

MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, July 19, 2007 • 7:00 p.m., Old School House Common

DRAFT

Merrill subdivision review:

DRB Members present: Jim Barlow, Dina Bookmyer-Baker, Paul Brierre, and Bruce Hayden. Also attending were Bob Light, Zoning Administrator; Alice Merrill and David Montgomery, the applicants; and Leslie Howe and William Howe, abutters to the property.

At 7:20 p.m. DRB Chair, Jim Barlow, opened the hearing on the application from Alice Merrill related to a subdivision application. The subdivision application included the following documents:

- a Conservation Plan Map,
- an arial photo.

Proposal:

To subdivide 221-acre parcel into 2 lots—14 and 207 acres. To sell the 14-acre parcel to abutting landowners the Howes. The Howes currently use this parcel as a horse pasture, and intend to continue doing so. Applicant's request the DRB to waive the survey requirement of the larger parcel (207-acre parcel to be retained, no development proposed).

The Howe's property:

The existing lot is approximately 36 acres. Existing lot has adequate frontage for the district. The Howes do not intend to keep the conveyed land as a separate (buildable) lot, but will pasture the horses on it.

DRB questions/comments:

Have the parties considered just transferring the lot from Merrill's to Howe's? The proposal sounds like a boundary line adjustment (BLA). Is that accurate and will that suit the parties? The parties agree that a BLA describes what they propose.

DRB discussion:

Continue the hearing to September 6, DRB will deliberate the application and send a letter to Merrill with any recommendations or concerns and set the date to continue the hearing and/or proceed to final. Regarding Applicant's request to waive survey requirement of larger parcel, the letter will include granting the waiver request to not survey 207-acre parcel.

At 7: 50 pm Jim moved to continue the hearing to September 6 at 7:15 pm; Bruce 2nd; all were in favor. Motion carried: The Merrill proposal will be continued to 9/6/07.

Twinfield site plan review:

DRB Members present: Jim Barlow, Dina Bookmyer-Baker, Paul Brierre, and Bruce Hayden. Also attending: ZA Bob Light; Applicant representative Owen Bradley; architectural student working on the project, Matt Reed; and adjoining landowners Katherine Alyce, Will Schwarz, and Allen Banbury.

At 7:55 p.m. DRB Chair, Jim Barlow opened the hearing on the application for a site plan review.

Proposal:

- The outdoor pavilion, which will serve as an outdoor classroom, will have no electricity and no water hookup.
- Construction: concrete pier footings, pressure-treated cross-members, cedar decking, Douglas Fir up to the roof level, and a green roof to impact the forest as little as possible.
- The deck will end at the edge of the water and will not overhang.
- The structure will be 800' to 900' from the elementary school.

DRB questions/findings:

- A school is a permitted use in the Agricultural and Rural Residential zoning district (MZO §420).
- The review will be in accordance with 24 V.S.A. §4414, which limits the regulation of a school only to the extent that regulations do not have the effect of interfering with the intended functional use.
- Section 210, re: FEMA maps and flood plain, applies.
- Does §440, re: structures in the vicinity of surface waters, which includes development within 75 feet of all streams, ponds, or lakes apply? Applicant: The man-made pond was built after the school.
- The DRB reads §440 into the record, "*The limits...of the District include all lands within 75 feet of all streams, ponds, or lakes... The area within 25 feet of streams, ponds and lakes shall be maintained as a natural buffer zone.*"
- The definition of man-made pond applies. The district includes all streams, ponds, lakes.
- The proposal requires Act 250 approval (which requires local approval first).
- The structure will be in the Rural Residential, not the Forest Conservation district (according to Richard Steele, who met with ZA).
- The DRB will consider conducting a site visit.
- Location considerations: The school prefers for the structure to be next to the pond for ice-skating and access to the pond; the proposed location allows a flat entrance from the school to the pond; it faces to the

south to absorb the most sun, which will keep it warm.

–The intended functional use is to be in nature, to take samples from the pond, to see nature, to put students in proximity of the pond and see it from above. A teacher can better manage a class field trip with a defined, structured space next to the pond.

–Vehicular traffic will not increase.

–There will be no parking or loading near the structure.

–The nearest residential uses are the Shwartzes or Onion River campground.

–There will be no electric and no solar panels.

–The man-made pond is not shown on the official zoning map.

–The proposed structure is not the closest structure to the road.

–The ZA is concerned with the location of the structure relative to wetlands. The conservation commission is tasked with examining wetlands and structures.

–The applicant has not taken soil samples to see if the soil will support the structure.

Abutting landowner comments/questions:

–Ms. Alyce is concerned about privacy.

–Catherine and Tovar Cerulli didn't receive a hearing notice letter.

DRB voted to schedule a site visit for 5 pm Friday, July 20, 2007.

At 8:50 p.m. Jim moved to recess the hearing and reconvene on August 2, 2007 at 7:15 pm; seconded by Paul; all were in favor. Motion carried 4-0.

At 8:55 pm DRB went into closed session to deliberate the Merrill application.

At 9:10 pm DRB came out of deliberative session.

Paul moved to define Merrill subdivision as a boundary line adjustment, grant waiver of surveying the larger parcel, and issue a letter regarding those two items; Jim 2nd; Discussion: no other real concerns; All were in favor. Motion carried: 4-0.

At 9:15 p.m. the meeting adjourned.

Respectfully submitted,
Dina Bookmyer-Baker