

**TOWN OF MARSHFIELD
DEVELOPMENT REVIEW BOARD**

122 School Street • Marshfield, VT 05658

June 22, 2022

Monica Gallardo & Jonathan Marshall
173 Poplar Road
Marshfield VT 05658

Katherine Porter
57 Beaver Meadow Road
Marshfield VT 05658

Re: Final Subdivision Review

Dear Parties:

Enclosed please find the DRB approval of your subdivision plan, with conditions. Note that no sales, leases, conveyances, or transfers of any lots or any part of the property shall take place until the conditions in the enclosed decision have been met. Any person who sells, transfers, or agrees to sell or transfer any land in the proposed subdivision, or erects any structure thereon, without first recording a duly approved final plat as set forth above, can be fined and each lot or parcel involved shall be deemed a separate violation [24 VSA §4451(b)]. The description by metes and bounds in the instrument of transfer shall not exempt the seller from these penalties.

This approval shall expire in 180 days unless the final plat has been approved and recorded as set forth in the decision and pursuant to state statute 24 V.S.A. §4463(b). Failure to file a final plat within the stated time period will require repeating the application and approval process. If you have any questions about this decision or the approval process, please feel free to contact the Zoning Administrator.

Sincerely,



Dina Bookmyer-Baker
Marshfield Development Review Board

enc: Gallardo-Porter subdivision/lot-line adjustment decision
cc: Kathleen Hayes, Zoning Administrator

Under 24 VSA §4471, an interested person who has participated in a regulatory proceeding of the Development Review Board may appeal this decision to the state Environmental Court.

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

Hearing Date
May 12, 2022

Decision on the application of:

Owner/Applicants: Monica Gallardo & Jonathan Marshall / Katherine Porter
Address/Location: 173 Poplar Road (Gallardo & Marshall); 57 Beaver Meadow Road (Porter)
Zone(s): Agricultural & Rural Residential (ARR) / Forestry & Conservation (FC) districts
Parcel ID(s): RT 104F (Gallardo & Marshall); RT 104B (Porter)
Re: Final Subdivision Review, Lot line adjustment

I. Procedural History and Applicant Request

1. On February 16 and March 8, 2022, Owner/Applicants submitted a Subdivision application and supplemental information for a lot-line adjustment (LLA) between parcel RT104B, owned by Katherine Porter, and RT104F, owned by Monica Gallardo & Jonathan Marshall.
2. The proposal exceeds the max percentage of 20% change to be reviewed as a minimal alteration by the Zoning Administrator (ZA), therefore, in accordance with Section 3031, the ZA referred the application to the Development Review Board (DRB).
3. After due notice, on May 12, 2022, Monica Gallardo & Jonathan Marshall (Applicant) attended the DRB hearing for a final plan review of the proposed LLA. DRB members present were Les Snow (Acting Chair), Gary Leach, Jenny Warshow, and Dina Bookmyer-Baker. The hearing was conducted in-person and was live-streamed. The hearing was audio and video recorded. DRB Chair Jon Groveman was not present for the hearing, however, he reviewed the application materials and video and participated in deliberations. Zoning Administrator Kathleen Hayes was also present. No other parties with an interest in the project attended.

Applicants attested to and provided evidence that all adjoining landowners were properly notified.

4. The application materials included the following:
 - Application for Subdivision, received 3/3/22
 - Subdivision Application – Additional Information, received 3/8/22
 - Gallardo/Porter Lot-Line Adjustment sketches showing lot lines and setbacks before and after the lot-line adjustment, received 4/22/22
 - Land Survey: Lot-Line Adjustment of Lands of Jonathan D. Marshall & Monica V. Gallardo and Bradley J. & Susan M. Charron, prepared by Richard Bell, dated 1/14/22.

- Town of Marshfield parcel map showing the lots, pre-adjustment, in their neighborhood, printed 5/4/22.
 - Wastewater System and Potable Water Supply Permit WW-5-8858 for a lot-line adjustment, issued 3/25/22.
5. The DRB recessed the matter following the hearing and deliberated on this matter on May 17, 2022. Following deliberation, the DRB closed the proceeding.

