

TOWN OF MARSHFIELD DEVELOPMENT REVIEW BOARD

Site Plan and Floodway Fringe Area Review
Town of Marshfield, Applicant
Re: Town of Marshfield Parcel ID# LD006
122 School Street, Marshfield, Vermont 05658

Application #22-05

I. Procedural History

On June 16, 2022, the Town of Marshfield submitted an application for Site Plan Review to the Development Review Board (DRB) for a 10 X 30 porch attached to the north wall of the community building (library).

The DRB held a hearing on the application on June 23, 2022. Rich Baker, a Selectboard member for the Town of Marshfield represented the Town of Marshfield at the hearing. No other people attended the hearing to address this application. The DRB members who attended the hearing were Jon Groveman, Gary Leach, Les Snow and Dina Bookmyer-Baker. DRB Staff attending the hearing were: Robin Schunk (Secretary), Asher Barnum (Planning Commission member, observing).

The DRB recessed the matter following the hearing and deliberated on this matter. This matter is now ready for decision.

II. Findings of Fact

Below are the DRB's findings of fact based on the evidence in the record in this proceeding at the June 23, 2022 hearing, which includes the application and all testimony provided at the hearing.

1. The following review by the DRB is required:
 - Site plan approval for construction a non-conforming use within the Flood Hazard District (FHD).
 - Review as an expansion of a non-conforming use.
 - Review for construction within the Floodway Fringe Area.
2. Notice was sent to the abutting owners and the DRB notice was posted by Bobbi Brimblecombe.
3. The following exhibits have been submitted with the application:
 - Applications for Zoning Permit #22-05 and Site Plan Review, received 4/7/22
 - Lister sketch with porch addition added.
 - Orthophoto Town parcel map with setbacks drawn in, printed 4/7/22.

- Construction drawings prepared by Black River Design, Sheets A100 and S100, dated 3/30/22; Proposed Porch Addition (2 pages), dated 2/18/22; and construction materials and anchoring (2 pages).
- Orthophotography showing the porch location and appropriate setbacks (which is being submitted in lieu of a formal site plan)
- Correspondence (email) from Ned Swanberg, Regional Floodplain Manager, to Applicant Representative Rich Baker, dated 2/25/22, and to ZA Kathleen Hayes, dated 4/8/22.
- Old School House Commons elevation certificate prepared by Sunset Surveying dated 1/18/16
- Letter of Map Amendment dated 2/12/16
- Applicant narrative addressing the Site Plan, Non-Conforming Use, and Floodway Fringe Areas Criteria.

III. Conclusions of Law

Based on the evidence in the record of the proceeding the DRB renders the following conclusions of law under the applicable criteria in the Town of Marshfield Zoning Bylaws (Bylaws) with following conditions:

Site Plan Review Criteria (construction of non-conforming use in FHD)

1. *Compatibility between the proposed use and existing adjacent uses*
The adjacent uses are primarily residential except for the public works facility and the village wastewater plant. The porch addition does not significantly change the use of the Old School House Commons building and grounds and should not change the compatibility with existing uses. There is unlikely to be any future adjacent uses since the area is already developed.
2. *Maximum safety of vehicular and pedestrian circulation between the site and roads*
The porch is located within a grass area and will not change the existing vehicular and pedestrian circulation.
3. *Adequacy of circulation parking and loading facilities*
The porch will not change the existing capacity of the building. No changes in the parking are proposed.
4. *Adequacy of landscaping*
Two trees adjacent to the porch will need to be trimmed back or removed. The handicap ramp may be slightly altered to help preserve the tree at the front of the building. However, every effort will be made to save the trees if possible. No other landscaping is proposed.
5. *Adequacy of screening*

The porch will be integrated with the design of the building and is more than 200 feet from any adjacent uses. No screening is proposed.

6. *Adequacy of Setbacks*

There are no setbacks specified in the FHD.

7. *Adequacy of architectural design*

The porch was designed by the architect to be integrated with the style of the existing building.

