

**Town of Plainfield**  
**Development Review Board (DRB) Hearing and Meeting**  
**Municipal Offices at 149 Main St., Plainfield, VT and via Zoom**  
**September 24, 2024**  
**Minutes – Draft**

**Agenda:**

- Call meeting to order
- Review Agenda make any adjustments
- Review and Approve 2024-9-11 Meeting Minutes
- Public Hearing Devin Lynch appeal for Variance of setback in Forest and Agricultural Land District. 2011 Plainfield Zoning Regulations: Sections 2.9 Variance and Appeals 3 (a), Section 3.3 Existing Small Lots, Section 3.14 Construction Along Watercourses, Waterbodies and Designated Scenic Roads
- Adjourn

**Present:** Development Review Board members Janice Walrafen (Chair), Seth Mullendore, and Mary Niebling. Also in attendance were Zoning Administrator Karen Storey, Kim Nolan, Adam Hochschild, Sean Ward, Ryan Christiansen, Chris Ditmeyer, Judy Cyprian, Sarah Pollica, and Devin Lynch.

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

**Review Agenda - make any adjustments:**

Walrafen provided an update on her follow-up conversation with Planning Commission Chair Will Colgan and Plainfield Village Expansion Project Steering Committee member Arion Thiboumery stating that further follow-up should include consultation with Vermont League of Cities and Towns.

Storey stated that a subdivision zoning application from Barasch would be brought before the DRB soon.

**Review and Approve 2024-09-11 meeting minutes:**

Mullendore stated this item would be discussed at the October 9, 2024 DRB meeting.

**Public Hearing Devin Lynch appeal for Variance of setback in Forest and Agricultural Land District. 2011 Plainfield Zoning Regulations: Sections 2.9 Variance and Appeals 3 (a), Section 3.3 Existing Small Lots, Section 3.14 Construction Along Watercourses, Waterbodies and Designated Scenic Roads:**

**Walrafen called the hearing for ZA2024-13 79 Bean Rd. Devin Lynch appeal for Variance of setback in Forest and Agricultural Land District to order at 7:10 pm.** She administered the oath to those in attendance who wished to speak and shared rules of conduct with attendees. DRB members and attendees introduced themselves.

Walrafen reviewed the five conditions that must be met for a variance to be approved, reading from the Zoning Regulations. DRB members reviewed the provided evidence noting that a portion of the property is in the Special Flood Hazard Area. Storey recommended the review of inundation regulations and noted that a new residence may not be built in the Special Flood Hazard Area. Walrafen stated, and Mullendore and Niebling agreed, that an engineered survey of the property would be useful in order to determine the setbacks. Walrafen recognized Adam Hochschild who requested information, asking if the proposed house site was outside the Special Flood Hazard Area; Walrafen stated it was undetermined. She noted that the applicant was not present at the hearing. Walrafen stated her interest in hearing testimony from the State Wastewater enforcement officer. Storey stated there was septic inspection information available from Fowler Septic Service and noted that the applicant sent out the Notice of Hearing to the abutters on time. Walrafen recognized Ryan Christiansen who provided historical context for zoning issues at the 79 Bean Rd. property. Sean Ward added his experience with the previous owner of the property. Storey stated the Town had removed the abandoned mobile home on the property at 79 Bean Rd in 2015. Mullendore stated his understanding that the conditions of the need for variance were not caused by the applicant. Kim Nolan stated her opinion that there have been conditions at the property that have been detrimental to the neighborhood. Mullendore expressed his belief that the DRB needed more information to understand if the property met the conditions for variance. Mullendore asked if any abutters were in favor of the variance being approved. Kim Nolan, Sean Ward, Judy Cyprian, and Sarah Pollica all stated they were not in favor. Hochschild stated that a home built on six-foot piers as proposed is not consistent with the character of the neighborhood. Storey described the rules of occupancy for undeveloped land.

Devin Lynch joined the meeting by phone. Walrafen administered the oath to Lynch, he affirmed. Mullendore informed Lynch of the DRB's need for an engineered survey of the property to determine whether the proposed house site fell outside of the Special Flood Hazard Area. Walrafen explained that the DRB would also need to schedule a site visit of the property. Lynch agreed to accommodate these requests. Walrafen further explained that the neighbors were not in favor of the proposed variance. Niebling inquired about the wastewater inspection. Lynch confirmed he would provide wastewater inspection information. Mullendore encouraged Lynch and the attending neighbors to attempt to discuss the application for variance with one

another. Lynch shared that State wastewater enforcement officer Ryan McCall had visited the property. Walrafen requested McCall's testimony be entered as evidence. Storey stated that the property has received notice of alleged violation that was written in 2021 and is not yet resolved. Storey provided information about zoning regulations regarding septic systems. She also read from 24 V.S.A. § 4414 (13) which states that the wastewater and potable water supply permit must be issued prior to starting construction under a zoning permit. It was determined that the existing septic was intended for a two bedroom home. Mullendore pointed out the application for variance requests a four bedroom home which Lynch stated was a mistake and should have read two bedroom. Lynch denied knowledge of the five year abandonment rule for septic systems. Walrafen pointed out that the occupancy of the property has appeared to cause strife in the community. She stated that the issue of the septic system permit and the property boundaries would need to be cleared up prior to a variance being considered. Niebling stated she had concerns about ownership of the property due to it still being in probate. Lynch stated a judge had stated that the property would be granted to Lynch. Niebling requested proof of that, Lynch agreed. Hochschild pointed out that the zoning application stated that the applicant is not the owner of the property. Christiansen clarified that McCall is called out to properties when wastewater rules may have been violated and stated that the existing camper on the property is not allowed to use the existing septic tank.

Walrafen reviewed the needs of the DRB in this case requesting that Lynch provide plans created by a licensed engineer for a survey of the property boundaries and septic system design. Lynch agreed. Lynch stated that the camper is not connected to the existing septic system.

Mullendore stated that the DRB needs more information and requested a continuation. **Mullendore moved for a continuation. Niebling seconded.** Walrafen stated a date must be set for the continuation. Niebling stated that the permit application needs to be adjusted to reflect the request for a two bedroom home. **Janice requested a vote for all in favor of a continuance on November 13<sup>th</sup>. The motion carried unanimously.**

**Adjourn:**

**Niebling moved to adjourn. Mullendore seconded. The motion carried unanimously and the hearing was adjourned at 8:10 pm.**

Minutes respectfully submitted by Kristin Brosky, Assistant Town Clerk.