

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

February 15, 2017

Ms. Susan Smith
Mr. Ronald Smith
1445 Holt Road
Plainfield, Vermont 05667

Dear Ms. Smith and Mr. Smith:

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/hard copy of decision): Robert Light, Zoning Administrator
All DRB Members

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Application for Subdivision of:

Ronald and Susan Smith

Re: Town of Marshfield Parcel ID# HM002

1445 Holt Road, Plainfield, Vermont 05667 (U.S. Mail Address)

I. Procedural History.

1. Ronald and Susan Smith (Applicants) own a parcel of approximately 65-acres, located at 1445 Holt Road, in the Town of Marshfield, Vermont. Applicant wishes to subdivide this parcel.
2. On November 9, 2016, Ronald and Susan Smith submitted a written Application for Subdivision of their 65-acre property. The Marshfield Development Review Board held a hearing on this application on February 9, 2017.

II. Findings of Fact.

3. After due notice by the Applicants to all adjoining landowners, the DRB on February 9, 2017 conducted a hearing on the subject application for subdivision. Ronald Smith and Zoning Administrator Robert Light were duly sworn. Mr. Smith testified on behalf of his application. The DRB Members present and participating in the hearing were James Arisman, Acting Chair, Gary Leach, Les Snow, and Jenny Warshow. Member Michael Schumacher was not present and did not participate. The DRB credits the testimony of the Mr. Smith and finds as follows:
4. Mr. Smith seeks to subdivide the approximately 65 acre parcel, so as to create two new lots, one to be 2-acres in size, and the other to be 63-acres in size. Applicants wish to sell the smaller 2-acre lot that includes an existing small home that has been rented to tenants for the past 20 years. The tenants wish to purchase the house and surrounding grounds, and the Smiths wish to sell the property to them. The two parcels that are proposed are identified (following correction of the entries on the Smith's application) as "Lot #1" (2-acres) and "Lot #2" (63-acres), according to the September 27, 2016 survey map prepared by Chase & Chase Surveyors & Septic Designers and submitted with the Smith's application.
5. The present 65-acre parcel proposed for subdivision already has been developed and includes the Smith's residence, as well the proposed new 2-acre parcel and rental house

that would be sold. The Smith's 65-acre parcel is bisected by Hardwood Mountain Road. The survey map submitted with the application for subdivision proposes to division of two acres from the existing portion of the Smiths' parcel that lies north of Hardwood Mountain Road. Lot #1 would have boundary lines that are drawn generally straight away from Hardwood Mountain Road and would terminate at a distance of approximately 390.64 feet (eastern boundary) and at approximately 332.79 feet (western boundary), creating the new 2-acre lot. The northern boundary of Lot #1 would join the two side boundaries and would be approximately 241.77 feet in length. Lot #1, as proposed, will have the required 250 feet of road frontage on Hardwood Mountain Road, and the road will serve as the southern boundary of the newly created lot. See Town of Marshfield Zoning Regulations at Section 420. The new lot will be roughly rectangular in shape and will include the existing rental home within it. The remaining dominant 63-acre parcel (Lot #1) includes the Smiths' home and will be retained by them. No further development of the 63-acre Lot #2 is contemplated at present by the Applicants.

6. The existing rental house located on the proposed Lot#1, is served by a new spetic system and artesian well. The structures on Lot #1 are approximately 65 feet back from Hardwood Mountain Road and meet setback requirements as do the other proposed boundaries for the lot. No new curb cut would be required as the existing driveway for Lot #1 will be retained.

7. Applicants requested in their application that the DRB grant a waiver from any requirement for a complete survey of their entire 65-acre parcel, citing the unnecessary expense and limited benefit of doing so. The DRB took this request under advisement.

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 planned for either of the proposed lots, following subdivision. The proposed new boundary line between the two parcels, as set out in the survey submitted with the application, has been drawn with generally straight line on all sides. The proposed division conveys the 250 feet of road frontage to Lot #1. The Smiths retain more than sufficient road frontage for themselves. The proposed lot lines are marked with survey monuments at necessary points and are indicated on the subdivision plan's survey drawing. **The DRB concludes that proposed lots meet the requirements of Regulation Section 4021. The DRB further concludes that it is appropriate to grants Applicants' request for waiver of a full survey of the dominant parcel.**

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. Both lots are already developed with houses in place. A septic system has been installed for the residence on Lot #1. No increase in traffic can be expected. **The DRB concludes that the proposed subdivision meets the requirements of Section 4022.**

10. No change in water supply, sewage disposal, or utilities is proposed by the Applicant. 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. Further, **Regulation 4025** does not apply to this application, as the parcel is not "split" by town boundaries.

12. Pursuant to **Regulation Section 4030**, the DRB may require facilities necessary for adequate fire protection. Applicant has 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 planned.

14. **Regulation Sections 4035 and 4036** require protection of district settlement patterns and of the rural character outside of the village area. Applicant's proposed subdivision does not present a plan for 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., survey map and details) provided by Applicant 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 Ronald and Susan Smith is hereby **APPROVED** by the Marshfield Development Review Board, with the following conditions:

i) **Within 180 days of the date of this decision**, Applicant 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. In addition to the final plat, prepared on Mylar, Applicant shall submit two full-sized paper copies of the final subdivision plan.

ii) Prior to recording, as required above, Applicant shall appear for final visual review of the final plat that is to be filed with the Town, prepared on Mylar, as well as the two accompanying full-sized paper copies of the final subdivision plan. 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.

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 in Favor: Members James Arisman, Gary Leach, Les Snow, and Jenny Warshow.

Not Present and Not Voting: Michael Schumacher

Approved and Ordered at Marshfield, Vermont, this 13th day of February 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).