8. *Location of all proposed signs*

No additional signs are proposed except possibly a small sign designating the porch door as an entrance to the library.

9. *Location of outdoor lighting*

The porch will have recessed lighting under the porch ceiling.

10. *The protection of the utilization of renewable energy resources*

The porch does not affect any renewable energy resources.

Non-Conforming Use Expansion Criteria

1. *Any non-conforming structure may be extended in any direction that does not increase the non-conformance.*

There are no setbacks specified in the FHD. Accordingly, there is no increase in the non-conformance with the Bylaws.

Floodway Fringe Areas Criteria

1. *All development shall be reasonably safe from flooding and:*

- a. *Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure during the occurrence of the base flood.*

The current Base Flood Elevation (BFE) is 791 feet according to the elevation certificate. The current building has a letter of map amendment (LOMA) which removes the structure from the FHD. The LOMA indicates that the bottom floor elevation, which would be the gym, is 796.4 feet. The next floor elevation, which would be the library floor, is 800.8 feet. The proposed porch floor will be at the same elevation as the interior library floor. The porch will be tied to the building and will have precast or pour concrete sonotubes.

- b. *Constructed with materials resistant to flood damage.*

All building material below the base flood elevation (BFE) will be treated wood or concrete.

- c. *Constructed by methods and practices that minimize flood damage.*

The porch will be tied to the building and will have precast or pour concrete sonotubes.

- d. *Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.*

There will be electrical wiring for recessed lighting and for electrical outlets. All wiring will be above the BFE. No additional heating, ventilation, plumbing and air conditioning equipment is proposed.

2. *Non-Residential Development:*

- a. *New construction located in Zones A, A1-30, AE, and AH shall have the lowest floor, including basement, elevated to or above one foot above the base flood elevation.*

The proposed porch floor will be at the same elevation as the interior library floor. The library floor is at an elevation of 800.8 feet, which is 9.8 feet above the BFE.

- b. *A permit for a building proposed to be floodproofed shall not be issued until a registered professional engineer or architect has reviewed the structural design, specifications and plans, and has certified that the design and proposed methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection.*

The porch will not require floodproofing since it will be above the BFE.

- c. *Commercial construction located within Zones AH and AO shall have adequate drainage paths around structures on slopes, to guide floodwater around and away from the proposed structures.*

All water be directed away from the porch and existing building.

- 3. *Water Supply Systems: New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.*

No new water system is proposed.

- 4. *Sanitary Sewage Systems: New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.*

No new sanitary system is proposed.

- 5. *On-Site Waste Disposal Systems: On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

No new sanitary system is proposed.

6. *Watercourse Carrying Capacity: The flood carrying capacity within any altered or relocated portion of a watercourse shall be maintained.*

The porch will be above the BFE and will not affect the flood carrying capacity.

7. *Requirement for an Elevation Certificate with an as-built elevation.*

An Elevation Certificate will be obtained upon completion if required. The current Flood Insurance Rate Map (FIRM) are being studied using more accurate elevation data and are expected to be reissued within the next year. Given that the lowest grade elevation adjacent to the building is 796.6 feet and the BFE is 791, FEMA consultants expected the revised FIRM will show that the building and adjacent area are not within the FHD. If construction occurs after the new FIRM's are issued, no elevation certificate should be required.

IV. Decision and Order

The DRB approves the application with the following condition and requires the Town to adhere to the representations set forth in the conclusions of law herein.

- (1) Upon completion of the project, Applicant shall submit an amended Elevation Certificate, unless a revised FIRM has been published that show the existing building porch addition are not within the FHD.

Voting to Approve Permit: Jon Groveman, Gary Leach, Les Snow and Dina Bookmyer-Baker.

Voting to Disapprove: None. **Absent:** Jenny Warshow

Approved and ordered at Marshfield, Vermont, this 5th day of August 2022.

By: Jon Groveman



Chair of the 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).