

**Town of Plainfield
Development Review Board (DRB) Meeting
Municipal Offices at 149 Main St., Plainfield, VT and via Zoom
August 14, 2024
Minutes – Approved**

Agenda:

- **Call Meeting to Order**
- **Review Agenda make any adjustments**
- **Review and Approve DRB’s Notification of Withdrawal: 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 July 17, 2024 meeting minutes**
- **Discussion: Devin Lynch at 79 Bean Road, appeal letter for variance for setbacks in Forest and Agricultural Land District**
- **Adjourn**

Present: Development Review Board members Janice Walrafen (Chair), Seth Mullendore, and Mary Niebling. Also in attendance were Zoning Administrator Karen Storey, Kayle Hope, and Susan Bourque.

Chairperson Walrafen called the meeting to order at 7:00 pm.

Review Agenda - make any adjustments:

Walrafen reviewed the agenda. Karen Storey suggested she would like to provide information about substantial damage and zoning. Walrafen added that to the agenda following “Discussion: Devin Lynch at 79 Bean Road, appeal letter for variance for setbacks in Forest and Agricultural Land District”. Walrafen suggested that addition of a discussion of the Zoning Regulations following Storey’s addition.

Review and Approve DRB’s Notification of Withdrawal: Kayle Hope and Susan Bourque appeal of Zoning Permit Application 2024-01 for utility shed for storage and tools at 3905 East Hill Road:

Walrafen reviewed the DRB’s draft Notification of Withdrawal: Kayle Hope and Susan Bourque appeal of Zoning Permit Application 2024-01 for utility shed for storage and tools at 3905 East Hill Road, collaborating with Mullendore and Storey and hearing comments from Hope and Bourque. Mullendore stated that the Notification of Withdrawal would not be posted online. He reviewed the agreed upon revisions, stating that the third item would state “the applicant and

appellants jointly requested the continuance of the hearing to a later date, the hearing was continued to June 12th, there would be a change of description from “neighbor” to “abutter” for Joe and Chris Sainz, and at the end added “the full appellant notification of withdrawal is included for reference”. Hope suggested an addition to number six of “on July 17th Kayle Hope and Susan Bourque submitted a motion to withdraw their appeal to the Development Review Board via email due to the catastrophic flooding in Plainfield in July”. Walrafen, Mullendore, and Niebling agreed to this revision. Walrafen called for a motion. **Niebling moved to approve the amended notification of withdrawal. Mullendore seconded. The motion carried unanimously.** Walrafen stated she would print a copy and sign it then scan the signed copy to Storey for mailing.

Review and Approve July 17, 2024 meeting minutes:

Walrafen, Mullendore, and Niebling reviewed the draft minutes finding no revisions were needed. The DRB heard comments from Hope and Bourque. Walrafen stated that the word “interrupted” would be changed to “interjected” and that an addition would be made to the minutes to reflect that the appellant withdrawal of appeal was due to the flood. She stated that the minutes would be re-written by Administrative Assistant Kristin Brosky with the stated amendments. **Niebling moved to approve the July 17, 2024 meeting minutes with those changes.** Mullendore requested Hope be recognized; Walrafen recognized Hope who requested further changes to the minutes prior to approval. Walrafen and Mullendore reread the revised minutes aloud. **Mullendore moved to add “Hope interjected stating that the appellants appreciate all the hard work that went into the appeal process but that they are not happy with the resolution and are withdrawing their appeal due to the recent flooding and complexities around the State wetlands determination, noting the significance of wetlands.”** Walrafen stated that there was a motion to accept the amended minutes with the transcript language that Mullendore read aloud. **Niebling accepted the amendment. The motion carried unanimously.** Walrafen recognized Hope who noted a further needed revision. Mullendore stated that the minutes would be revised to reflect the change from “neighbor” to “abutter” in reference to Joe and Chris Sainz. Mullendore stated he would share the revisions with Brosky.

Discussion: Devin Lynch at 79 Bean Road, appeal letter for variance for setbacks in Forest and Agricultural Land District:

Storey provided historical context regarding 79 Bean Rd. She explained that Melanie Sargent owned the land prior to her death and that Sargent’s son Devin Lynch has lived in a recreational vehicle on the property for more than 180 days for which Storey has issued a violation letter. She shared that Lynch applied for a zoning permit to put a single family home on the property which was denied due to setbacks and subsequently he has appealed for a variance. She stated that the property is a narrow one-acre triangular lot. She shared that the Melanie Sargent estate has not yet been closed, making current ownership unclear. She stated that Lynch has two siblings, Ashley and Seth. Storey reminded DRB members that a hearing must be held within 60 days of

an appeal. She suggested a site visit and asking Lynch to stake out where the proposed home would be located. Walrafen pointed out that the rightful property owner is currently unknown and questioned holding a hearing without knowing who owns the property. She further pointed out that Lynch is illegally residing on the property. Storey advised the DRB to consult with Town Attorney Mike Tarrant. Walrafen stated she would request the Select Board to consult with the attorney. Storey shared that she has been told by Devin Lynch that the property has an inspected septic system in place but has not yet seen the letter from the septic company. Mullendore noted that a portion of the property is in a flood hazard zone. Storey stated this is due to Bancroft Pond's location uphill from the property. Niebling noted that the mobile home which previously sat on the property was grandfathered in. Storey stated that a grandfathered non-conforming mobile home could be replaced by a new mobile home within one year; she stated the old mobile home had been removed closer to twenty years prior. She also noted that the mobile home had been not owned by a previous property owner. Walrafen pointed out that neighbors of the property are unhappy with the current situation. She clarified that she will ask the Town attorney how the DRB should proceed in the situation of no identified heir.

Information about substantial flood damage and zoning:

Storey shared that she had hoped to leave her position as Zoning Administrator in July but would instead be staying on. She explained that the Town has Inundation Regulations and that following the flood she is required to visit all properties within the special flood hazard areas to determine if the structures have substantial damage. She defined substantial damage to mean that the needed repairs would cost more than 50% of the pre-flood value. She explained that if property owners with substantial damage within the flood hazard area want to repair or replace their home they are required to elevate the house, moving all utilities up, and must apply for a permit to repair or replace. She stated that many of the homes in Plainfield's flood zone areas damaged in the recent flood have sustained substantial damage and she is working to reach out to those homeowners. She explained that some homes that were damaged in the flood are not located in a special flood hazard area and she will not be reaching out to those homeowners, as they are not regulated by Inundation Regulations. She expressed her feeling of heartbreak for so many property owners contending with loss of their home.

Discussion of the Zoning Regulations:

Walrafen explained that the DRB is still working from the Zoning Regulations that were approved in 2011. She acknowledged that the Planning Commission has been working on a draft to update the Zoning Regulations. Storey stated she would forward DRB members the most updated draft which is not yet posted on the Town website. Walrafen encouraged DRB members to read the updated draft in preparation for a discussion at the next DRB meeting when they will draft a letter to the Select Board asking that the draft Zoning Regulations be approved as Interim Zoning Regulations. Storey provided information regarding River Corridor updates in the draft Zoning Regulations. She stated there is also new language regarding cannabis grow operations.

Adjourn:

Mullendore moved to adjourn at 8:16 pm. Niebling seconded. The motion carried unanimously.

Minutes respectfully submitted by Kristin Brosky, Town Administrative Assistant.