

Marshfield Development Review Board
Minutes
Thursday, November 10, 7:15 p.m.
Old Schoolhouse Common, Town of Marshfield, VT

Present: DRB Members, James Arisman, Les Snow, and Gary Leach.

Alternate DRB Member for Lloyd/Burkhalter Matter: Faeterri Silver

Recused for Lloyd/Burkhalter Matter: Michael Schumacher

Not Present: Jenny Warshow

Witnesses/Attendees: Regarding Lloyd/Burkhalter Matter: Darrell Burkhalter; Peter Lloyd; Lincoln Earle-Centers; Liza Earle-Centers; Jessica Lloyd; Gregory Glossford; Derrick Burnett; Joshua Bencanaan; Rebekah Bencanaan; Rich Gouge; Rick Lloyd; Teri Lloyd; Grace Gouge; P. Dutil

Witnesses/Attendees: Regarding Hollister Hill Matter: Jeffrey Kanter; Kris Adams; Don Marsh; Judith C. Dix; Norman C. Dix; Renee Carpenter; Petra Dix; Conrad Dix; George Harris; Betty Durkee; Daniel Schall

At 7:00 p.m., James Arisman, presiding for the DRB, advised the assembled witnesses and other attendees that the DRB would meet privately to briefly discuss procedural matters prior to the beginning of the scheduled hearings. At 7:15 p.m., the witnesses and visitors were recalled, and the DRB called the meeting to order for the purpose of conducting hearings on applications. Witnesses were sworn in.

Hearing #1: Conditional Use and Site Plan Review: Darrell and Adair Burkhalter re Converting Accessory Building to Commercial Use, with Peter Lloyd of Lloyd Plumbing and Heating

Peter Lloyd, Applicant, testified that his company, Lloyd Plumbing, Heating & Gas Service, LLC, had recently doubled in size and currently consists of 9 employees. Mr. Lloyd testified that because of his expanded business, he required a space that could be used for storage, and as a shop and an office. Mr. Lloyd stated that Darrell Burkhalter, a family friend, had offered the use of an unattached building, a two-story garage, on his property on Church Street, that could be used for these purposes. Mr. Lloyd explained that he had carried out interior construction work and renovation on the building, preparing it for his own use, but that there was no change in exterior size to the structure. Mr. Lloyd stated that he had installed an efficient heat pump in the building.

Zoning Administrator (ZA) Bob Light asked questions regarding Mr. Lloyd's use of the building in question. Mr. Lloyd reiterated that he had 9 employees for his business. The building in question has 10 designated parking spaces. Mr. Lloyd stated that the parking spaces are not visible to others because of their location. The hours of business operation are approximately 7 a.m. to 5 p.m., but that his business activity also includes emergency service work and calls. Mr. Lloyd himself arrives at the location at 6:30 a.m. Work at the location in question includes loading equipment and scrapping metal on site in preparation for its later removal. The ZA stated that his concerns were with regard to any adverse impact on the neighborhood from the business, including noise, and whether residents were satisfied with having the business operating within their neighborhood. The ZA testified that he had not issued an Occupancy Certificate for the building in question and had not received a request from the Lloyd business for such certification. The ZA testified that an Occupancy Certificate could not be issued until a zoning permit had been approved for the building.

Mr. Lloyd testified that Church Street is, in his words, "primarily residential" in character. He explained that because of this fact, he tries to keep his employees quiet when on site, including urging them to keep down the volume of their recorded music when they are in the area.

Liza Earle-Centers testified that she and her husband have their home on Church Street, opposite the building in question. The neighborhood had been "just residential" when they first moved in and until this summer (2016) when she and her husband first began to see unexplained construction activity at the building. Ms. Earle-Centers stated, however, that no one had spoken to them regarding the reason for the construction or notified them of any plan for Lloyd Plumbing to move its operations into the building.

Ms. Earle-Centers expressed concern regarding increased traffic in what had been a residential neighborhood. She testified that the Lloyd work crew arrives at 6:30 a.m. at the building and is noisy, disturbing her family while they are still asleep. Ms. Earle-Centers expressed concern regarding the safety of her three children who play and skateboard on the road. She testified that truck traffic, including large trucks, and deliveries related to the Lloyd business occur throughout the day. She also testified that Church Street is narrow, hilly, and unpaved, with two cars unable to pass one another side by side. She stated that the road makes a steep climb up from Route 2 and is dangerous in the winter, requiring vehicles to accelerate sharply after turning from Route 2 to gain speed before driving up the hill.

Lincoln Earle-Centers also testified about traffic related to Lloyd Plumbing. He testified that before Lloyd Plumbing moved into the building in question that the area had been a quiet residential location. At first there had been one dumpster, and that has now increased to three. Since the arrival of the Lloyd business there is now more traffic and "there has been a big shift", and the neighborhood now feels as if his family is living "in a commercial zone". He testified that now road traffic has increased and deliveries by large trucks and trailers have resulted in deterioration of the unpaved surface of Church Street.

Mr. Earle-Centers testified that in August of this year he and his wife had called the

Marshfield Town Clerk and learned that the building in question was being converted to commercial use. Mr. Earle-Centers expressed concern that Lloyd Plumbing had taken over the two-story garage owned by Darrell Burkhalter and now “used it as their own”. He testified that Lloyd Plumbing had moved into the neighborhood without notice and without checking the zoning requirements and without seeking a zoning permit.

Darrell Burkhalter, the owner of the building in question and applicant for a Conditional Use Permit, testified that he had lived on Church Street for 27 years. He stated that he had run a construction business from his building, had an office there, and operated a ham radio station in the location. The building also had been used for storage. He stated that his business had no employees other than himself. His business had begun to drop in intensity roughly five years ago.

