

Town of Plainfield
Development Review Board (DRB) Public Hearing and Meeting
Municipal Offices at 149 Main St., Plainfield, VT and via Zoom
June 12, 2024
Minutes – Approved

Agenda:

- Call meeting to order
- Review Agenda make any adjustments
- **Hearing Continuance from March 13, 2024: Kayle Hope and Susan Bourque appeal of Zoning Permit Application 2024-01 for utility shed for storage and tools at 3905 East Hill Road**
- Review and Approve May 8, 2024 Meeting Minutes
- Adjourn

Present: Development Review Board members Janice Walrafen (Chair), Seth Mullendore, and Mary Niebling. Also in attendance were Zoning Administrator Karen Storey, Applicant Peter Burmeister, Appellant Kayle Hope, Appellant Susan Bourque, neighbor Alex Pojedinec, neighbor Chris Thompson, contractor Shawn Flaskamper, and adjoining land owner Carrie Biggam.

Chairperson Walrafen called the meeting to order at 7:01 pm.

Walrafen asked attendees to state their name. Attendees went around the room stating their name and reason for attending.

Review Agenda - make any adjustments:

The agenda was not reviewed.

Hearing: Kayle Hope and Susan Bourque appeal of Zoning Permit Application 2024-01 for utility shed for storage and tools at 3905 East Hill Road:

Chairperson Walrafen called the hearing to order at 7:05 pm. Walrafen stated that this hearing is to address an appeal of zoning permit application 2024-01 in which Peter Burmeister applied for approval to build a shed on his land on East Hill Rd. Zoning Administrator Karen Storey explained that the hearing today had been completely rewarned and is a continuance of the hearing that had been scheduled for March 13, 2024.

Walrafen stated that Burmeister had brought an updated site plan to the hearing. Walrafen asked attendees who wished to speak to sign in and to affirm that the evidence given is truthful under penalty of perjury. Attendees wishing to speak complied.

Walrafen expressed her understanding that there are two Class II wetlands on Burmeister's property which is a subdivided property. She asked Kayle Hope when they had purchased their property. Hope stated they'd purchased four years ago; Burmeister stated he'd purchased last year. Hope stated there are others who have purchased other lots of the subdivision. Burmeister stated he has a building permit for a garage/workshop and for a shed. Walrafen explained it is the shed permit which is being appealed at this hearing. She explained that the appeal is based on Hope's concern regarding the Class II wetland that spans their property and Burmeister's property. Burmeister stated that when he had purchased the property it was not designated as Class II wetland but has since been updated. Walrafen commended Hope's interest in preserving the wetland on their property to protect the watershed. Walrafen explained that the reason for the continuance of this hearing is that Burmeister, in cooperation with Hope, had called on the State to inspect his property and noted that Class II wetlands had thus been identified on his land.

Walrafen recognized Burmeister, asking him to share his updated information. Hope interrupted, stating that they were asking for another continuance. Walrafen conferred with DRB members, Niebling and Mullendore, asking their opinion regarding the request for continuance. Walrafen noted that Hope and Susan Bourque's request for continuance was based on their opinion that the new evidence presented by Burmeister was presented in an untimely manner on the same day of today's hearing. Niebling stated she would agree to a continuance. Mullendore stated his interest in gaining further information prior to deciding whether to approve a continuance. Walrafen stated her interest in using this hearing to gather information and hear conversation following which the DRB members could make a determination whether a continuance is warranted. Hope explained that they had received an email from Burmeister stating that an ANR report was written and sent to the DRB and Zoning Administrator; they further stated that they had not seen that report prior to this hearing. Bourque interrupted the meeting to ask why another attendee was photographing them. Walrafen asked for Storey to respond to Hope's concerns. Storey stated that the new map had not been sent by Burmeister to her or to the DRB members prior to this meeting. Burmeister explained that the pertinent information was only finalized two hours prior to the meeting; he expressed his understanding that several months ago the DRB had ruled that matters of wetlands are the purview of the State and not the DRB and asked why this hearing had been called. Walrafen explained that, since Hope and Bourque had appealed the permit for Burmeister's shed, the DRB must consider their concerns regarding Class II wetlands on Burmeister's property and the possibility that the permit violates the setback for the boundaries. Burmeister expressed his belief that this is a State matter and not pertinent to the DRB.

