

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

March 31, 2017

Liza and Lincoln Earle-Centers
71 Church Street
Marshfield, Vermont 05658

Robert Light, Zoning Administrator
Town of Marshfield
122 School Street
Marshfield, Vermont 05658

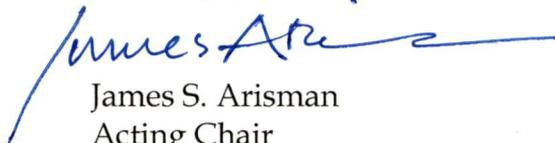
Re: Appeal of Liza and Lincoln Earle-Centers

Greetings:

Enclosed, please find the decision and order of the Marshfield Development Review Board (DRB) granting the appeal of Liza and Lincoln Earle-Centers.

The DRB's decision in this matter on appeal **reverses** any prior approval, decision, and/or permit by the zoning administrator as to proposed "home occupation" use of the of the Burkhalter accessory building by Peter Lloyd Plumbing and **voids** any such approval, decision, and/or permit set forth in the ZA's letter of January 26, 2017 regarding the proposed "home occupation" use.

Sincerely yours,



James S. Arisman
Acting Chair
Development Review Board

Enclosure

cc (w/hard copies of appeal decision): see following page.

Peter Lloyd
Lloyd Plumbing, Heating & Gas Service, LLC
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Cabot, Vermont 05647

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44 East State Street
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DRB Members Leach, Snow, Warshow

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Appeal of:

**Liza and Lincoln Earle-Centers re
Decision of Zoning Administrator,
Home Occupation Use**

re: 64 Church Street, Marshfield, Vermont 05658
Marshfield Parcel ID# SC006

I. Introduction.

Appellants Liza and Lincoln Earle-Centers appeal to the Development Review Board (DRB) a decision of the Zoning Administrator approving “home occupation” use by Peter Lloyd Plumbing of an accessory building located at 64 Church Street, Marshfield, Vermont. The accessory building is located on property owned by Darrell and Adair Burkhalter. Peter Lloyd is the owner and principal of Lloyd Plumbing & Gas Service, LLC. The Earle-Centers are adjoining property owners, living at 71 Church Street, opposite the accessory building, and each testified against zoning applications filed earlier by Mr. Lloyd regarding his use of the accessory building. The instant appeal by the Earle-Centers is pursuant to Section 235 of the Marshfield Zoning Regulations.

On March 9, 2017, the DRB conducted its hearing on the appeal of the Earle-Centers. The DRB members present were James Arisman, Les Snow, Gary Leach, and Jenny Warshow. Recused and Not Present: DRB member Michael Schumacher. Also present for the hearing: Robert Light, Zoning Administrator (ZA); Paul Gillies, Attorney for Town and ZA Light; Liza Earle-Centers, Appellant; Peter Lloyd; James Jamele, Attorney for Mr. Lloyd; Darrell Burkhalter; Jessica Lloyd; Robert Dutil; Joshua Gouge; Robin Schunk.¹

On the record before the DRB, the decision and/or approval of the zoning administrator in this matter is **reversed** by the Development Review Board. The basis for this decision is set forth as follows.

1. Prior to the hearing, the DRB received a letter dated March 9, 2017 from Rich and Trudie Gouge stating that they lived about 1,000 feet from the Burkhalter residence and that they had no objection to the proposed use of the accessory building by Lloyd Plumbing and did not believe they would be “impacted”.

II. Findings of Fact.

A. Background.

1. In September 2016 Peter Lloyd applied to the Town of Marshfield for after-the-fact conditional use and site plan approval. These applications were considered by the DRB in hearings on November 10 and December 8, 2016, as well as a site visit on November 26, 2016.

2. The Earle-Centers in the late summer of 2016 had become concerned regarding Mr. Lloyd's intended but unapproved use of the accessory building that was opposite their residence. They had raised their concerns with the Town and the zoning administrator, Robert Light.

3. After the zoning administrator communicated with him regarding such unapproved use, Mr. Lloyd filed applications for conditional use and site plan approval of his use of the accessory building. Mr. Lloyd sought through his applications approval of his ongoing, but unapproved, use of the Burkhalter accessory building as the operational center, warehouse, and office for his plumbing business. Mr. Lloyd had first begun his actual business use of the accessory building on or about late-August 2016, without applying for or obtaining a zoning permit.

