

Town of Plainfield, Vermont
Development Review Board Meeting
July 14, 2021
Approved Minutes

PRESENT: Janice Walrafen (DRB Chair), Sarah Albert (DRB Clerk), Alice Sky (DRB Member), Jim Volz (DRB Member), Karen Storey (Zoning Administrator), Cindy Wyckoff (Minutes Recorder), Chad Morse (Permit Applicant, 2459 Lower Road), Allen Clark (Abutter to the Chad Morse property), John Matthews, MD (Permit Applicant, Plainfield Health Center), Stephen L. Cusick, (Attorney Representing the Plainfield Health Center), and Charles Cogbill (Resident).

At 6:00pm, the DRB met at the property of Chad Morse for a site visit to consider a variance prior to the public hearing regarding a wood/equipment shed pole barn recently built that does not meet the 50' setback requirement.

NOTE: Due to the ongoing COVID-19 pandemic, the DRB convened its meeting outdoors at the Recreation Field shelter.

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

AGENDA

- Call Meeting to Order
- Review Agenda; Make any Adjustments
- Public Comments
- **Public Hearing:** ZPA 2021-12 V Chad Morse Section 2.9 Variance and Appeal. Section 4.2 Forest and Agricultural Land District Setback Minimum Requirements, and Section 3.14 Construction Along Watercourses, Waterbodies, and Designated Scenic Roads. Construction of a 20' by 30' Woodshed/Equipment Shed Pole Barn with Stone/Gravel Floor within the 50' Setback Requirements.
- **Public Hearing:** ZPA 2021-21 Northeast Washington County Community Health, Inc. Change of Use and Amendment to Zoning Permit Application 2016-04 1. Converting the Two-Apartment Building into One Apartment and Business/Professional Use. 2. Garage Will House Two Minivans Used by the Health Center. 3. Health Center Food Program: Once Weekly Distribution of Local Vegetables and Meals Prepared Offsite.
- Review and Adopt Meeting Minutes of June 9, 2021
- Other Business
- Adjourn

REVIEW AGENDA; MAKE ANY ADJUSTMENTS

- There were no adjustments made to the agenda.

PUBLIC COMMENTS

- There were no public comments.

PUBLIC HEARING: ZPA 2021-12 V CHAD MORSE SECTION 2.9 VARIANCE AND APPEAL. SECTION 4.2 FOREST AND AGRICULTURAL LAND DISTRICT SETBACK MINIMUM REQUIREMENTS, AND SECTION 3.14 CONSTRUCTION ALONG WATERCOURSES, WATERBODIES, AND DESIGNATED SCENIC ROADS. CONSTRUCTION OF A 20' BY 30' WOODSHED/EQUIPMENT SHED POLE BARN WITH STONE/GRAVEL FLOOR WITHIN THE 50' SETBACK REQUIREMENTS.

- Walrafen called the public hearing to order at 7:01pm and administered an evidence affirmation oath, to which all public hearing participants affirmed.
- Walrafen presented a summary of the issue before the DRB, noting that the DRB is able to grant a variance provided that State statutes are met. Jim Volz stated that during the site visit, he saw no other possible locations for the shed without removing additional trees, and that he would be agreeable to granting a variance as long as proper conditions were placed upon it, including taking measures to mitigate storm water runoff into Gunner Brook. Sarah Albert stated that she did not think that the current location of the shed was the only place on the property that it could have been built and thus the request does not meet the requirements for a granting a variance. Alice Sky noted that because the structure has already been built, it makes the situation for her more about what can be done to deal with the fact that it is only 20 feet from Gunner Brook instead of the required 50 feet. Walrafen noted that she believes the requirements of granting a variance have been met because of unnecessary hardships imposed due to the conditions of the lot size, but shares the same concerns regarding its proximity to Gunner Brook. A brief discussion ensued regarding the possibility of flooding during severe storms in that area, which adjacent neighbor Allen Clark stated he had not seen in the more than 20 years that he has resided at his property. Clark added that he has zero problems with the shed in its current location. Discussion followed regarding issues involved in moving the shed farther from the brook's shoreline and Morse's specification in the permit application requesting an expansion of the shed. Albert reiterated her objection to granting a variance, citing that it was not the only place the shed could have been located, that the shed at its current site could have been built farther away from the brook, and that the property already has been developed so development is not being hindered as required by the regulations for granting a variance. Albert added that by granting a variance in this instance, it sets a dangerous precedent for granting future variances to those who develop their property before seeking a zoning permit. Walrafen and Morse clarified that the shed was built before Morse took down a couple of trees at the site, noting that the extra area that now exists farther away from the brook was not open when he built the shed. Discussion followed regarding the responsibility of landowners, and measures that can be taken, to mitigate storm water runoff from their properties. **Sky made a motion to amend Chad Morse's zoning permit application and approve a variance for the existing 20' by 10' shed, with storm water mitigation in its current location. Volz seconded the motion. The motion was approved by Walrafen, Sky, and Volz, with Albert opposed.**
- Walrafen closed the public hearing at 7:39pm.