Walrafen asked Burmeister if he would submit the information from the State to help the DRB determine whether the appeal should be denied or granted.

Burmeister presented as evidence a letter he'd received June 5, 2024 from Laura Lapierre, Wetlands Program Manager of the Vermont Agency of Natural Resources, Department of Environmental Conservation, Watershed Management Division, Wetlands Program. He read the last paragraph of the letter which described the buffer zone and made recommendations to Burmeister for future actions. Walrafen offered a copy of the letter to Hope and Bourque; they stated they would like a copy. Burmeister explained that since receiving the letter he has worked with his environmental consultant and engineers from Chase and Chase to produce a map which meets all the State requirements. He explained that any previously submitted maps are obsolete and the wetland zones on his property have been re-demarcated. Walrafen asked Burmeister to lay the new maps out on the table and invited attendees to approach the table and view the maps. Walrafen explained that the map had been updated and stated that the purpose of the hearing is to determine whether the appeal of the shed permit is valid. Niebling clarified that the updated map had not been emailed to members of the DRB prior to the hearing. Walrafen asked the DRB members joining via Zoom for their opinion regarding the option of a continuance as they were unable to view the maps. Mullendore stated his opinion that it would be helpful to have more time; Niebling also stated her interest in a continuance and in viewing the new maps for clarity. Walrafen requested that Burmeister share digital copies of the new maps with the Zoning Administrator who would then pass them on to members of the DRB.

Walrafen recognized Hope who requested a continuance on the grounds that a lot of new information had been presented at the hearing and they would like more time to review it. Walrafen asked Storey for her input regarding the option of a continuance. Storey stated her opinion that a continuance is warranted. She further explained that as Zoning Administrator, her concerns are whether or not the proposed shed meets the setback requirements from the road and the property lines. The proposed shed meets the setback requirements and is outside the wetland buffer. She also noted that there is not a permit or process which would give her say (jurisdiction) over the conditions of the restrictive covenant. Hope explained that there is a deeded covenant in place regarding a green buffer zone. Hope, Bourque, and Burmeister engaged in a brief heated exchange regarding the buffer zone. Walrafen called for order, acknowledged the apparently contentious neighborly relationship, and asked Bourque to not speak out of turn. Walrafen recognized Storey who explained that the permit she had issued was for Burmeister's utility shed. Walrafen explained that the discussion at the hearing should remain focused on the appeal of that permit with an attempt to work together as neighbors.

Walrafen called for a motion to continue the hearing. **Niebling moved to continue the hearing. Mullendore seconded.** Walrafen recognized Alex Pojedinec who asked clarification about the purpose of the continuance. Walrafen explained that the DRB members joining the meeting via Zoom had made a motion for continuance so they would have the opportunity to review the new

maps prior to making a decision. Walrafen recognized Hope who expressed their understanding that the only certified survey filed in the land records is the survey which they had previously entered as evidence. Walrafen recognized Burmeister who then entered as evidence his survey, completed by a different surveyor, which he stated had been recorded the previous week. Hope stated their belief that the State needs to determine which wetlands delineation is the correct version.

Walrafen called for a proposed date for the continuance. Mullendore and Niebling agreed that July 17, 2024 would work for them to attend, Walrafen agreed. **Niebling amended her motion to continue the hearing to July 17th at 7:00 PM. The motion carried unanimously.**

Walrafen recognized Storey who stated to attendee Carrie Biggam that she had been added to the list of attendees as an interested party. Biggam agreed to email her contact information to Storey. Niebling requested that a digital copy of Burmeister's survey be supplied to DRB members. Walrafen spoke to Burmeister, Hope and Bourque requesting that they communicate with the State to gain a unified understanding of the wetland designation. Walrafen recognized Biggam who asked for clarification that all items included on the current hearing agenda will also be included in the continuation. Walrafen confirmed this to be so.

Review and Approve May 8, 2024 Meeting Minutes:

Niebling moved to approve last month's meeting minutes. Mullendore seconded. The motion carried unanimously.

Adjourn: Mullendore moved to adjourn at 7:48 pm. Niebling seconded. The motion carried unanimously.

Walrafen thanked all attendees for coming to the hearing.

Minutes respectfully submitted by Kristin Brosky, Town Administrative Assistant.