

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

**Decision on the application of: Tim J. Davis and Amanda Rigatti
Re: Variance from setback requirements for garage construction**

Permit Application No. 2019-10-V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a variance from the setback requirements to build a garage.
2. The application was received by zoning administrator Karen Storey on 5/31/19.
3. On June 20, 2019, notice of a public hearing was posted at the following places:
 - a. Plainfield Town Offices
 - b. Plainfield Post Office
 - c. Plainfield Co-op
4. On June 20, 2019, a copy of the notice of a public hearing was mailed to the applicant and to the following owners of properties adjoining the property subject to the application:

Norcross Mill LLC	Katuah Road Trust (Leon Marasco and Kate Harper)
Alexis Smith	Rocky Edson
Edward Hutchinson	Alexandra Thayer
5. On June 21, 2019, a notice of a public hearing was published in the Times Argus.
6. A site visit was held on July 10, 2019 at 6 pm at 1911 East Hill Rd.
7. Present at the site visit were the following members of the development review board:

Janice Walrafen, chair, Elaine Parker, Jim Volz, Alice Dworkin, and Sarah Albert

Also present were zoning administrator Karen Storey, property owners Tim Davis and Amanda Rigatti, and abutting neighbors Leon Marasco and Kate Harper.
8. The application was considered by the development review board at a hearing at 7 pm following the site visit. The development review board reviewed the application under the Town of Plainfield Zoning Regulations, as amended March 1, 2011. The same DRB members present at the 6 pm site visit were in attendance at the hearing, in addition to the zoning administrator.
9. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Leon Marasco	Amanda Rigatti
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10. At the continued hearing on August 14, 2019, the following members of the development review board were present: Janice Walrafen, chair, Elaine Parker, Alice Dworkin, and Sarah Albert. Also present was zoning administrator Karen Storey.
11. The following persons were present at the continued hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Leon Marasco	Kate Harper	Tim Davis
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FINDINGS

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

1. The applicant seeks to obtain a variance from the setback to build a garage. The subject property is a 21.5 acre parcel located at 1911 East Hill Rd. in the Town of Plainfield (tax map parcel no. 06-007.000).
2. The property is located in the **Forest & Agriculture** District as described on the Town of Plainfield Zoning Map on record at the town office. Side boundary setbacks in this district are 50'; however the property is immediately adjacent to the Rural Residential district, where the side setback is 10' for an accessory structure.
3. The property owners are asking to build a garage with room for a workshop and tool storage. Because of the slope of the property, adjacent wet areas and a nearby pond, it is difficult to build using the required setback.
4. The abutting neighbors, Marasco and Harper, are concerned that there be no additional water run-off to their property or to Katuah Rd., which accesses their property.
5. The DRB voted to continue the hearing to August 14 at 7 pm. The property owner was requested to bring a site design for the garage that would prioritize good water management, using a combination of curtain drain, ditch, swale, rain garden or other methods. The DRB indicated they were willing to consider a setback of 20-25 feet under those conditions.
6. The owner, Tim Davis, presented a drawing showing a 20'x18' concrete slab located at a minimum of 20' from the property boundary near Katuah Rd. There will also be a 20'x12' section of roof covering a gravel surface, with a combined roof surface area of 600 sq. ft. The entire roof will slope towards the south, shedding water on the opposite side of the garage from Katuah Rd. Owner plans to manage water with a combination of drainage ditches, gutter and rain barrels, swales, rain garden, and/or retention pond.
7. The DRB offered suggestions for water management, including a roof pitch of 6" fall for every 12" run, a 16" gravel foundation with shallow insulated slab on top to allow for ice heaving, a series of swales for water flow to "slow it, spread it, sink it," and a possible berm on the west and/or north side of garage. It was stressed that the project should cause no additional water runoff along the driveway to the town road.

DECISION AND CONDITIONS

Based upon the above findings, the development review board granted the variance from the setback requirements to allow construction of a garage workshop no closer than 20' from the property line under the following conditions:

1. Rain/surface water will be diverted away from Katuah Road, mitigating the existing drainage problem on the property using a combination of methods discussed in the hearing:
 - gutters on the roof of the garage
 - driveway graded to divert water to catchment areas instead of toward the town road
 - rain barrel draining into pond area
 - swales and/or berms to direct excess water into rain garden and/or catchment area
2. Landowner commits to maintaining good water management on the property and will correct any water drainage issues that result from garage construction.
3. Landowner submits detailed site map drawn to scale showing dimensions, setback, building envelope, and water flow landscaping.

Voting in favor: Janice Walrafen, Elaine Parker, Alice Dworkin, and Sarah Albert. The decision carries 4–0.

Dated at Plainfield, Vermont, this ___ day of _____, 2019.

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.