

MARSHFIELD DEVELOPMENT REVIEW BOARD

Meeting Minutes • Thursday, July 12, 2012 • 7:00 p.m., Old School House Common

DRB members present: Paul Brierre (Chair), Dina Bookmyer-Baker, Vince Feeney, and James Arisman. DRB member absent: Bruce Hayden.

Also present: Bob Light (Zoning Administrator), Laura Mahan, Geoffrey Fitzgerald Esq., Parker Nichols, Mike O'Rourke, Betty O'Rourke, Barbara Burkhalter (recording secretary), and Will Walters reporting for *The Hardwick Gazette* (did not participate in the hearing).

Appeal & Variance request by Laura Mahan for Notice of Violation issued by the ZA regarding residential back stairs at 1551 US Route 2

At 7:16 p.m., with a quorum present, Paul opened the hearing. All parties intending to testify were sworn in. Applicant notified the abutters and posted the property as required.

Comments:

- A zoning (building) permit was issued to Laura Mahan on June 30th, 2003 to construct stairs from the back of her house to her back yard
- Permit application showed that the stairs would be 17 ½ feet from the property line
- In 2008, Hap Hayward had the property surveyed and the new survey showed Laura's property line to be much closer to her house, and the stairs to be only 5 feet from the property line
- Zoning Administrator sent Laura a Notice of Violation, dated May 2, 2012 (Town of Marshfield zoning regulations state that the minimum setback is 15 feet)
- Laura wrote an appeal to the DRB, dated May 11, 2012:
 - 2008 survey showed her stairs and landing were on the Hayward's property
 - She and the Haywards came to an agreement to make a lot line adjustment so that the stairs were on her property, but the property line is closer than the 15 feet setback required by town law
 - Requested a variance, stating that the situation arose through no fault of her own, and has already cost her a good deal of time, aggravation and money, and also requested that the DRB confirms that she does not need a subdivision permit or site plan approval for the recorded site plan depicting the agreed upon boundary
- DRB reviewed the Survey Map (Exhibit 1) which shows the original line and the agreed upon line

At 7:38 p.m. Paul moved to recess, James seconded the motion, all were in favor (4-0).

Proposal by Vermont Wildwoods LLC to revise site plan, construct a loading dock, and construct an accessory building for an existing lumber business at 4212 US Route 2

At 7:42 p.m., with a quorum present, Paul opened the hearing. All parties intending to testify were sworn in. Applicant notified the abutters and posted the property as required.

A loading dock had been built, and since it had not been on the building plans that the DRB approved, Parker was required to make it inoperable.

Comments:

- Applicant is requesting that the loading dock be made operable; it would be a benefit for the business (safety, convenience and efficiency)
- Trucks would be coming once a week to pick up lumber, possibly three times a week if business became very busy

- Neighbors are concerned about the noise level of the pick-up and delivery trucks, and whether or not their house's value will go down because of the business
- Neighbors object to the loading dock being in the front of the building
- Should the loading dock be made operable, all the loading would be done inside the building and that the trucks do not have back up beepers
- Trucks are in the yard about 10 minutes, but with the loading dock it would only be 5-6 minutes
- Restrictions may be placed on the hours of loading and unloading
- Delivery truck would not be using the loading dock, it drops the lumber off behind the building
- Delivery truck comes only once every three months
- Neighbors are concerned about the lights of the truck shining into their house at night
- Requesting approval to construct a 15' x 17' accessory building (kiln building to dry the lumber in)
- Kiln would be running 24 hours/day (the kiln is a heating unit that exhausts steam, which is generated by electricity)
- Building will be insulated to help reduce noise level
- Stacks of wood are being stored behind the building right now
- If the kiln building were built the stacks of wood would be stored inside the building
- Should the DRB need more information, they may require there be another hearing

At 8:57 p.m. Paul moved to recess, Vince seconded the motion, all were in favor (4-0).

The DRB members reviewed and approved the minutes of meeting dated June 28, 2012.

At 9:17 p.m. Paul made a motion for the DRB to enter closed session to deliberate the pending applications, Vince seconded the motion, all were in favor. The DRB entered deliberative session.

At 10:53 p.m. Vince moved to adjourn deliberative session, Dina seconded the motion, all were in favor. DRB returned from deliberate session.

At 10:57 p.m. Paul moved to adjourn the meeting, James seconded the motion, all were in favor. The meeting was adjourned.

Respectfully submitted,
Barbara S. Burkhalter

Final
Approved September 13, 2012