

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

Hearing Date: September 14, 2023

Decision on the application of:

Owner/ Applicant: Lori Burkart and Ronald Holt  
Address/ Location(s): 367 Maple Hill Rd  
Zone(s): Agricultural and Rural Residential, Village Residential Districts  
Parcel ID: MA013  
Re: Final Minor Subdivision Review

**I. Procedural History and Applicant Request**

1. On August 15, 2023, Lori Burkhart and Ronald Holt (Owner/ Applicant) submitted a subdivision application and supplemental information for a minor subdivision of parcel MA013, owned by Lori Burkhart and Ronald Holt.
2. The project is classified as a Minor Subdivision. A subdivision with fewer than four (4) lots requires review by the Development Review Board (DRB). As set forth in the Marshfield Subdivision Regulations<sup>1</sup> (MSR) Section 1080, Zoning Administrator Lorraine Banbury (ZA) referred the application to the DRB for review in accordance with MSR Sections 4020-4036.
3. After due notice, on August 27, 2023, the Development Review Board conducted a warned public hearing for final plan review of the proposed three lot subdivision. The hearing was conducted in-person and live-streamed. 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 (Chair), Les Snow (Vice-Chair), Gary Leach, and Margaret Campbell, Sarah Norton (adjoining neighbor). Staff: Lorraine Banbury (ZA) and Asher Barnum (DRB Clerk).

**Present via Zoom and sworn in:** Gunner McCain representing Lori Burkhart and Ronald Holt

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

- Application for Subdivision received on 8/15/2023.
- Survey Plan: Three lot subdivision, Lori Burkhart and Ronald Holt, Maple Hill, Marshfield, VT, prepared by McCain Consulting, Inc., Waterbury, VT dated August 10, 2023.

## II. Findings and Conclusions

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

### 4. Existing conditions:

a) Lori Burkhart and Ronald Holt own an 83.8± acre lot located at 367 Maple Hill Rd, Marshfield, VT. The property is developed with two single-family dwellings. The property has existing water and wastewater systems.

5. Project: The proposed subdivision is a 3-lot subdivision to create new Lot 2 of 2.7± acres, new Lot 3 of 4.5± acres, and new Lot 1 as the balance of the land, 76.7± acres. This subdivision is for the purpose of separating the existing houses into individual lots. No new construction is proposed by the applicant.

a) Lot 1 is 76.7± acre lot with no building plans. It has 378' of road frontage on Maple Hill Rd and 640' of road frontage on John Fowler Rd. This lot is primarily in Agricultural and Rural Residential districts and a small portion in the Village Residential District.

b) Lot 2 has an existing house with 2.7± acres. It has 359' of road frontage on the north side of Maple Hill Rd and 412' of road frontage on the south side of Maple Hill Rd. This lot is in the Agricultural and Rural Residential districts.

c) Lot 3 is a 4.5± acre lot with an existing house. Road frontage for this lot is 268' on Maple Hill Rd. This lot is in the Agricultural and Rural Residential District.

6. Zoning district requirements: The proposed lots lie in the Agricultural and Rural Residential as well as Village Residential zoning district. The district standards follow:

<b>Minimum</b>	<b>Required</b>	<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Conclusions</b>
<i>Lot size for a one-family dwelling</i>	10,000 SF (0.22 acre)	76.7± acres	2.7± acres	4.5± acres	All meet
<i>Frontage</i>	90'	378'	359'	268'	All meet

7. Section 2070 Deferral of Design Review: *The Board has the right to waive design review (Sections 4021-4032) when a subdivision applicant does not have plans to develop all or some of the lots. No development requiring zoning review shall occur on a deferred lot without further review and approval by the DRB. Applicant does not have plans to develop either lot and therefore seeks to defer design review for each lot. The Board waives the General Standards for Subdivision Review Sections 4021-4032 for parcel MA013. Deferral of design review for the lots shall be included as a condition.*

8. Marshfield Subdivision Regulations Section 3030 Information Required for Final Plan: The DRB approves the applicants request to waiver pursuant of Article I, Section 1040(c) to modify the submission requirements of Article III, Section 3030(A)(3), specifically the existing lot lines, metes and bounds as surveyed. Since the two new lots comprise less than 10% of the original 83.8 acre lot, the applicants request DRB approval for a final plat that only includes new Lots 2 and 3 but not Lot 1, the balance of the land.

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

a) Sections 4021–4031 Lots/Buildable Areas, Roads/Traffic, Utilities/Water/Sewage, Drainage, Fire/Emergency Services, and Pedestrians: Each parcel is developed and no new development is proposed. The project makes no change to the utilities, water supply, sewage disposal, drainage, or pedestrian access.

-Conclusion: The parcels are developed, have existing access, and can be adequately served by fire protection and emergency services.

b) Sections 4032–4036 Landscaping/Screening, Protection of Natural Resources, Farmland, Open Fields, Settlement Patterns, and Rural Character: Each parcel is developed, lies within the Agricultural and Rural Residential zoning district, and no new development is proposed. These provisions do not apply.

### 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 minor subdivision meets the General Standards for Subdivision in Sections 4020–4036. The subdivision is approved with the following conditions:

(1) No development shall occur on deferred parcel MA013 without further review and approval by the DRB. [MSR Section 2070]

(2) Within 180 days of the date of this decision, 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 Development Review Board who voted on the application.

No changes, modifications, or other revisions that alter the plan or conditions attached shall be made unless the proposed revisions are first submitted to the DRB and the Board approves the revisions after a public hearing. [MSR Section 2060.]


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: Les Snow, Gary Leach, Dina Bookmyer-Baker and Margaret Campbell.

Voting to deny: None. Absent: Jenny Warshaw

The decision carries, 4-0.

Approved at Marshfield, Vermont, this 14th day of September 2023.

By:   
Margaret Campbell  
Marshfield Development Review Board