and promptly provide information to the Town Clerk to substantiate his testimony that proper notice had been provided. Subsequently, the DRB received from Mr. Marsh a list of adjoining owners that Mr. Marsh expressly stated had been mailed notice of the hearing. On this basis it appears that required notice of the hearing was given to adjoining owners by Applicant. Mr. Harris' participation in the hearing was otherwise limited to his questions as to whether any of the prior specifications for the storage building had been changed in the new applications. Mr. Marsh responded directly to this question during his testimony.

implementation of any such change, for a determination as to whether amendment or further application is required. These conditions shall apply to any and all subsequent users or owners of the property.

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

DRB Members Voting to Disapprove: None.

So Ordered, at Marshfield, Vermont, this 19th day of
July 2017, By: 
James Arisman, Acting Chair
for the Development Review Board

NOTICE TO 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. *And see* Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court). Under 24 V.S.A. §4471(c), hearing participants are persons who may be deemed by the Court to be an "interested person" as to these proceedings, as defined in 24 V.S.A. §4465(b), by virtue of such participation, should this matter be appealed to the Vermont Environmental Court.