

TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

Decision on the application of: Douglas Weinreich

Re: Boundry Line Adjustment under Plainfield Subdivision Regulations Section 130(C)

Permit Application No. 2019-04

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves a Zoning Permit Application by Douglas Weinreich (“Applicant”) for a Zoning Permit to adjust the boundary line on his property at 1585 Country Club Road.
2. The application was received by zoning administrator Karen Storey on March 18, 2019, and referred to the Development Review Board (“DRB”) on April 1, 2019.
3. On April 15, 2019, a notice of a public hearing was posted at the following three locations: Plainfield Town Offices, Plainfield Post Office, and Plainfield Coop and the abutters were notified by mail.
4. On April 30, 2019, a notice of public hearing was published in the Times Argus.
5. On April 15, 2019, a copy of the notice of a public hearing was mailed to the owners of properties adjoining the property subject to the application.
6. The application was considered by the DRB at a public hearing on May 15, 2018. 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 Mr. Weinreich and the following members of the DRB: Chair Janice Walrafen, Members Alice Dworkin, Elaine Parker, and James Volz. Zoning Administrator Karen Story was also present. No one else attended.

FINDINGS

Based on the application, testimony, and exhibits, the Development Review Board makes the following findings:

1. Mr. Weinreich owns a house at 1585 Country Club Road in the Town of Plainfield, Vermont, Tax Parcel No. 016-1585.
2. Mr. Weinreich owns two contiguous lots at 1585 Country Club Road and is proposing to adjust the boundary line between the two lots to reduce the smaller of the two parcels by 12.09 acres and add that to the larger of the two parcels so that the larger parcel will be 64.72 acres.
3. This application is governed by the Town of Plainfield Zoning Regulations dated March 1, 2011, and Plainfield Subdivision Regulations Section 130(C) dated March 2, 2010.
4. Section 130(C) of those regulations provides the following:

Boundary Line Adjustments. A boundary line adjustment may be approved by the Zoning Administrator or the Planning Commission depending on the scope of the adjustment. In either case the following conditions apply for any boundary line adjustment:

1. The total number of parcels resulting from the transaction will not be greater than the number of parcels that existed prior to the proposed boundary line adjustment;
 2. It will not make complying lots nonconforming, and will not increase the nonconformance of any existing lot.
 3. A plat map showing the locations of the new boundaries must be filed in accordance with Vermont statutes.
5. In this case all three requirements are met. The plat map and testimony provided by Mr. Weinreich clearly show that there are two existing parcels and after the adjustment there will

continue to be two parcels. The parcels will simply change size. The boundary adjustment will not make the complying lots nonconforming and will not increase any nonconformance of any existing lot. Finally as a condition of approval, Mr. Weinreich is required to file a plat map showing the locations of the new boundaries in accordance with Vermont statutes.

DECISION

Based upon these findings, the specific circumstances of this case, and the fact that no objections were made by abutting property owners or members of the public, the DRB hereby approves Mr. Weinreich's Zoning Permit Application for a boundary line adjustment as described in this order. Voting in favor: Chair Janice Walrafen, Alice Dworkin, Elaine Parker, and James Volz. The decision carries 4-0.

Dated at Plainfield, Vermont, this 13th day of June 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. Sec. 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings