

**TOWN OF MARSHFIELD**  
**DEVELOPMENT REVIEW BOARD**  
**Findings of Fact and Conclusions of Law**

Hearing Dates:  
July 24, August 14 & 28, 2025

Decision on subdivision application #25-15:

Owner/ Applicant: Greg Breer  
Project Location: 110 Folsom Hill Road, Marshfield, VT  
Zone: Village Residential (VR)  
Parcel ID: FO-004  
Re: Final Subdivision Review, 2 lots

**I. Procedural History and Applicant Request**

1. On June 26, 2025, Greg Breer (Owner) submitted a Subdivision Application and supplemental information for a two-lot subdivision of parcel FO-004, located at 110 Folsom Hill Rd. in Marshfield.
2. The project is classified as a Minor Subdivision (fewer than 4 lots), which requires review by the Development Review Board (DRB). As set forth in the *Marshfield Subdivision Regulations*<sup>1</sup> (MSR) Section 1030, Zoning Administrator Lorraine Banbury (ZA) referred the application to the DRB for review in accordance with MSR Sections 4020–4036.
3. On July 24, 2025, the DRB held a warned public hearing to review the project.

**In Attendance:** DRB members: Dina Bookmyer-Baker, Les Snow, and Gary Leach (via Zoom). Staff: Lorraine Banbury (ZA and Acting Clerk). No parties attended to participate in the Breer project.

The hearing was opened, but it was immediately continued; no testimony was taken. ZA Banbury explained that additional materials were coming that were required before the hearing could be held on the project that would include design review for development proposed on the new lot. The Board continued the review to August 14, 2025, at 6:30 p.m. to allow adequate time to review newly submitted materials.

4. On August 14, 2025, the DRB held a warned public hearing to review the project. The hearing was live-streamed and conducted in-person in the Town of Marshfield Meeting Room at the Old Schoolhouse Common, 122 School Street. The hearing was audio and video recorded. The Applicant attested to and provided evidence that all adjoining landowners were properly notified.

**In Attendance:** DRB members: Dina Bookmyer-Baker, Les Snow, and Gary Leach. Staff: Lorraine Banbury (ZA and Acting Clerk). Present and sworn in: Greg Breer (Owner/ Applicant) and Aaron

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<sup>1</sup> Town of Marshfield Subdivision Regulations: Adopted March 4, 2014.

Fuller (Consultant to Applicant).

**Exhibits:** The application materials submitted to the DRB included the following:

- Application for Subdivision, received 6/27/25.
- Re-Tracement of Lot #1 and Subdivision of Land Belonging to Greg A. Breer, prepared by Vermont Land Integrity, dated June 2025.
- Zoning permit application for a 3-bedroom dwelling on proposed Lot 1, signed July 23, 2025.
- Site Plan showing the development proposed for Lot 1, prepared by Vermont Land Integrity, dated 6/27/25, revised 7/28/25, and received 8/6/25.
- ZA Memo on the application.

The Board heard testimony and reviewed the materials. The Board would prefer to deliberate an aspect of the proposal, and possibly confer with the Town attorney, before closing the hearing. The Board continued the hearing to August 28 at 6:30 p.m. The DRB Chair will let the Applicant know, prior to the hearing, of a request for additional information or materials.

5. On August 27, 2025, DRB Chair wrote to Applicant the Board did not need additional information.
6. On August 28, 2025, the DRB convened to resume the review at the continued public hearing.

**In Attendance:** DRB members: Dina Bookmyer-Baker, Les Snow (via Zoom), and Gary Leach (via Zoom). Staff: Lorraine Banbury. Present and sworn in: Greg Breer (via Zoom) and Aaron Fuller.

The continued hearing was opened; no new testimony or evidence was requested or offered. The Board closed the hearing and determined that it will deliberate on the merits of the application on a later date.

## II. Findings and Conclusions

Below are the DRB's findings-of-fact, based on the evidence in the record for the proceedings conducted on the above dates, which includes all application materials and testimony provided at the hearings.

7. Existing conditions: Greg Breer owns a ± 2.7-acre parcel located at 110 Folsom Hill Road in Marshfield, VT. The property is developed with an existing triplex (three 2-bedroom units), a pop-up camper, and a shed (the shed apparently belongs to the former or current owner of the neighboring property, 142 Folsom Hill Road). A driveway, shared with the adjoining property at 108 Folsom Hill Road (n/f Chapin/Scribner), follows a 24' wide easement to provide access to Folsom Hill Road, a Class 3 Town highway. The parcel is served by existing connections to the Village of Marshfield water and wastewater systems. The parcel lies entirely within the VR zoning district.
8. Project: Applicant proposes to subdivide the existing ± 2.7-acre parcel into two lots as follows:

- Lot 1A, of ± 0.85 acres, will have no frontage on Folsom Hill Road. Lot 1A is developed with an existing triplex, pop-up camper, and driveway. The driveway is shared with the adjoining property at 108 Folsom Hill Road (n/f Chapin/Scribner) and follows a 24' wide easement. Also, in lieu of frontage, Lot 1 will provide a permanent easement ≥ 50' wide for Lot 1A to access Folsom Hill Road. Lot 1A is served by existing municipal water and sewer connections. Lot 1A lies entirely within the VR zoning district. No additional development is proposed for Lot 1A.
- Lot 1, of ± 1.85 acres, will have ± 165.1' of frontage on Folsom Hill Rd. The lot is unencumbered by a conservation easement and suitable for development. Lot 1 will be developed with a new 3-bedroom single-family dwelling and driveway access to Folsom Hill Road. Lot 1 will provide a permanent access easement ≥ 50' wide for the benefit of Lot 1A; a portion of this easement is shown to overlap the existing 24' wide easement. The existing shed encroachment, described above, is located on Lot 1. The lot will be served by municipal water and sewer connections (State wastewater permit WW-5-6886-1). Lot 1 lies entirely within the VR zoning district.

9. Marshfield Zoning Regulations<sup>2</sup> (MZR) Zoning District requirements, Section 410: The lots and development are within the VR zoning district, for which the standards are as follows:

VR Minimum	Required	Lot 1A	Lot 1	Conclusions
Lot size: 1-fam. dwl multi-fam. dwl	..... 10,000 SF .. 6,000 SF/unit	37,030 SF* (with triplex)	80,769 SF (with dwelling)	Lot 1A Meets Lot 1 Meets
Frontage:	90'	0' Proposed 50' ROW	165.1'	Lot 1A: Meets ** Lot 1: Meets
Setbacks (Front /Sides /Rear)	45' / 15' / 15'	Existing structures: > 45' Front / ≈ 15' Sides / > 15' Rear †	Proposed structures: > 45' Front / > 15' Sides / > 15' Rear	Lot 1A: Might not meet, see <i>Setbacks</i> note below Lot 1: Meets

\*Lot size: A triplex in VR requires 18,000 SF (3 x 6,000 SF/unit); Lot 1A has 37,030' SF.

\*\*Frontage: Lot 1A meets the frontage requirement with the inclusion of a permanent easement at least 50 feet in width [MZR, Section 302], as proposed to be granted by Lot 1.

† Setbacks: It is unclear if the existing triplex on Lot 1A is within the VR side setback, however, the new lot line did not create and will not increase a nonconformity for the triplex.

10. MSR Section 4020 General standards for Subdivision Review: All subdivisions are reviewed for compliance with the following standards:

- Sections 4021–4031: Lots/Buildable Areas, Roads/Traffic, Utilities/Water/Sewage, Drainage, Fire/Emergency Services, and Pedestrians: Lot 1A is developed with existing structures and a driveway. The proposed development on Lot 1, a new single-family dwelling, is located to meet the setback requirements. The proposed lots are reasonably configured. The proposed driveway on Lot 1 will share the existing driveway opening for Lot 1A, and Lot 1 includes a permanent easement for the benefit of Lot 1A. Lot 1 will be served by municipal water and sewer systems and has access to nearby power connections.

– *Conclusion:* The proposed lots and structures are designed to meet the zoning and subdivision

<sup>2</sup> Town of Marshfield Zoning Regulations: Adopted March 3, 2007, as amended March 2016.

criteria. The lots have access and can be adequately served by emergency services. Drainage and erosion control techniques will be required during the proposed construction on Lot 1.

- b) MSR Sections 4032–4036 Landscaping/Screening, Protection of Natural Resources, Farmland, Open Fields, Settlement Patterns, and Rural Character: Lot 1A is developed with existing structures and a driveway. The development proposed on Lot 1 will not be located on steep slopes ( $\geq 25\%$ ), in wetlands, within stream setbacks, or in flood hazard areas. The proposed development as shown for Lot 1 does not encroach on, fragment, or adversely impact significant natural features, wildlife habitat, tree lines, open fields, or vegetative buffers.

– *Conclusion*: The proposed development preserves the natural features and is compatible with the settlement pattern and character of the neighborhood and the VR zoning district. The project is appropriate for its intended residential purpose and does not endanger public health, the environment, or neighboring properties.

### III. Decision

Based on the findings and conclusions set forth herein and the evidence in the record of the proceedings, the DRB concludes that the proposed two-lot subdivision meets the General Standards for Subdivision in Sections 4020–4036. The subdivision is approved with the following conditions:

- (1) The Owner/Applicant must submit a revised Site Plan that includes the VR setbacks, demonstrating that the proposed development on Lot 1 meets the setback requirements.
- (2) The existing pop-up camper on Lot 1A appears to be located within the 15' VR side/rear setback. If this structure is  $< 100$  SF in size *and*  $\leq 15'$  in height *and*  $< 10'$  from a side or rear lot line, then Owner/Applicant must relocate it to comply as an exempt building [MZR Section 225]. If this structure is  $> 100$  SF in size *or*  $> 15'$  in height, then Owner/Applicant must remove the camper or obtain a zoning permit to relocate it in compliance with the setback requirements.
- (3) The Owner/Applicant shall comply with erosion protection and sediment control measures in accordance with the latest edition of the *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (<https://dec.vermont.gov/document/low-risk-site-handbook-erosion-prevention-and-sediment-control>) when development commences and during construction. [MSR Section 4024]
- (4) Within 180 days of the date of this decision, Owner/Applicant shall file three copies of the final subdivision plan, one 18" x 24" mylar copy and two 18" x 24" paper copies, in conformance with the requirements of 24 V.S.A. §4463 (b), 27 V.S.A. Chapter 17, and MSR Section 2040. An electronic copy of the plan in a format acceptable to the town must also be submitted. Prior to recording, the plan must be signed by at least two members of the DRB who voted on the application.

No changes, modifications, or other revisions that alter the plan or conditions attached to an approved subdivision plan shall be made unless the proposed revisions are first resubmitted to the Development

Review Board as a minor subdivision and the Board approves such revisions after a public hearing. In the event that such subdivision plan revisions are recorded without complying with this requirement, the revisions shall be considered null and void. [MSR Section 2060.] Furthermore, 24 V.S.A. § 4455 provides as follows: On petition by the municipality and after notice and opportunity for hearing, the Environmental Division may revoke a municipal land use permit issued under this chapter, including a permit for a telecommunications facility, on a determination that the permittee violated the terms of the permit or obtained the permit based on misrepresentation of material fact.

Any person who, being the owner or agent of the owner of any lot, tract, or parcel of land...sells, transfers, or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of that subdivision or land development or otherwise, or erects any structure on that land, unless a final plat has been prepared in full compliance with (24 V.S.A. Chapter 117) and the bylaws adopted under this chapter and has been recorded as provided in this chapter, shall be fined not more than \$200.00, and each lot or parcel so transferred or sold or agreed or included in a contract to be sold shall be deemed a separate violation. All fines collected for these violations shall be paid over to the municipality whose bylaw has been violated. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from these penalties or from the remedies provided in this chapter. [24 VSA §4451(b); MSR Sections 2040 and 4070]

Voting in favor: Snow, Leach, Bookmyer-Baker.

Voting to deny: None. Absent: None.

The decision carries, 3-0.

Approved at Marshfield, Vermont, this 12th day of October 2025.

By:   
Dina Bookmyer-Baker, Chair  
Marshfield Development Review Board

NOTICE: State permits may be required for this project. The permittee should contact State agencies (<https://dec.vermont.gov/assistance/permits>) to determine what permits must be obtained before any construction may commence.

NOTICE OF RIGHT TO APPEAL: In accordance with 24 V.S.A. §§ 4471 and 4472, this decision may be appealed to the Environmental Division of the Vermont Superior 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* Section 235 (Appeals to Environmental Court).