

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

January 20, 2017

Tim Palmer, Executive Director
The Housing Foundation, Inc.
P.O. Box 157
Montpelier, Vermont 05601-0157

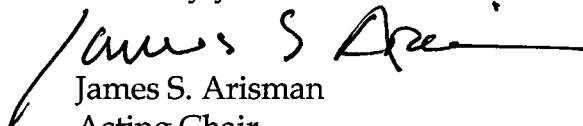
Don Marsh, PE
73 Main Street, Room 28
Montpelier, Vermont 05602

Gentlemen:

Enclosed, please find the decision and order of the Marshfield Development Review Board (DRB) regarding the applications of the Housing Foundation, Inc, for Conditional Use and Site Plan approval. For the reasons stated in the decision, the DRB has **approved** the applications with the conditions set forth within.

The DRB thanks you for your cooperation, testimony, and clear presentation during the hearing process.

Sincerely yours,



James S. Arisman
Acting Chair
Development Review Board

Enclosure

cc (w/ hard copies of decision):

George W. Harris, P.O. Box 371, Plainfield, Vermont 05667-0371
Marilyn J. Davis, PE, 8086 U.S. Route 2, Plainfield, Vermont 05667
Daniel Schall, 574 Bunker Hill Circle, Plainfield, Vermont 05667
Robert Light, Zoning Administrator
DRB Members Leach and Snow

**TOWN OF MARSHFIELD
DEVELOPMENT REVIEW BOARD**

Re: The Housing Foundation, Inc.
(Applicant)
P.O. Box 157, Montpelier, VT 05601-0157

re: Hollister Hill Apartments,
42 Austin Road, Marshfield, Vermont 05658;
Marshfield Parcel ID# H0005; Apps. for Zoning
Permit; Site Plan Review; Conditional Use Permit

Findings of Fact, Conclusions of Law, and Order

I. Background and Procedural History, Findings.

Pursuant to Town of Marshfield, Vermont Zoning Regulations, Section 235, and other authority, the Marshfield Development Review Board (DRB) credits the testimony of the witnesses before it and finds as follows in this matter, based on that testimony, the evidence, submissions, and record in this matter.

A. Background.

1. The Housing Foundation, Inc. (hereinafter, "HFI" or "Applicant"), a Vermont non-profit corporation, is a developer of housing for low-income families, the elderly, and persons with disabilities. HFI, Inc., owns the Hollister Hill Apartments complex located on Austin Drive, within the Town of Marshfield Village Zoning District. The complex, at present, consists of 16 individual family apartment units, located in four buildings, and providing a total of 40 bedrooms for residents. The Hollister Hill Apartments were constructed in the early 1970s by a private developer and purchased by HFI, Inc., in 1986. The complex is located on a 7.7-acre parcel now owned by HFI, Inc.

2. Due to factors, such as the age and present condition of the Hollister Hill Apartments, the Housing Foundation undertook planning for redevelopment of the existing site, to be carried out through a phased demolition of the current buildings followed by new construction. Under the plan, the existing apartment units would be replaced with two newly constructed multi-family buildings, which would provide a total of 16 apartments (with a total of 32 bedrooms).

3. In January 2016, agents for the Housing Foundation contacted both the Town of Marshfield Zoning Administrator (ZA), Robert Light, and the Town of Marshfield Selectboard, describing its proposal for the redevelopment of the Hollister Hill Apartments site and requesting the assistance of the Town.

4. On September 6, 2016, HFI, Inc., submitted to the Town of Marshfield applications for a Conditional Use Permit and for Site Plan Review, attaching a four-page project summary discussing the project under the ambit of the Town's Zoning Regulations and including scaled maps and architectural renderings. A hearing before the DRB on the applications was scheduled for October 16, 2016. On September 28, 2016, Don Marsh, project engineer, wrote to the Marshfield Town Clerk, stating that the Housing Foundation intended to revise its site plan for the Hollister Hill Apartments project and, therefore, was withdrawing its pending application(s). Mr. Marsh indicated that revised applications would be submitted at a later date. The scheduled DRB hearing was then cancelled.

