

TOWN OF MARSHFIELD

DEVELOPMENT REVIEW BOARD

Applications of:

Steven Bronstein and Sandra Paritz
95 East State Street
Montpelier, VT 05602

re: 3805 U.S. Route 2, Marshfield, VT 05658
Marshfield Parcel ID# RT 100
Apps. for Site Plan Review/Conditional Use

Findings of Fact, Conclusions of Law, and Order

I. Procedural History and Applicant Request.

1. Steven Bronstein and Sandra Paritz (hereafter "Applicants") own an approximately 2.5-acre parcel located at 3805 U.S. Route 2, Marshfield, Vermont. The property is the site of a residence and was formerly the location of Blackthorne Forge, Mr. Bronstein's blacksmith shop, which was substantially destroyed by fire on or about March 28, 2017. The blacksmith shop was located in a wood structure barn opposite the residence.

2. On April 17, 2017, Applicants applied for Site Plan and Conditional Use review, describing their proposed use as "Change the use of the [residence] front porch and garage to office and light commercial use for the blacksmith shop. These uses are not additional to the current use, merely relocating them out of the barn and into the unused portion of the house." Applicants submitted the following:

- a one-page narrative addressing the conditional use criteria; and
- a hand drawn site plan drawing of the property and aerial photo of the property.

3. The Zoning Administrator referred the applications to the DRB, as the proposal involved a change of commercial use, which requires conditional use review. Site plan review is required for all uses except one- and two-family dwellings, dwelling accessory use, or agricultural use.

4. After due notice, on May 11, 2017, the above-referenced applications were reviewed at hearing by the Development Review Board (DRB) under the site plan and conditional use standards of the Town of Marshfield Zoning Regulations. The DRB members present were: James Arisman, Gary Leach, Les Snow, and Jenny Warshow. Also present were Bob Light, Zoning Administrator and Robin Schunk (clerk for the DRB). DRB Member Les Snow stated for the record that he works at the Craft Emergency Relief Fund, Inc. (d/b/a CERF+) which provided some short-term recovery assistance to Mr. Bronstein following the fire at his shop. Member Snow stated for the record that such involvement would not preclude fair and impartial consideration of the subject applications. At the beginning of the hearing, Steven Bronstein, Applicant, was sworn and testified in support of his application. The Zoning Administrator, Bob Light, provided additional testimony. The DRB credits the testimony of both witnesses and finds accordingly.

II. Findings of Fact and Conclusions of Law.

A. Site Plan Review.

5. **Section 251–Site Plan Review Procedure:** Pursuant to the requirements of the Town of Marshfield Zoning Regulations, the DRB reviews the site plan map and supporting data before approval, or approval with stated conditions, or disapproval, is given, taking into consideration the following objectives that are set forth below.

6. **Compatibility between the proposed use and existing adjacent uses:** The use in question remains substantially the same, having been relocated from the former blacksmith shop to the adjacent residence, which also includes some rental housing. **Conclusion of the DRB:** The proposed general use will be compatible with adjacent land uses.

7. **Safety of vehicular and pedestrian circulation between the site and roads:** The proposed project work will not change or affect vehicular and pedestrian circulation. **Conclusion of the DRB:** The review criteria are satisfied.

8. **Adequacy of landscaping, screening, setbacks, and architectural design, and location of signs and outdoor lighting, with regard to achieving compatibility with and protection of adjacent property:** The proposed use is limited and does not affect landscaping, screening, signage, or lighting. **Conclusion of DRB:** The proposal use is compatible with adjacent property.

9. **Protection of the utilization of renewable energy resources:** The proposed project does not affect the utilization of renewable energy resources. **Conclusion of the DRB:** The site plan review criteria of this section are satisfied.

B. Conditional Use Review.

10. **Section 245–General Standards:** Under the requirements of the 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 use; utilization of renewable energy resources; and the goals of the Town Plan.

11. The use of the property is unchanged. Applicants propose to shift limited activity and functions formerly carried out in the blacksmith shop (now unusable due to fire) into the garage and porch of the adjacent residence. Proposed uses there will include office work, light commercial, and storage. No blacksmithing will take place within the residence. There will be no additional or adverse effect on community facilities, character of the area, traffic and roads bylaws, land, renewable energy, or the goals of the Town plan. **Conclusion of the DRB:** The general review criteria of this section are satisfied.

12. **Section 245–Specific Standards:** Pursuant to the requirements of the Zoning Regulations, all Conditional Use applications also are reviewed under the requirements of this section. The DRB reviews and records its conclusions as to specific standards that include the following: conditions necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise,

vibration, or similar nuisances; to preserve open spaces; to maintain the zoning district character; to promote adequate vehicle circulation, parking, loading; to meet water and sewer standards; setbacks required to accommodate the use; and the design and location of signs and lighting to maintain the character of the neighborhood.

13. None of the specific standards set forth in Section 245 will be affected by the limited uses proposed by Applicants. **Conclusion of the DRB:** the review criteria of this section are satisfied.

14. This review and approval by the DRB is limited in scope, as set forth herein, and does not consider or address any contemplated construction, reconstruction, or replacement of the barn/worksite destroyed by fire.

III. Decision and Order.

The Applications of Steven Bronstein and Sandra Paritz for site plan review and conditional use are hereby approved and ordered, **subject to the following:**

(1) use of the property shall be consistent with the applications, submissions, representations, and testimony of Applicant(s), and all such are incorporated herein by reference, unless otherwise set forth or otherwise conditioned herein;

(2) this approval is entered pursuant to the provisions of the Town of Marshfield site plan and conditional use review standards and does **not** relieve Applicants from determining and obtaining any further reviews, approvals, and compliances that may be required by the State of Vermont, such as fire safety standards and regulations. Any contemplated change to the proposed use of the property shall be brought to the attention of the Zoning Administrator, prior to any implementation, 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 this property.

Members Voting in Favor: James Arisman, Gary Leach, Les Snow, and Jenny Warshow
Voting to deny: None.

So Ordered, at Marshfield, Vermont, this 16th day of May 2017

By: James Arisman
James Arisman, Acting Chair
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).