4. On January 10, 2017, the DRB, after completing hearings on the matter, disapproved Mr. Lloyd's applications for conditional use and site plan approval. The DRB concluded that (1) Lloyd Plumbing's unapproved business use and operations had resulted in undue adverse impact upon the Church Street neighborhood and were inconsistent with the residential character of the neighborhood; and (2) such use was not consistent with pertinent site plan criteria. Mr. Lloyd did not appeal the DRB's decision of disapproval. In considering this matter, the DRB takes judicial notice of its January 10, 2017 decision on the Lloyd Plumbing applications.

B. Post Decision Exchange of Correspondence.

5. Shortly after the DRB's January 10, 2017 decision, the Earle-Centers received a copy of a letter dated January 19, 2017 from James Jamele, attorney for Peter Lloyd, written to the Town zoning administrator and proposing possible future use of the disapproved Lloyd Plumbing office under the home occupation provisions of Section 304 of the Marshfield Zoning Regulations. The letter cited that Barbara Burkhalter, an employee of Peter Lloyd Plumbing, worked in the Lloyd Plumbing office in the accessory building and was a resident of the Burkhalter property. Mr. Jamele's letter quoted from Section 304 and asked the zoning administrator whether the Lloyd Plumbing office, if operated by Ms. Burkhalter and "no more than two staff" (one of whom would be Peter Lloyd),

might be considered to be a “home occupation”? Mr. Jamele noted that Mr. Lloyd had agreed to remove his trucks, warehousing, and storage from the premises, leaving only the use of the office in question.²

6. During the March 9, 2017 appeal hearing before the DRB Ms. Earle-Centers testified that the basis of her appeal was her concerns as an adjacent property owner to the Lloyd Plumbing business. She testified that she and her husband had gone through three or four months of uncertainty and had then received the DRB decision disapproving Mr. Lloyd’s earlier use applications. Now, she testified, the couple was being confronted with the possibility of the Lloyd Plumbing operations continuing at the accessory building despite the earlier disapproval by the DRB of Mr. Lloyd’s applications to use the building for commercial purposes.

7. Ms. Earle-Centers testified that she first attempted to talk with the ZA about her concerns. Nonetheless, she soon received a copy of a letter dated January 26, 2017 written from the zoning administrator to James Jamele, attorney for Peter Lloyd. The letter from the ZA effectively approved “home occupation” use of the accessory building by Lloyd Plumbing, citing Section 304 of the Zoning Regulations. The ZA’s letter imposed what appeared to be intended as a series of conditions on Mr. Lloyd’s “home occupation” use of the business office. The ZA’s letter referred in its second paragraph to his “decision” in the matter and concluded with a notice of appeal rights under 24 V.S.A. §4465. There was no advance, general public notice of the ZA’s pending decision on the matter.

8. Ms. Earle-Centers testified that she talked with her husband about the ZA’s January 26, 2016 approval letter written to Mr. Jamele. The couple agreed that a more formal public review process seemed warranted. They believed that there should be a public proceeding, providing transparency regarding how such a decision would be made, rather than simply a letter written on the ZA’s own initiative to Mr. Lloyd’s a lawyer, without public input. She noted that the ZA’s approval letter included “bullet point” conditions, written by the ZA, “tweaking” the pertinent provisions of the zoning regulations, but the couple was concerned as to whether this letter by the ZA would be sufficient protect their interests as residents and property owners.

9. Ms. Earle-Centers testified that the couple appreciated the ZA’s efforts, but after consulting a relative with zoning knowledge, both felt that a simple letter written by the ZA was not enough to protect their interests. The Earle-Centers had continuing concerns regarding traffic, the possible addition of seasonal workers in the fall and winter months, and the general impact on them

2. On or about January 20, 2017, the zoning administrator had issued a Notice of Violation to Peter Lloyd, citing the DRB’s January 10, 2017 decision of disapproval and Mr. Lloyd’s ongoing, unapproved use of the Burkhalter’s property, but granting Mr. Lloyd 90 days to wind up and terminate his business operations.

and the neighborhood of continued commercial activity by Mr. Lloyd. Their position, she testified, was that a conditional use application was the proper means to determine the matter with public transparency. Conditions could be considered at a public hearing that would make clearer the nature of the proposed “home occupation” and how this might result in any change from the prior unapproved use of the accessory building that had begun in August 2016.