Mr. Burkhalter testified that the neighborhood has roughly 17 vehicles that travel through it regularly, not including routine deliveries. Other witnesses testified that while there is “lots” of residential traffic, the area is “quiet” or “not very noisy”. One resident, Rich Gouge, stated that he had concerns regarding travel being blocked by vehicles related to the Lloyd business, plowing difficulties, and road deterioration, but that Peter Lloyd had been responsive to these concerns. Jonathan Lloyd testified that he is a “pain in the butt” driving on the hill and because of his loud music in his car when he comes to work.

Peter Lloyd testified that if the Applicants were approved for a zoning permit, the Vermont Division of Fire Safety would then have to review and approve the use of the building, as proposed by his business.

On or about 8:05 p.m., the DRB agreed, based on the incomplete map information provided by the Applicants with their request for Site Plan Review, that a site visit by the DRB members would be necessary. Peter Lloyd agreed to provide additional mapping information. The date and time of the DRB site visit remains to be determined as it will require coordinating the schedules of the Applicants, abutters, and DRB members. The DRB chair will coordinate. The hearing was continued to December 8, 2016 at 7:00 p.m.

* * *

Hearing #2: Conditional Use and Site Plan Review: The Housing Foundation, Inc. re Demolition of Existing Hollister Hill Apartments and Construction of New Replacement Multi-Family Housing Units and Related Infrastructure/Services

Don Marsh, of Marsh Engineering Services, PLC, and site engineer for the project, testified regarding the proposed redevelopment. He was accompanied by Krister Adams, housing development specialist for the project, and Jeffrey Kanter, development consultant.

Mr. Marsh testified that the existing Hollister Hill Apartments project consists of four older, multi-family buildings on seven-acres on Austin Road in Marshfield, providing total of 40 bedrooms. The project was built in 1973. Mr. Marsh’s testimony included the use of maps and renderings of the proposed redevelopment. (Mr. Marsh corrected for the

record an error in the submitted Site Plan Review Application that stated that the existing project contains “32 bedrooms”. The correct number of current bedrooms is 40.)

Mr. Marsh testified that because of the age and condition of the existing Hollister Hill Apartments, the Housing Foundation is proposing demolition of the buildings currently in use and the construction of replacement multi-family housing, consisting of two buildings, containing 16 individual units, with a total of 32 bedrooms. The project will include replacement of the existing common drive and parking areas, as well as the existing water and sewer connections. Heat will be provided by a pellet boiler serving both buildings. A chain link fence, 320’ in length and 6’ in height, will separate the grounds of the project from the adjacent Dix log yard.

Several adjacent residents expressed concern regarding the impact of the project on their properties. George Harris noted that the split driveway design and the proposed location of the southernmost building would move the activities of residents closer to his property on Hillside Drive. Mr. Marsh agreed that the proposal would move the project closer to Hillside Drive by roughly 140’ but stated that the building and parking as proposed still would be approximately 450’ from Hillside Drive. Mr. Harris and Betty Durkee both raised concerns regarding “noise” from the project, given the expected demographics, i.e., families with children. Ms. Durkee was concerned that the project’s play area would be closer to Hillside Drive. Mr. Marsh responded that the project was proposing that the playground be located in the area in front of and between the two buildings, meaning that the southernmost building would contain noise. Mr. Marsh stated that because the number of bedrooms was being reduced to 32 (from 40), there also would be fewer children at play. Mr. Harris stated that noise was caused just by children playing, that there was also loud music, drinking, and talking from the project that could be heard on Hillside Drive.

Renee Carpenter of east Montpelier, a former resident of the Hollister Hill Apartments praised the existing project as a “safe harbor” and stressed that there is a need for affordable housing. Jeffrey Kantor responded that the project redevelopment was intended to provide two bedroom units for which there is the greatest current need.

Mr. Marsh responded to a letter from adjoining landowner, Marilyn J. Davis, PE. Miss Davis wrote to express concern regarding drainage from the existing project into her basement and onto her property. Ms. Davis asked that she be granted party status due to her concerns and objections. Mr. Marsh responded that he would contact Ms. Davis about the drainage issue and stated that he believed the project’s storm water discharge design would be an improvement.

DRB Member Gary Leach pointed that the plans for landscaping of the redeveloped project were minimal. Mr. Marsh agreed that the proposed tree planting was “modest”. DRB Member Schumacher suggested that more thought be given to screening in the area to the south of the proposed project to filter noise and light coming from the parking areas. Daniel Schall, who lives to the west of the existing project expressed concerns regarding noise—he stated that in the current layout of the apartments, one building blocks noise that would otherwise reach his home. He stated that there already is noise from Route 2 traffic

and Maplefields but that the redevelopment plan might allow additional noise to reach his home from the open area between the two new buildings that are to be constructed.

Conrad Dix referred to the planned redevelopment and stated, "I expected worse." Norm Dix agreed with tearing down the existing project, stating that it had been poorly constructed when it was first built.

The DRB agreed that the concerns regarding noise from the project and its site layout would require a site visit by the members. The hearing will be continued to December 8, 2016, with a site visit to be coordinated with Don Marsh, on behalf of the Housing Foundation.

The meeting was adjourned at approximately 9:05 p.m.

Minutes By: James S. Arisman, DRB Member

The foregoing is a true copy of the Minutes of the November 10, 2016 Meeting of the Marshfield DRB. By _____/S/_____, James S. Arisman, Member