

Town of Plainfield

ZP # 2020-02CU

P.O. Box 217 • Plainfield, VT 05667-0217
phone: 802-454-8461 • fax: 802-454-8467
plainfieldza@gmail.com

RECEIVED

Parcel # 303-0114

Zoning Permit Application

JAN 03 2020

Map # 05-010.000

District: V RR F&A

This form serves as the application for all zoning permits and development reviews.

TOWN OF PLAINFIELD
TIME: 1:30 BY: [Signature]

A Owner/Applicant Information

Property Owner Name NEW HAMBURGER HOMEOWNERS ASSOC

Mailing Address: Street/P.O. Box 1368 LOWER RD Apt/Suite _____
City PLAINFIELD State VT Zip 05667

Phone: Day 802 522 7716 Evening SAME Prefer? Day Eve Either

Is Owner the Applicant? Yes ... Skip to Site and Project Information, Section B, below.
 No Provide owner name and mailing address (above), indicate relationship to owner, and complete Applicant information below. (All information will be sent to the Applicant when not the owner.)

Relationship to Owner: Prospective Owner (have purchase agreement) Contractor Lessee
 Architect/Designer Agent Other:

Applicant Name: _____

Mailing Address: Street/P.O. Box _____ Apt/Suite _____
City _____ State _____ Zip _____

Phone: Day _____ Evening: _____ Prefer? Day Eve Either

B Site and Project Information

Physical Address (911) 1368 & 1370 LOWER RD AND 114 TO 158 NEWHAMBURGER RD

In 100 Yr Floodplain? Yes (check Yes if any portion of the parcel is in the district) No

Please briefly describe the project and/or request: AMENDMENTS TO NEW HAMBURGER DEVELOPMENT PLAN AS REVISED 12/88 AND APPROVED 3/16/89 (SEE ATTACHED TEXT)

C Site Plan: All applications must include a site plan. See the reverse side for more information. →

Signature: The below signed hereby agrees that the proposed work shall be done as represented on this form and the associated documentation submitted, and that the work shall conform to all applicable town ordinances and regulations. Signing as an "Agent for Owner" indicates that the person signing has the permission of the land owner to act on the owner's behalf. Note: Additional permits may be needed from the State of Vermont and/or the Town of Plainfield.

Indicate if: Property Owner OR Agent for Owner

Signature: [Signature] (President NHAOA) Date: 1/3/20

FOR OFFICE USE ONLY

Permit fee \$ 100.00 Recv'd by: [Signature] Recv'd from: NewHamburger Date: JAN 03 2020

Hearing fee \$ _____ Recv'd by: _____ Recv'd from: _____ Date: _____

C Site Plan: All applications must include a site plan showing the dimensions of the lot, the location of all existing structures, development (driveway, well, septic field), water bodies, and all proposed structures and development on the lot. Indicate the setback distances from roads, property lines, and surface waters to the nearest structures. The applicant is responsible for determining the property lines and setback distances.

For a Sign: Submit the text, graphics, size, and a site plan map of the sign location on the building or lot.

For a Subdivision: Was this parcel created after March 2004? Yes No.

For subdivisions and boundary-line adjustments, submit a sketch plan as per the Subdivision Regulations, *Article II Subdivision Review Procedures*.

For Construction projects: In accordance with 24 VSA §4414 (13), no use under this zoning permit may begin until a wastewater and potable water supply permit is issued under 10 VSA Chapter 64. In addition to the site plan map, an elevation is required for most commercial building proposals. Please answer the questions below for all construction projects:

- Is any portion of the building rented?..... Yes No
- Will project require an access permit (driveway opening)? Yes No
- Will project disturb, grade, or excavate more than one acre of land?..... Yes No
- Will project result in increased water or sewer flow? Yes No
- Does project require an Act 250 permit amendment? Yes No
-
- Maximum building height: _____ feet

For residential structures, please indicate:
 Single-family Two-family Multiple units

For all projects involving single-family houses:

	<u>Existing Rooms</u>	<u>New Rooms</u>
# Bathrooms	_____	_____
# Bedrooms	_____	_____
# Kitchens	_____	_____

Questions? Contact the Zoning Administrator, Karen Storey, at 454-7856 or plainfieldza@gmail.com

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D Action by Zoning Administrator:

1. Granted Referred, date: ^{DRB} 1/8/2020 Denied, date:

Reason/Comment: Amendments to New Hamburger Development Plan and Major Site Plan Revision. See Decision dated March 11, 2020

2. Appealed to the DRB, date: By:

Applicant Note: An Appeal of a decision or act of the Zoning Administrator must be made in writing to the Chair of the Development Review Board within 15 days of the decision or act.

3. Final Action: Permit # 2020-02CU. Date issued: 3/24/2020 Effective date: 4/8/2020
 DO NOT start this project prior to the effective date, as the statutes require a 15-day appeal period.