10. On or about February 4, 2017 the Earle-Centers filed with the Marshfield Town Clerk a timely appeal of the ZA’s “home occupation” decision and questioning the ZA’s authority to unilaterally negotiate terms for continued commercial use of the accessory building by Peter Lloyd Plumbing. The Earle-Centers additionally asserted in their appeal that the “home occupation” provisions of the zoning regulations could not properly be applied in this matter, given that Barbara Burkhalter was actually an employee of Peter Lloyd Plumbing, not an actual owner of that business.

11. On February 9, 2017, the Marshfield Town Clerk warned with proper public notice the hearing scheduled for March 9, 2017 on the Earle-Centers appeal.

C. The Appeal Hearing.

12. On March 9, 2017, the DRB heard the appeal of the Earle-Centers regarding the decision and act of the zoning administrator (ZA) approving “home occupation” use of the accessory building, located at 64 Church Street, Marshfield by Peter Lloyd Plumbing. All witnesses were sworn in prior to testifying.

13. Ms. Earle-Centers testified as set forth above regarding the couple’s concerns after receiving the decision of the ZA approving use of the office at the accessory building at 64 Church Street as the business office for Peter Lloyd Plumbing under the home occupation provisions of Section 304 of the Marshfield Zoning Regulations.

14. Zoning Administrator Light testified regarding how he had made his decision. He first referred to the earlier case decided by the DRB which had disapproved applications for conditional use and site plan review for use of the Burkhalter accessory building as the operational headquarters, storage site, and office for Peter Lloyd Plumbing. The ZA stated that on January 19, 2017 he had had given Peter Lloyd Plumbing a written notice of zoning violation (NOV) but also had allowed Mr. Lloyd 90 days to vacate the premises because of the difficulty of moving in winter.³ Paul Gillies, attorney for the Town and the ZA, stated that it was his recollection that case law supported the authority of the ZA

3. The copy of the NOV reviewed by the DRB was dated January 20, 2017.

to extend the enforcement period in the manner described above. He provided no citation for such a proposition.

15. The ZA testified that he had sent the notice of violation to Peter Lloyd. In turn, he received a letter from James Jamele, attorney for Peter Lloyd, dated January 19, 2017. The letter proposed possible use of the accessory building office by Peter Lloyd as a home occupation on the theory that Barbara Burkhalter, as an employee of Peter Lloyd would be working on the property in office with Peter Lloyd.

16. ZA Light testified that he later responded to the above letter with his own letter of January 26, 2017. He testified that he had decided that the proposed use by Mr. Lloyd met the definition of Section 304 of the Zoning Regulations and was a home occupation. The ZA's letter effectively approved such use, but listed bullet points that he had set out, saying that "they [Lloyd] can't" do these things. The bullet point terms and conditions effectively revised language and provisions set forth in Section 304.

17. The zoning administrator stated that no application had been filed for home occupation use of the accessory building. No public notice, fact finding, or hearing preceded the ZA's decision. The ZA testified that he had never had anyone apply to him for a permit for home occupation use. When asked for a citation of express authority empowering the ZA to unilaterally approve home occupation uses, neither the ZA nor Mr. Gillies were able provide such a citation.

18. Mr. Gillies stated that he regarded this case not as a "permit situation", but rather as an "opinion situation". Mr. Jamele had asked for the ZA's opinion of his proposal, and the ZA had responded with his opinion of the matter. The DRB chair noted that the ZA's letter actually had provided an approval, set conditions, and concluded with the usual notice of appeal rights at the end of the letter.

19. The ZA was asked to identify express authority, State or local, empowering the ZA to negotiate terms and conditions for issuing permits in individual cases. The ZA also was asked to cite authority for him to revise the conditions set out under Section 304 of the Zoning Regulations. The ZA did not cite any such authority, but instead read aloud language from the DRB's earlier decision regarding the accessory building and enforcement action.

20. When the ZA was asked, if there was an approval in this case, who then was the applicant? The ZA replied that there was "no applicant" for "home occupation" use in this case. Mr. Jamele responded that his client merely had asked about the possibility of treating the Lloyd Plumbing office use as a "home occupation" and, in turn, had received a letter back from the ZA setting conditions for such a use. Mr. Jamele characterized this as "an extension of the

original application.” Mr. Jamele characterized the ZA’s letter as a “permit”. The ZA then corrected his earlier statement and testified that he “guessed that Peter Lloyd would be the applicant.” Mr. Jamele stated that on behalf of Peter Lloyd he had merely asked the ZA whether the office use could qualify as a home occupation and that he (Mr. Jamele) also had suggested ways to responds to concerns identified by the DRB in its earlier decision. Mr. Jamele emphasized that Barbara Burkhalter worked in the Lloyd plumbing office as a bookkeeper.