5. Subsequently, on October 6, 2016 the following new applications were filed: Application for Zoning Permit; Conditional Use Permit Application; and Application for Site Plan Review. ZA Light referred the applications to the DRB for review, hearing, and determination. See Marshfield Zoning Regulations at Sections 225, 245 & 250. The applications were accompanied by a cover memorandum from Don Marsh, writing as agent for HFI, Inc., a project summary, a site plan, existing conditions plan, a planting and light plan, building elevation plans, and cut sheets for proposed fixtures and lighting.

B. The DRB Hearing.

6. After due public notice, HFI's applications were considered by the DRB in public hearing under the site plan and conditional use standards of the Town of Marshfield Zoning Regulations. The DRB members for the hearing were: James Arisman, Gary Leach, and Les Snow.¹ Also present for hearing in this matter were Bob Light, Zoning Administrator; Seth Donlon, Acting DRB Clerk. For HFI, Inc., (Applicant): Don Marsh, Kris Adams, Jeffrey Kantor, and Tim Palmer. Area residents: Betty Durkee, Renee Carpenter, Petra Dix, Norman Dix, Conrad Dix, George Harris, Daniel Schall. All testifying witnesses were placed under oath.

7. The Marshfield DRB heard this matter beginning on November 10, 2016 and continuing on December 8, 2016. The DRB also carried out a site visit at the location of the existing Hollister Hill Apartment complex on December 3, 2016. The DRB's findings are based on hearing testimony, site visit, and the

1. DRB Member Michael Schumacher participated in the first evening of the hearing on the Hollister Hill Apartment applications on November 10, 2016. However, due to scheduling conflicts, Mr. Schumacher was unable to participate in the hearing continuation on December 8, 2016 or the DRB site visit on December 3, 2016 and, thus, did not participate in the DRB's deliberations or final decision in this matter.

record and submissions in this matter. For the purposes of this written decision, the Marshfield Development Review Board has weighed together as one the representations on behalf of HFI, Inc., by Don Marsh, Krister Adams, Jeffrey Kantor, and Tim Palmer in considering this matter.

8. The Hollister Hill Apartment complex and the parcel on which it is located are situated within the Marshfield Village Zoning district, just north of U.S. Route 2 and uphill from the Maplefields convenience store on Route 2.

9. Don Marsh, of Marsh Engineering Services, PLC, and site engineer for the project, testified for HFI, Inc., regarding the proposed redevelopment and was accompanied by Krister Adams, housing development specialist for the project, and Jeffrey Kantor, development consultant. Mr. Marsh testified that the existing Hollister Hill Apartments complex consists of four older, multi-family buildings located on roughly seven-acres on Austin Road in Marshfield, providing a total of 40 bedrooms. The project was built in the early 1970s. Mr. Marsh's testimony included as aids the use of maps and renderings of the proposed redevelopment. Mr. Marsh corrected, for the record, an error in the previously submitted Site Plan Review application that stated that the existing project contains "32 bedrooms". In fact, according to Mr. Marsh, the correct number of current bedrooms is 40.

10. Mr. Marsh testified that because of the age and current condition of the existing Hollister Hill Apartments, the Housing Foundation had developed a proposal for demolition of these buildings and the construction of new replacement multi-family housing, consisting of two buildings, containing a total of 16 individual units and providing 32 bedrooms. The project will include replacement of the existing common drive and parking areas, as well as the existing water and sewer connections. A pellet boiler serving both buildings will provide heat. A chain link fence, 320' in length and 6' in height, will separate the grounds of the project from the adjacent Dix log yard. The project will also include construction of a 28' by 44' community building and potential construction (to be determined by final availability of funds) of a 16' by 52' common storage building for use by residents.

11. Several adjacent residents expressed concern regarding the impact of the project on their properties. George Harris of Hillside Drive testified that the proposed 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. Harris was concerned that he might be negatively affected by factors such as noise and light from the redeveloped complex. Mr. Marsh agreed that the proposal would move the project closer to Hillside Drive, by roughly 140 feet, but estimated that the south building and parking as proposed would still be approximately 450 feet from Hillside Drive.

12. Mr. Harris and Betty Durkee both emphasized concerns regarding "noise" from the project, given the expected demographics, i.e., families with children. Both testified that children in outdoor play inevitably are "noisy" and that adults gather in outdoor areas at the apartments to socialize, sometimes loudly. Ms. Durkee was concerned that the project's play area as proposed would be closer to Hillside Drive. Mr. Marsh responded that the project was planned so that the playground area would be located in front of and between the two buildings, meaning that the southernmost building would tend to contain noise from children at play.

13. Mr. Marsh testified that because the total number of bedrooms was being reduced to 32 (from 40), there also would be fewer children at play. Jeffrey Kantor responded that the project redevelopment was intended to provide two bedroom units, for which there is the greatest current need. Mr. Harris responded that noise from the apartments was caused not just by children playing but also from loud music, drinking, and talking that could be heard by residents on Hillside Drive.

14. Prior to the hearing on the HFI, Inc., applications, the DRB received a letter from adjoining landowner, Marilyn J. Davis, PE.² Miss Davis wrote to express concern regarding drainage from the existing project into her basement and onto her property. 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 over the current system. Mr. Marsh added that a storm water treatment swale would be added to prevent water runoff from reaching the Davis property. This change would redirect water west into an existing storm water runoff swale without changing the overall site water runoff characteristics. According to Mr. Marsh, Ms. Davis is satisfied with this change.

2. The DRB received on November 10, 2016 prior to its hearing on the Hollister Hill Apartments project proposal the letter described above from Marilyn J. Davis, PE, of 8086 U.S. Route 2, Plainfield, Vermont, 05667 regarding the proposed redevelopment project. She expressed concern as to possible drainage problems that might be associated with the site of the existing project. Ms. Davis stated that she was unable to appear for the hearing due to a scheduling conflict. Ms. Davis asked that she be accorded party status in this matter should an appeal be necessary. She stated that correction of any existing drainage problem could be readily accomplished and asked that the developers adjust their site plan accordingly. We note here that under 24 V.S.A. §4471(c), persons participating in a hearing through oral or written testimony or a statement of concern are persons who may be deemed by the Environmental Court to be an "interested person" as to such proceedings, 24 V.S.A. §4465(b), by virtue of such participation, in matters appealed to the Vermont Environmental Court. *See also* Notice of Right to Appeal, attached.

15. DRB Member Gary Leach questioned the plans for landscaping of the grounds of the redeveloped complex. Mr. Marsh responded that the proposed plan for tree planting on the grounds was "modest". A DRB member questioned whether screening measures in the area to the south of the proposed project might be used to filter noise and light coming from the parking areas that were of concern to residents of Hillside Drive. Another resident, Daniel Schall, who lives to the west of the existing project (and uphill) expressed concerns regarding noise, and testified that in the current layout of the apartments a building now blocks noise that might otherwise reach his home. He stated that there already is some noise from Route 2 traffic and Maplefields but he was concerned that the redevelopment plan might allow additional noise to reach his home from the open area between the two new buildings that will be constructed.

16. Neighboring resident Conrad Dix, after listening to testimony, referred to the planned redevelopment and stated, "I expected worse." Area resident Norm Dix agreed that replacement of the existing project was positive in that the original complex had been poorly constructed when first built.

17. At the hearing continuation on December 8, 2016, Don Marsh presented as an exhibit an aerial photo view of the proposed site and surrounding areas. Mr. Marsh testified that the site's tree planting plan had been adjusted. The hardwood trees next to the project driveway and the log yard would be left in place and the four evergreen trees originally proposed for that location would be moved to a location to the southwest of the project where these would tend to reduce the visual impact of the project for residences on Hillside Drive. Additionally, two hardwood "Little Leaf Linden" trees would be added to a green space at the western side of the project.³ No other changes were made to the site plan as submitted to the DRB on October 16, 2016.