Zoning Administrator: KSR

E Development Review Board Action:

JA: 1/24/2020 3 Public Place 1/21/2020 Abutter 1/22/2020

1. Public notice date: Hearing date: 2/13/2020 7:15 pm

Continued to, hearing date(s):

2. Granted, date: 02/12/2020 Denied, date:

Chair, Development Review Board: [Signature]

Important: An appeal from a decision or act by the Development Review Board must be made within 30 days from the date of action shown on lines D2 or D3 above. Said appeal is made to the Environmental Court under 24 V.S.A., §4471.

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on the application of: New Hamburger Homeowners Association

Re: Site Plan revision and amendment to Conditional Use Permit

Permit Application No. 2020-02CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application by New Hamburger Co-operative for an amendment to their previous Conditional Use permit. The amendment involves a major site plan revision and would simplify the application process for additions and small structures inside the Limited Common Areas on the new site plan.
2. The application was received by zoning administrator Karen Storey on 1/3/2020 and referred to the Development Review Board on 1/8/2020.
3. The original plan for New Hamburger Co-operative of several residences on the 66-acre parcel was approved in September 1979 and an updated plan was approved on 3/16/89.
4. On 1/24/2020, notice of a public hearing was published in the *Times Argus*. On 1/22/2020, notice of a public hearing was posted at the following three locations:
Plainfield Town Offices, Plainfield Post Office and Plainfield Co-op
5. On 1/22/2020, a copy of the notice of a public hearing was mailed to the following interested parties or owners of properties adjoining the property subject to the application:

Esther & Frank Dicroce	Cady Hart	Lucinda Garthwaite	Margaret Grevatt
Christopher Miksic	Inda Loso	Nicola Morris	Barbara Johnson
Grace Worcester	Elizabeth Bicknell	Douglas Weinrich	Carol Weinrich
John H. Walker, Jr.	Robin Lebel	Kerry Welch	
6. The application was considered by the DRB at a public hearing on 2/12/2020. The application was reviewed under the Town of Plainfield Zoning Regulations adopted March 1, 2011 and Subdivision Regulations, adopted March 2, 2010.
7. Present at the hearing were the following members of the development review board [DRB]:
Chair Janice Walrafen, Elaine Parker, James Volz and Sarah Albert
Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):
Alden S. Clark (New Hamburger Homeowners Association)

FINDINGS

Based on the application, testimony, exhibits, and other evidence the development review board makes the following findings:

1. The New Hamburger Co-operative is a Planned Residential Development (PRD) located on 66 acres at 1368 and 1370 Lower Rd. and 114-158 New Hamburger Rd. on tax map parcel no. 05-010.000 in the Forest & Agriculture District.
2. In 2019, the New Hamburger Co-operative became a Common Interest Community (condominium) by which dwellings are owned by individuals, but the surrounding land is held and managed jointly by homeowners (The New Hamburger Home Owners Association). A Declaration of Condominium was filed with the Town of Plainfield on 6/17/2019 and recorded in book 71, pages 381-452 of the town records.
3. The property has eight dwellings: six free-standing homes and one two-family home. The Declaration of Condominium outlines Limited Common Areas for each dwelling, which are delineated on survey maps dated 4/18/19. These maps will be added to the overall site plan approved in 1989. The Limited Common Areas extend approximately 50 feet from the walls of each dwelling, and are for the exclusive use of each dwelling for landscaping, additions, etc.
4. The previous permit issued to New Hamburger Co-operative requires a conditional use permit amendment for any new construction or additions to the structures on the site approved by the Development Review Board (DRB).
5. The New Hamburger Home Owners Association is asking the DRB to amend the New Hamburger Development Plan to allow permits for additions or small structures within the Limited Common Areas to be approved by the Zoning Administrator without review by the DRB, as long as they conform to zoning regulations. The other provisions of the New Hamburger Development Plan, in particular those restricting housing to five specific areas, would remain in place. Projects outside of the Limited Common Areas would still require review by the DRB.
6. The Homeowners' Association needs to approve any proposed projects within the Limited Common Areas before applying for a zoning permit from the town.

DECISION AND CONDITIONS


Based upon these findings, the DRB voted to amend New Hamburger's Conditional Use permit to allow the zoning administrator to approve any permitted uses under the following conditions:

1. Project is located entirely within the Limited Common Area assigned to unit seeking the permit.
2. Project is in compliance with State wastewater regulations.
3. Permit application includes letter of approval from New Hamburger Home Owners Association.

Voting in favor: Janice Walrafen, Elaine Parker, James Volz and Sarah Albert.

The decision carries 4-0.

Dated at Plainfield, Vermont, this 11th day of March, 2020.



Janice Walrafen, Chair

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) before the Development Review Board. Such appeal must be taken within 30 days of the date of this decision, pursuant to 24 V.S.A. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.