21. Shortly after this exchange, Mr. Gillies stated that he had conferred with Mr. Jamele, who had shared with him a Vermont Supreme Court Decision, In re Chandler Shed & Dwelling Applications, No. 2007-003 (Vt. Oct. 19, 2007) (unpub. mem.). Mr. Gillies briefly summarized the decision as holding that a home occupation must be owned by a person who actually lives in the residence in question. Mr. Gillies stated that in this case, where Barbara Burkhalter is an employee of the business, mere employment is not a sufficient basis for a “home occupation”-- the business actually has to be owned by the resident. In response to a question from the DRB, Mr. Gillies emphasized that Barbara Burkhalter is a secretary and employee of the business. He then reiterated that a under the Supreme Court’s decision in Chandler the business has to be owned by the person who lives in the building. Mr. Gillies concluded by saying that the Chandler case appeared to “settle” the matter before the DRB, specifically referring to the language of the last page of the Chandler decision.

22. Mr. Jamele responded that nothing in the Marshfield Zoning Regulations requires that a home occupation be owned by the resident of the property. He pointed out that the Chandler case was an appeal of a zoning matter from Newfane, Vermont. He stated that Marshfield had not previously decided a similar case. Mr. Jamele urged that the DRB not follow the holding of the Chandler and, instead, rely on the fact that one of the workers for Lloyd Plumbing lived at the address of the accessory building. Mr. Jamele stated that in advising his client, he had emphasized and relied on the language of Section 304 of the Zoning Regulations which states that “[n]o regulation herein is intended to infringe” on the use of a minor portion of a dwelling as a “home occupation”.⁴

23. ZA Light testified that he had decided that the proposed use qualified as a home occupation because a member of the family residing in the dwelling would carry on the office work. “She would be running the office, and it seemed to me like a home occupation.” The ZA testified that in making his decision he, in fact, had never talked to Barbara Burkhalter, and had only communicated with James Jamele and Peter Lloyd before making his decision on their proposal.

4. Mr. Jamele’s closing statement essentially repeated points he had earlier set forth in a letter dated February 27, 2017 and addressed to Robert Light, Zoning Administrator. A copy of this letter was received by the DRB.

24. Ms. Earle-Centers testified that the ZA had not seemed to understand her family's concerns. She stated that the ZA indicated that he was sure about his decision based on his contacts with Mr. Jamele, who was representing Mr. Lloyd. However, Ms. Earle-Centers testified that the in a small neighborhood such as theirs, the presence of people who are not neighbors and who are coming and going every day and running a business "in your front yard", such presence, she testified feels like an "outside entity", not something that your own neighbors are pursuing as a "home occupation". She testified, "Barbara [Burkhalter] hasn't been part of any of these discussion or letters, and it just feels like this is Peter Lloyd's thriving, growing business, not Barbara's." She testified that she felt as though she and her husband had been "left out of the loop" by the ZA's communications with Mr. Jamele and Mr. Lloyd, and that there had been discussions going on behind them.

25. The ZA testified that it was his position that no permit is required for Marshfield for home occupations. Mr. Gillies stated that in other towns that he knew of, most home occupations do not obtain permits. He added, however, "Every use requires a permit." Mr. Gillies added that in his view a permit for a "home occupation" actually is required.

26. Mr. Jamele reiterated that he and Mr. Lloyd had merely asked the ZA if a home occupation could be approved for Mr. Lloyd's office use. Mr. Jamele stated that his client had been granted a "permit" by the ZA and had relied on it, believing that the ZA had approved continued use of the Lloyd Plumbing office. Mr. Jamele summarized that Mr. Lloyd now has a permit from the ZA to work in the accessory building, to have an office there, and that Barbara Burkhalter does actually work there.⁵ He added that Mr. Lloyd had been responsive to the concerns of the Earle-Centers and the DRB.