II. Findings and Conclusions

Below are the DRB’s findings of fact based on the evidence in the record in this proceeding at the May 12, 2022 hearing, which includes the application materials and all testimony provided at the hearing.

6. Existing conditions: Monica Gallardo & Jonathan Marshall own a 2.61± acre parcel located at 173 Poplar Road, which lies partly within the Agricultural and Rural Residential District and partly within the Forestry and Conservation District. The property is developed with a single-family dwelling with a detached garage, a detached shed, and driveway access to Poplar Road.

Katherine Porter owns a 5.41± acre parcel located at 57 Beaver Meadow Road, which lies entirely within the Agricultural and Rural Residential District. The property is developed with a single-family dwelling with an attached garage, a detached shed, and driveway access to Beaver Meadow Road.

7. Project: Applicants propose a lot-line adjustment of 0.87± acres to parcels RT104B and RT104F as follows:
- Parcel RT104B, owned by Katherine Porter, of 5.41± acres, will convey 0.87± acres to the adjoining parcel, RT104F. The resulting acreage, after the adjustment, will be 4.54 acres.
 - Parcel RT104F, owned by Monica Gallardo & Jonathan Marshall of 2.61± acres, will gain 0.87± acres from adjoining parcel, RT104B. The resulting acreage, after the adjustment, will be 3.48± acres.

No new lot will be created.

8. Zoning district requirements: The acreage to be conveyed lies entirely within the Agricultural & Rural Residential district, in which the minimum lot size is 2 acres; the minimum setbacks are 65' (front), 40' (side & rear).

Section 4020 General standards for Subdivision and PUD Review: Pursuant to the requirements of the Town of Marshfield Subdivision Regulations, all subdivisions are reviewed for compliance with the following standards:

9. **Section 4021 Lots:** The project will not create a new lot. The new lot line will not be the closest property line to the existing structures on either lot and therefore will not create any nonconforming structures. The proposed new lot line is straight and meets the intersecting property line at generally a right angle. The proposal creates a more regular shape for both parcels.

Conclusion: The LLA as proposed conforms to the applicable zoning and subdivision regulations.

10. **Section 4022 Roads:** No new road is proposed. This provision does not apply.

11. **Section 4023 Utilities:** Existing power, water, and sewer systems currently serve the lots. The project makes no change to the existing utilities. Applicant obtained state permit WW-5-8858 for a lot-line adjustment, in which the lots are approved with an existing wastewater system and an existing shared water supply system located on the Porter lot.

Conclusion: Adequate utilities are provided, and the project obtained a state WW permit.

12. **Section 4024 Drainage and Erosion Control:** No additional development is proposed. This provision does not apply.

13. **Section 4025 Fire Protection:** No additional development is proposed. This provision does 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 lot-line adjustment meets the General Standards for Subdivision in Section 2040. This subdivision is approved with the following condition:

- (1) Within 180 days of the date of this decision, the Applicant shall record the final plat with the Town of Marshfield Land Records (24 V.S.A. §4463 (b)). Said plat shall conform to the requirements set forth in 27 V.S.A. Chapter 17 and Marshfield Subdivision Regulations Section 2040. Prior to recording, at least two authorized DRB members must approve and sign the plat. In addition to the final plat prepared on Mylar, the Applicant shall submit two full-size paper copies of the final subdivision plan.

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. [Marshfield Subdivision Regulations Section 2060.]

Voting in favor: Jon Groveman, Les Snow, Gary Leach, Jenny Warshow, and Dina Bookmyer-Baker.

Voting to deny: None. Absent: None.

The decision carries, 5-0.

Approved at Marshfield, Vermont, this 23rd day of June 2022.

By: 

Jon Groveman, Chair
Marshfield Development Review Board

NOTICE OF 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. See also Town of Marshfield Zoning Regulations at §235 (Appeals to Environmental Court).