18. Mr. Marsh summarized that the site plan for landscaping had been increased by two trees over the original plan. In total, the plan now includes 10 deciduous trees and 9 evergreens. These trees are distributed throughout the project and include the four evergreens intended to screen the project visually from the Hillside Drive area. Mr. Marsh estimated the total landscaping budget to be about \$15,000, though that amount might be more if the cost of all general "greenscaping" were to be included in the calculation.

19. George Harris, of Hillside Drive, testified that he was grateful that the four trees referred to above were being moved to provide screening, but continued to express concern about the possibility that the group of sumacs on

3. The DRB finds that the addition of these trees, in combination with the uphill location of Daniel Schall's residence on Bunker Hill Circle, should mitigate possible noise disturbance from the redeveloped Hollister Hill complex.

the nearby knoll, overlooking Hillside Drive, might be cut at a later date. He testified that the sumacs provide visual screening and are a noise barrier. Mr. Harris testified that he is unable to be sure whether the proposed new structures will be visible from his residence, and expressed again his concern about possible noise, lights, and visibility of the structure. Mr. Harris stated that he would like to have ample vegetative screening in place to alleviate those concerns.

20. Jeffrey Kantor testified that the four new screening trees in fact would be planted because they are now part of the landscaping plan submitted to the DRB. Mr. Kantor further testified that in the past the area containing the sumacs referred to by Mr. Harris had been brush hogged and might be brush hogged in the future. He testified that "no promises" were being made in this regard. Mr. Harris in turn testified that he had lived in the area for nearly 20 years and did not recall ever seeing the sumacs being brush hogged. Mr. Marsh testified that "the limits of disturbance associated with the [redevelopment] project do not include any impact on the sumacs". The only "off site" work to be done will be the sewer line which will extend to the south next to Maplefields.

21. Mr. Marsh added that in his opinion the existing topography provides a better visual and sound barrier than trees. Mr. Marsh pointed out the context of existing Village density and existing neighboring infrastructure and commercial activity were relevant in weighing possible disturbance. Mr. Marsh testified that he recognized Mr. Harris' concerns as valid but asserted that these claims did not rise, in his opinion, to a level warranting specific attention and additional landscaping as a condition.

22. Mr. Harris testified that noise from the existing apartment complex does reach his residence, and with the southernmost proposed structure being further south than the existing structures, his concerns are valid, in his view.

23. Mr. Marsh testified that the Applicant's lighting plan is an improvement over the existing project's lights, with shielded exterior lights pointed down and away from neighbors. He stated that the Applicants are doing everything "reasonably and technically possible" to reduce impacts on neighbors compared to what exists today with the current complex. Mr. Kantor testified that the proposed project has a reduced density, maintaining 16 apartment units but decreasing the total number of bedrooms from 40 to 32. The driveway is being split, so traffic for only 8 units will be on the side closest to Mr. Harris' residence.

24. Mr. Marsh testified that the Applicants had not determined whether the proposed structures could be seen from Hillside Drive. Mr. Harris testified that the existing structure is visible (from the roof of his residence), and reiterated his concerns regarding light and noise from the south building that is

closest to him. Mr. Kantor testified that there will be no exterior lights at the second floor level of the structure and that the solar panels on top of the building will not reflect or emit light.

25. The total budget for the project is expected to be close to \$4,000,000, including site work and demolition of existing buildings. Mr. Harris testified that approximately \$15,000 for landscaping out of a total budget of \$4,000,000 is insufficient in his view for providing both project landscaping and a suitable buffer for him and the rest of the neighborhood. Mr. Kantor replied that the south structure that is of concern includes only 8 units, with fewer people, and is only "a little bit closer" to Mr. Harris residence. He added that Mr. Harris' residence is near Route 2 and that noise is already a part of that neighborhood environment. Mr. Harris testified that he does not hear noise from Route 2 because there are houses and a buffer of trees but that he does hear noise coming from the Hollister Hill apartments.

26. Mr. Marsh testified that noise, as a concern from the proposed development, does not compare to the existing noise impacts of the Dix log yard next door. Mr. Harris testified that he does not hear noise from the log yard. Tim Palmer asked for HFI, Inc., why the log yard does not generate more noise for Mr. Harris, given that there are few trees between the yard and Mr. Harris' residence. Mr. Harris replied that there are tall log piles that are maintained at the log yard and that block noise. Mr. Kantor testified regarding the possible impact of the redevelopment project, noting that the existing height of the log piles is almost equal to that of a two-story building and that the log yard includes unshielded lights.

27. Mr. Harris asked that two trees could be added to the landscaping plan, for a total of six to be placed on the southwest side of the development and asked if the sumacs bordering Hillside Drive could be left uncut. Mr. Marsh replied that no guarantee could be made regarding the sumacs because that area "should be maintained as a field" and added that it is the Applicant's position that no additional plantings beyond those already proposed need to be made.

II. Further Findings and/or Conclusions of Law.

28. The DRB notes for the record that the project summary submitted by the Housing Foundation, in support of its applications, included its own discussion of and viewpoint regarding the project's compliance with Article III of the Town's Zoning Regulations. Article III sets forth the Town's "General Requirements" for land use and zoning. The General Requirements are properly the responsibility of the Zoning Administrator in reviewing and determining whether to grant zoning permits for construction, development, and other

related matters. Here, the instant decision by the DRB is limited to consideration of the specifics of the applications for Conditional Use and Site Plan Review that are properly before us and on which we received testimony and evidence at hearing.

A. Section 245–Conditional Use, General Standards.

29. Under the requirements of the Town of 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 proposed use; utilization of renewable energy resources; and the goals of the Town Plan. We review the individual Section 245 criteria below with regard to the applications before the DRB.

i. **Capacity of Community Facilities:** the existing complex consists of four buildings, providing a total of 16 units of housing, with a total of 40 bedrooms. The existing complex will be demolished and replaced with two buildings, providing 16 units of housing and a reduced total of 32 bedrooms. The project makes no change to the use of the parcel as a site for multi-family housing. The reduction in the number of available bedrooms from 40 to 32 should decrease (and not increase) the number of students from the complex who may be attending the local school. Traffic can reasonably be expected to be equivalent to current levels. We find that the capacity of community facilities will not be adversely affected. *See further discussion, below.*

ii. **Character of the Area:** the parcel in question has been the site of multi-family housing since the early 1970s. Over time the Hollister Hill Apartments have become a fixture of daily life in the local neighborhood, an area that features a number of mixed uses within the immediate Village Zoning District. Critiques of the existing Hollister Hill Apartments focused on the quality of the original construction and the current aged condition. Concerns also were expressed in testimony regarding noise and light coming from the existing project. Positively, the Housing Foundation has proposed a complete replacement of the current buildings with new construction, with new lighting, and improved attention to the location of parking, play areas, and landscaping. We find that with the imposition of limited conditions of approval the character of the area will not be adversely affected.

iii. **Traffic:** The proposed project will not increase the number of units of multi-family housing at the Hollister Hill complex and, as such, is unlikely to increase traffic to and from the complex. The proposed site plan splits in two directions the Austin Road/driveway entering from Hollister Hill Road. Traffic

nearest each building generally will be made up of the occupants of each building. We find that the proposed project will not increase traffic and will not result in undue adverse impact on roads in the area.

iv. **Bylaws:** the proposed project is consistent with the Section 410 of the Village Zoning District in which multi-family housing is a permitted use. We find that the proposed use is appropriate to the District and, with the limited approval conditions that we set forth, will not have an undue adverse impact on the District or adjoining land uses or residents.

v. **Capability of the Land to Support the Use:** as noted, the parcel in question has been for many years the site of the existing multi-family housing complex which is to be replaced with new construction and a new site plan. The parcel, with proposed improvements to the existing water and sewage connections and drainage patterns, is demonstrably capable of supporting such use as a site for multi-family housing. We find that Applicant's parcel is capable of supporting the proposed project.

vi. **Utilization of Renewable Energy Resources:** the proposed project will heat the two new multi-family buildings using a wood pellet heating system. The buildings will also include solar panels on their roofs, according to testimony. The written project summary also suggests the possibility at a later date of additional solar development and notes that the new construction will be significantly more energy efficient than the existing buildings. We find that the proposed project will favorably make use of renewable energy resources.

vii. **Goals of Town Plan:** The Town Plan supports maintenance of Marshfield's existing rural character and supports new development that is consistent with the character of the Village Zone. The Town Plan also encourages development that reinforces and complements existing neighborhoods. The Town Plan supports the development of safe and affordable housing for residents, as well as energy conservation. The Town plan also states that Marshfield will actively pursue partnerships with housing development non-profit agencies to provide assistance in financing affordable housing projects. Based on these representations, we find that the proposed project is consistent with such Town goals.

