

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

Hearing Date: July 24, 2025

Decision on subdivision application #: 25-14

Owner/Applicant: Alisson and Stephen Hogan
Project Location: 1113 Cabot Road, Marshfield, VT
Zone: Agricultural & Rural Residential (ARR)
Parcel ID: CR035
Re: Final Subdivision Review, 2 lots

I. Procedural History and Applicant Request

1. On June 25, 2025, Alisson and Stephen Hogan (Owner) submitted a Subdivision Application and supplemental information for a two-lot subdivision of parcel CR035, located at 1113 Cabot Road 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*¹ (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. 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 (via Zoom). Staff: Lorraine Banbury (ZA and Acting Clerk). Present and sworn in: Alisson Hogan, Stephen Hogan (owners), Timothy Morris; and Twyla deNeergaard (adjoining landowner).

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

- Application for Subdivision, signed June 25, 2025.
 - Subdivision Survey, Stephen & Alisson Hogan, prepared by Chase & Chase, dated 11/4/2023.
 - Site Plan, Stephen & Alisson Hogan, prepared by Chase & Chase, dated 11/4/2023.
 - ZA Memo on the application.
4. At the conclusion of the review, the DRB closed the hearing and, following the closing of the public meeting, deliberated the merits of the application.

¹ Town of Marshfield Subdivision Regulations: Adopted March 4, 2014.

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.

5. Existing conditions: Alisson and Stephen Hogan own a 19.01 ± acre parcel located at 1113 Cabot Road in Marshfield, VT. The parcel is unencumbered by a conservation easement and suitable for development. The parcel lies entirely within the ARR zoning district. The property is developed with a foundation from a single-family dwelling that burned down, a detached garage, a driveway, and a pond. The parcel is served by on-site water and septic. The parcel is divided by VT Route 215—the existing development is located entirely on land east of Route 215; the land west of Route 215 is undeveloped.

6. Project: Applicant proposes to subdivide the existing 19.01±parcel into two lots as follows:
 - Lot 1, of 13.67 acres, has ± 1137’ of frontage on Cabot Road, Route 215. Lot 1 is developed with a capped foundation, a garage, driveway, and pond. Lot 1 includes on-site water and septic; the existing drilled well will be utilized. No additional development is proposed for Lot 1.
 - Lot 2, of 5.34 acres, has ± 929’ of frontage on Cabot Road, VT Route 215. Lot 2 is proposed to be developed with a 4-bedroom single-family dwelling and driveway access to Cabot Road. State wastewater permit WW-5-9774 was issued for on-site water and septic systems.

7. Marshfield Zoning Regulations² (MZR) Zoning District requirements: The proposed lots lie within the ARR district (MZR Section 420); for which the standards are as follows:

ARR Minimum	Required	Lot 1	Lot 2	Conclusions
<i>Lot size</i>	<i>2 acres</i>	13.67 acres	5.34 acres	1 Meets / 2 Meets
<i>Frontage: lots < 10 ac;</i> <i>lots > 10 ac.</i> 250’ 350’	... 1137’	929’ ...	Lot 2: Meets Lot 1: Meets
<i>Setbacks (F/S/R)</i>	<i>65’ / 40’ / 40’</i>	Existing structures: < 65’ Front, > 40’ Sides & Rear*	Proposed structures: > 65’ F / > 40’ S & R	Lot 1: Non-conforming Lot 2: Conforming

**Setbacks*: Lot 1 has an existing capped foundation that is within the front setback, however, the new lot line did not create and will not increase the nonconformance.

8. MSR 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: Lot 1 is developed with existing structures, a driveway, and pond. The proposed development on Lot 2, to build a single-family dwelling, places the new dwelling within a designated building envelope that meets the setback

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

requirements. The proposed subdivision does not create and will not increase the nonconformance of the existing foundation on Lot 1. The proposed lots follow their prior configuration, with the new subdivision line being Route 215. The curves on the easterly property line of Lot 2 follow the approximate center line of the Winooski River. The proposed driveway on Lot 2 will use the existing field driveway, and no new road is proposed or required. Proposed Lot 2 has access to existing power connections.

– *Conclusion:* The proposed lots and structures are designed to meet the zoning and subdivision criteria. The lots have existing access and can be adequately served by emergency services. Drainage and erosion control techniques will be required during the proposed new construction on Lot 2.

- b) MSR Sections 4032–4036 Landscaping/Screening, Protection of Natural Resources, Farmland, Open Fields, Settlement Patterns, and Rural Character: Lot 1 is developed with existing structures, a driveway, and pond. Development proposed on Lot 2 will not be located on steep slopes ($\geq 25\%$), in wetlands, within stream setbacks, or in flood hazard areas. The building envelope as shown for Lot 2 does not encroach on, fragment, or adversely impact significant natural features, wildlife habitat, tree lines, open fields, or vegetative buffers on the parcel.
- *Conclusion:* The proposed development preserves the natural features and is compatible with the settlement pattern and rural character of the neighborhood and the ARR 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 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]
- (2) 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 28th day of August 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).