27. The DRB credits the testimony of those appearing before it in this matter and finds accordingly, as set forth above.

III. Discussion and Conclusions of Law.

28. Home occupations in Vermont are favored and protected under law. The Marshfield Zoning Regulations state at Section 304, "No regulation herein is intended to infringe upon the right of any resident to use a minor portion of a dwelling for an occupation which is customary in residential areas and which does not have an undue adverse impact on the character thereof." Similar language also appears in State law at 24 V.S.A. §4412(4). However, the

5. As noted above, the ZA earlier had given Peter Lloyd until April 19, 2017 to relocate his entire business from the accessory building.

broad language of these provisions appears to sow some uncertainty and confusion regarding proposed home occupation uses.

29. The zoning administrator is required by law to administer the local bylaws literally. The ZA only has the authority to permit applications that strictly conform to the local bylaws. The ZA's discretion in doing so is limited. But, if the bylaw language regarding home occupations includes no clear standards or procedures for determining "customary" uses or weighing "undue adverse effect" or is otherwise ambiguous, the ZA inevitably must rely on his/her personal opinions in judging such matters. As a result, such judgments by a ZA inevitably will go beyond simple and "literal" interpretation of local bylaws. *See, e.g.,* discussion at Vermont Land Use Education and Training Collaborative, *Zoning Administrators Handbook* at 33 (3rd ed. 2005).

30. Here, the zoning administrator was asked to consider a proposed "home occupation" use and then made a good faith effort to resolve the matter. However, when the neighboring property owners, the Earle-Centers, learned of the ZA's approval, it raised concerns for them and they filed their appeal. As a result, this appeal requires the DRB to consider what our local zoning regulations require with regard to the zoning administrator's authority in such circumstances.

A. Issues on Appeal.

31. The issues raised on appeal are:

(i) whether the zoning administrator exceeded his authority under the Town Zoning Regulations by unilaterally negotiating terms and conditions for approval of a "home occupation use", and, then imposing such terms?

(ii) whether the acts and/or decision(s) of the zoning administrator were proper under Section 220 of the Town Zoning Regulations which require the ZA to "administer [the] Ordinance literally" and not "permit any act or condition which is not in conformance with [the] Ordinance"?

(iii) whether the zoning administrator erred by concluding that use of the Burkhalter accessory building by Peter Lloyd Plumbing could be approved as a "home occupation" under the Town's Zoning Regulations?

B. Discussion.

32. Having reviewed the Town's Zoning Regulations, the DRB finds no express or implied authority for the zoning administrator to negotiate and reach agreements with applicants or legal counsel regarding terms and conditions for approval of specific uses such as "home occupation" uses. Similarly, the DRB finds no express or implied authority for the zoning administrator to rewrite or revise provisions of the bylaws or to unilaterally impose terms and conditions as requirements for a zoning permit or approval or decision.

33. Nor does the DRB find express authority under the provisions of Marshfield Zoning Regulations for the zoning administrator to assume “administrative review” functions⁶ in which the ZA is specifically authorized by the Selectboard to review and approve certain local development and uses in clearly stated circumstances. *See* 24 V.S.A. §4464(c). In the absence of such powers, we conclude that by negotiating with counsel for Lloyd Plumbing regarding terms of approval and/or by actually approving the proposed home occupation use by Mr. Lloyd, with the conditions imposed by the ZA’s letter of January 26, 2017, the zoning administrator exceeded his authority under the Town Zoning Regulations.

34. The zoning administrator’s acts and decisions, specifically with regard to his approval letter of January 26, 2017 with conditions, written to James Jamele, attorney for Mr. Lloyd, were inconsistent with the requirement of Section 220 that the ZA administer the ordinance “literally” and not permit acts which are not in conformity with the ordinance. The ZA’s letter imposed terms and conditions that he personally chose and set forth, without public process, and that varied or changed requirements already set forth in Section 304 of the Zoning Regulations. Although such effort was well intended, the DRB finds no authority or discretion for the ZA to act on his own in this manner and to revise provisions of the bylaws in an effort to resolve the exigencies of a particular case.

35. Based on the facts and conclusions set forth above, the DRB concludes that: (i) the zoning administrator exceeded his authority under the Town Zoning Regulations by unilaterally negotiating with Mr. Lloyd’s attorney terms and conditions for approval of a “home occupation use”, and then imposing those terms and conditions without express authority to do so; (ii) the zoning administrator’s acts and decisions in this matter were inconsistent with the requirements of Section 220 of the Zoning Regulations which require the ZA to “administer [the] Ordinance literally” by virtue of his decision to revise certain provisions of the bylaws in an effort to resolve the exigencies of a particular case. As the DRB has noted, such efforts by the zoning administrator were well intended but inconsistent with the requirements of Section 220.