30. **Conclusion of the DRB, Section 245-Conditional Use, General Standards:** for the reasons and findings set forth above, we conclude that the project proposal by the Housing Foundation, Inc., for demolition and redevelopment of the Hollister Hill Apartment complex, is consistent with the Section 245 general review criteria, as weighed by the DRB and with certain required conditions for approval. The project as represented in the applications and testimony before the DRB, with the limited conditions set forth below, will

not result in undue adverse impact upon the immediate neighborhood, adjoining areas, and the character of the Village Zoning District.

B. Section 245-Conditional Use, Specific Standards.

31. Pursuant to the requirements of the Zoning Regulations, all Conditional Use applications are reviewed under the specific requirements of this section. The DRB reviews and records its conclusions under standards that include the following: conditions to be imposed, if any, necessary to prevent or reduce fumes, gas, dust, smoke, odor, noise, vibration, or similar nuisances; to preserve open spaces; landscaping and fencing to maintain the zoning district character; to promote adequate vehicle circulation, parking, loading; to meet water and sewer standards; setbacks required to accommodate the proposed use; and the design and location of signs and lighting to maintain the character of the neighborhood.

32. **Conclusion of the DRB, Section 245 Specific Standards; DRB Required Conditions for Approval:** the proposed project, when considered by the DRB during public hearing, produced testimony and concern regarding possible noise, light, and visual impact of the redeveloped project on neighboring residents. Having received testimony and exhibits, conducted a site visit, and weighed these concerns, the DRB has concluded that approval of HFI's applications shall require certain conditions to mitigate limited, but, nonetheless, undue adverse impact and to protect the Zoning District character.

33. The testimony of George Harris and Betty Durkee of nearby Hillside Drive emphasized not a general objection to the redevelopment of the site, but rather concerns based on prior experience during the actual lifetime of the existing Hollister Hill Apartments. Mr. Harris testified that the proposed split driveway design and the proposed location of the southernmost building would move the activities of residents closer to his property on Hillside Drive by roughly 140 feet. Mr. Harris and Ms. Durkee raised concerns regarding "noise" from the project. Both testified that children in outdoor play inevitably are "noisy" and that adults also gather in outdoor areas at the apartments to socialize, sometimes loudly. Mr. Harris added that noise from the apartments was caused not just by children playing, but also from loud music, drinking, and talking that could be heard on Hillside Drive. The DRB finds these specific concerns to be legitimate. The DRB, therefore, under the Section 245 Specific Standards, will require as a condition of approval the use of certain landscaping to mitigate such concerns and as desirable to maintenance of the Zoning District character.

34. Applicant, HFI, Inc., originally proposed planting 9 evergreen tree and 8 deciduous trees throughout the project, as well as making “[e]very effort” to protect the existing trees within the project. HFI, Inc., conceded at hearing that this landscaping plan was “modest” in scope. Responding to the concerns of Mr. Harris and Ms. Durkee, the Applicant presented at hearing on December 8, 2016 a “Revised Tree Layout and Plant List”. The revised plan increased the total number of trees to 10 deciduous trees and 9 evergreens, with four evergreen trees being newly sited below the southwestern corner of the south building, in an effort to provide a buffer between the multi-family complex and Hillside Drive to the west. The DRB commends HFI, Inc., for this decision, which recognizes the concerns of these neighbors. The DRB will require compliance with the “Revised Tree Layout and Plant List” and its specifications as to size and sets specific conditions with regard to supplementing the landscaping plan and other matters. The DRB sets forth here the following **conditions** for approval of the applications by HFI, Inc.:

i) **DRB condition--landscaping and trees:** as a specific condition of approval, Applicant shall increase the size of the tree buffer that it has proposed for siting below the southwestern corner of the south building, from four trees to a total of no fewer than six evergreen trees. These six (or more) trees shall be planted in the area of the southwestern corner of the south building in a pattern intended to reasonably screen and mitigate possible noise, light, and visual impact from the redeveloped project that might adversely affect residents in the Hillside Drive neighborhood. This specific landscaping will provide increased screening between Hillside Drive to the southwest and the new complex and its surrounding grounds. The DRB also will require, as a condition of approval, that any trees indicated on the landscaping plan shall be replaced, within the first three growing seasons, if any should die;

ii) **DRB condition--stand of sumacs:** testimony during the hearing in this matter and observations during the December 3, 2016 DRB site visit identified a stand of sumacs growing at the southwest edge of the Hollister Hill Apartments parcel and bordering Hillside Drive. The DRB finds that this stand of sumacs offers at least some screening of light, noise, views of the complex and is regarded as valuable by Hillside Drive residents. As a specific **condition** of approval of HFI’s applications, this stand of sumacs shall not be cut or removed in light of their screening value. If HFI, Inc. chooses at a later date to plant replacement landscaping that will be equal in size and screening capability of the existing stand of sumacs, no cutting or removal of the existing sumacs shall take place until the replacement landscaping has reached sufficient maturity to provide equivalent screening;

iii) **DRB condition--water supply and sewage:** the project will be served by on- site water and sewage, for which HFI, Inc. has proposed improvement of

the existing connections. The DRB requires as a specific condition of approval that all such work shall meet State approval and environmental requirements and any other applicable State requirements;

iv) **DRB condition--signage and outdoor lighting:** Applicant has proposed and testified that all lighting “will be full cut-off LED fixtures” and shall not “throw off” any light from the project parcel. The DRB requires as a specific condition of approval all lighting shall be installed and function as described and with such condition concludes that the structure is appropriate and consistent with the character of the neighborhood. Signage for the complex shall be unlighted and shall not exceed dimensions of 4’ by 8’ in size. We require these specific conditions for approval of HFI’s applications.

v) **DRB condition--fencing:** Applicant has planned installation of 320’ of chain link fencing to separate the project grounds from the Dix logging yard, as well as planned a 8’ tall wooden fence to screen the pellet heating silo from view. We require such fencing as specific conditions for approval of HFI’s applications.

vi) **DRB condition--general:** as a general condition of approval, all project demolition, redevelopment, and construction shall be carried out as set forth in and consistent with HFI’s written applications, maps, plans, drawings, listed specifications, and sworn hearing testimony before the DRB and its submissions in support of its applications.

C. Section 251, Site Plan Review.

33. Site Plan Review is required by Section 250 of our Zoning Regulations for the development of multi-family housing within the Town of Marshfield. Pursuant to Section 251 of the Zoning Regulations, the DRB reviews the site plan map and supporting data before approval or before issuing approval with stated conditions, or, alternatively, disapproval. The DRB takes into consideration the following objectives in its determination.

i. **Compatibility between the proposed use and existing adjacent uses:** The area of the proposed HFI, Inc. redevelopment project has served for many years as the site of a multi-family complex similar in size to what is being proposed by Applicant. *See* Paragraph 29, (ii), above. The area includes, rental and multi-family housing, single-family housing, and a number of commercial operations, including the Dix logging yard. **Conclusion of the DRB:** the proposed use provides improved housing, reduces density, and, with the conditions required by the DRB, is compatible with the existing range of adjacent land uses.

ii. **Safety of vehicular and pedestrian circulation between the site and roads:** Applicant's narrative states that the redeveloped project driveway will be 24' wide, with 20' by 20' hammer head turnarounds for emergency vehicles. Project circulation plans have been reviewed and approved by the fire chiefs of both Marshfield and Plainfield. New sidewalks will be constructed within the project grounds and for pedestrian travel to Hollister Hill Road. Traffic from the complex can be reasonably expected to remain at current levels or decrease. The entry point to and from Hollister Hill Road will remain the same. **Conclusion of the DRB:** Safe, adequate, and improved vehicular and pedestrian circulation will be provided by the proposed project.