36. Finally, in light of the conclusions set forth immediately above, which are sufficient to sustain the appeal of the Earle-Centers, the DRB has considered but determined that it will not decide the third appeal point raised by

6. In contrast, when “administrative review” procedures are set out in local zoning regulations, the procedural steps generally are detailed in writing and may be relatively complex. Vermont towns which authorize “administrative review” powers for zoning officers must specify the types of uses and developments that may be approved by the ZA, list the applicable review standards, set fact finding and record keeping requirements, establish public notice requirements for posting and/or mailing to adjainers, provide procedures for removal of the matter from administrative review and for transfer to the local Development Review Board for decisions, and, finally, establish written appeal procedures for parties affected by such decisions. *See* Vermont Land Use Education and Training Collaborative, *Zoning Administrators Handbook* at 7.

this case, *i.e.*, whether the zoning administrator erred in his conclusions regarding the use of the Burkhalter accessory building as a "home occupation". We note here that on the record before it, the DRB is unable to find clearly the basis for the ZA's approval. However, members of the DRB also find that the language of our Zoning Regulations, when read as a whole and with specific regard to "home occupations", can be said to be less than a model of clarity and specificity. As a result, property owners, would be property users, and the zoning administrator are all left with some level of uncertainty about what our local ordinance provides and requires. The DRB believes that our local Planning Commission might usefully review the Town Zoning Regulations with regard to Section 304 as part of any overall revision study.

C. In re Chandler.

37. The case decided by the Vermont Supreme Court, In re Chandler Shed & Dwelling Applications, cited above, is legal authority that counsel and the DRB discussed during the hearing on this appeal.⁷ Mr. Gillies, Town Attorney, appeared to consider the case to be dispositive of this matter. In Chandler, the Supreme Court considered a claim on appeal asserting that a property being used should be treated as a home industry where the applicant's brother lived on the property and was only an employee (not an owner) of the applicant's business. The Supreme Court rejected this reasoning. The Supreme Court held instead that "the home industry exception applies only to residents who operate a business, which they own." (Emphasis added.)

38. The Chandler decision is persuasive authority that the DRB believes should be reviewed as part of any Planning Commission review and revision of the Town Zoning Regulations, which have now been in force for more than a decade without major revision. A proper question for consideration may be whether or not to follow the holding in Chandler, and to decide whether our Zoning Regulations are intended only to protect only those home occupation uses in which an actual resident of the property owns and operates the business in question.

39. Here, we note that there was general agreement throughout the hearing record that Barbara Burkhalter was and is an employee of Peter Lloyd Plumbing and not an owner of that business. Moreover, the DRB notes that Ms. Burkhalter was effectively a bystander in every aspect of the proceedings in this matter. All correspondence and testimony regarding the matter were in the name of Peter Lloyd or Peter Lloyd Plumbing.

40. In conclusion, the DRB believes that review and updating of our zoning regulations by the Planning Commission might beneficially contribute to protection of the interests of residents, neighborhoods, and those persons

7. The ZA does not appear to have considered the holding of Chandler in reaching his decision in this case.

wishing to pursue home occupations and, importantly, provide greater clarity, certainty, and transparency.

IV. Decision and Order.

For the reasons set forth above, the Development Review Board **grants** the appeal of Liza and Lincoln Earle-Centers and **reverses** the January 26, 2017 approval, decision, and/or permit of the zoning administrator regarding "home occupation" use of the Burkhalter accessory building. Any such approval, decision, and/or permit previously rendered in this regard by the zoning administrator is hereby null and void under the decision set forth herein.

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

Voting to Deny: None.

Recused, Not Present, and Not Voting: Michael Schumacher.

So Ordered, at Marshfield, Vermont, this 31st day of March 2017.

By: James Arisman
James Arisman, Acting Chair
for the 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. *And see* Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court). Under 24 V.S.A. §4471(c), Liza and Lincoln Earle-Centers, Peter Lloyd, and Zoning Administrator Robert Light, as hearing participants, are persons who may be deemed by the Court at a later date 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.