iii. **Adequacy of circulation[,] parking, and loading facilities:** See discussion immediately above. The project will develop 27 parking spaces for resident use, adjacent to each of the two multi-family buildings in the complex. Loading facilities will be adequate for solid waste removal, recycling, and wood pellet delivery and offloading. **Conclusion of the DRB:** The review criteria of this subsection are satisfied.

iv. **Adequacy of landscaping, screening, setbacks, and architectural design; location of proposed signs and outdoor lighting; compatibility with and protection of adjacent property:** the DRB has discussed the project's landscaping and screening at Paragraph 32 (Conditional Use Review), above, and has required related conditions for approval of HFI's applications, so as to protect the use and enjoyment of adjacent property. The proposed project is new construction and virtually complete redevelopment of the existing parcel, aspects that will provide for improved appearance and better quality of housing for residents. The complex remains relatively small in scale. The individual buildings will use clapboard siding finished in light earth tones, with asphalt shingle roofs. Lighting will be full cut-off LED fixtures that will provide lighting for residents while "not throwing any light off the project parcel." There will be no exterior lights on the second floor of the southern building. **Conclusion of the DRB:** as discussed above, the DRB has established conditions for approval of the proposed project to protect adjacent property, maintain zoning district character, and prevent undue adverse impact upon the character of the area affected. Under such conditions and Applicant's adherence to these, the review criteria of the subsection are satisfied.

v. **Protection of the utilization of renewable energy resources:** the proposed project will be heated with a pellet wood system and the newly constructed buildings will be more energy efficient, including the use of solar panels on roofs. According to the Applicant, additional on-site renewable energy sources may be developed at a later date. The project will not adversely affect the use of available renewable energy resources by residents of adjacent parcels.

Conclusion of the DRB: The proposed project will not adversely affect the use of renewable energy resources.

34. **Overall Conclusion of the DRB, Section 251, Site Plan Review:** the DRB concludes from the above facts and individual conclusions that the application submitted by the Housing Foundation, Inc. for redevelopment of the Hollister Hill Apartments, when considered as a whole with the conditions of approval required by the DRB, meets the Site Plan criteria of Section 251. See conditions set forth at paragraph 32, i through vi. On this basis, the Marshfield Development Review Board, pursuant to Section 251 of the Zoning Regulations, approves with specified conditions the site plan for redevelopment of the Hollister Hill Apartments.

III. Decision and Order.

For the reasons set forth above, the Applications of the Housing Foundation, Inc. for Conditional Use and Site Plan Review are hereby **approved** and **so ordered** by the Marshfield Development Review Board, subject to the required conditions of approval set forth at Paragraph 32, above.

The proposed project shall be completed according to the applications, plans, testimony, and submissions by Applicant and/or its agents. This approval, with the conditions as required and set forth herein by the DRB, is entered pursuant to the Town of Marshfield conditional use and site plan review standards. It does **not** relieve Applicant of obtaining a zoning permit(s), prior to commencing construction.

Any change to the plans or the proposed use of the property shall be promptly brought to the attention of the Zoning Administrator, prior to implementation of any such change, 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 the property.

DRB Members Voting to Approve: James Arisman, Gary Leach, and Les Snow.

DRB Members Voting to Disapprove: None.

Not Present for Entire Hearing and Not Voting: Michael Schumacher⁴

Not Present: Jenny Warshow.

So Ordered, at Marshfield, Vermont, this 20th day of
January 2017, By:


James Arisman, Acting Chair
for the Development Review Board

4. See footnote 1, above.

RE: APPLICATIONS OF THE HOUSING FOUNDATION, INC.

NOTICE TO 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. *And see* Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court). Under 24 V.S.A. §4471(c), the hearing participants identified in Paragraph 6, above, are persons who may be deemed by the Court to be an "interested person" as to these proceedings, as defined in 24 V.S.A. §4465(b), by virtue of such participation, should this matter be appealed to the Vermont Environmental Court.