PUBLIC HEARING: ZPA 2021-21 NORTHEAST WASHINGTON COUNTY COMMUNITY HEALTH, INC. CHANGE OF USE AND AMENDMENT TO ZONING PERMIT APPLICATION 2016-04 1. CONVERTING THE TWO-APARTMENT BUILDING INTO ONE APARTMENT AND BUSINESS/PROFESSIONAL USE. 2. GARAGE WILL HOUSE TWO MINIVANS USED BY THE HEALTH CENTER. 3. HEALTH CENTER FOOD PROGRAM: ONCE WEEKLY DISTRIBUTION OF LOCAL VEGETABLES AND MEALS PREPARED OFFSITE.

- Walrafen called the public hearing to order at 7:40pm and administered an evidence affirmation oath, to which all public hearing participants, with the exception of Attorney Stephen Cusick, affirmed.
- Walrafen presented a summary of the change of use and amendment request from Northeast Washington County Community Health, Inc. (Health Center), which is contemplating the purchase of a property owned by R.L. Vallee. Plainfield Health Center CEO and Medical Director John Matthew, MD provided further information regarding the proposed changes to the property as stated in the permit application, including details of the expected activities. Dr. Matthew expanded upon the details of the permit request, noting the Health Center's need for more physical space as well as recent funding received to run a school nutrition program. The latter position will need office space when not working in the schools. In response to a question by Walrafen, Dr. Matthew stated that no changes are being proposed for the garage that will house the minivans. Regarding receipts or other evidence that the notices regarding this public hearing were sent out to adjacent property owners, Attorney Cusick said that he can have Dr. Matthew state on the record that the notices went out in a timely manner and that they will be scanned and sent over tomorrow. Volz stated that if the permit application is approved, it will be on condition of receiving them and being adequate. Cusick questioned why the permit is being considered under the conditional use standard when it is a change of use. Referring to a previous DRB decision regarding the property, Albert noted that "any changes to the above conditions, including lighting, trash storage, parking, and traffic circulation will necessitate an amendment to the commercial site plan by the DRB." Dr. Matthew confirmed that the Health Center would not be requesting additional parking spaces. Discussion followed on the timeframe of people picking up vegetables and prepared meals to which Dr. Matthew stated that right now it happens on Thursdays, but was unsure about the exact times during the day. He confirmed that currently, people picking up need to park momentarily and go in to retrieve the food, which can be done in the right-of-way between the building and Route 2. Albert noted that there is no parking there because it is a shared right-of-way with Black Bear Biodiesel. She added that during a previous hearing with property owner R.L. Vallee, it was unclear exactly where the shared right-of-way was between the two properties and this uncertainty has led to disagreements. Albert asked if, going forward, it was possible to have the two parties come to an agreement about where the right-of way is and what its use is and encouraged staggering the pick-up times so people always have a legal space in which to park. Zoning Administrator Karen Storey noted the convoluted traffic pattern between the two properties on Saturday mornings when the trash removal truck is present next to Black Bear Biodiesel. Storey stated that the Black Bear Biodiesel property is owned by Second Wind, LLC, which is Peter Young, and that Jim Malloy operates the business. Sky read aloud the existing conditions on the R.L. Valle property, all of which will remain in place except for Condition #6 pertaining to the retail space, which was demolished. For the proposed change of use, the conversion of the first floor to commercial office space will require seven parking spaces with an additional space required for the upstairs apartment for a total of eight designated parking spaces.

The two spaces in the garage would be designated as storage for the two minivans and not included in the required number of designated parking spaces. In response to a question from Albert, Dr. Matthew noted that he estimates about five people will be working in the proposed administrative space on the first floor, adding that due to its close proximity, people can also park at the Health Center and walk over if necessary. In response to Sky's question regarding if a condition can be included related to storm water mitigation, it was determined that because no new impervious surfaces have been added, a condition cannot be included. Albert stated that piled-up snow needs to be removed in the winter to keep the required parking spaces available. Dr. Matthew noted that in the rare instances where snow piles up at the Health Center, they have arranged for a front loader to haul it away and that that equipment could be sent across the street to remove snow as well. **Albert made a motion to approve the permit application from Northeast Washington County Community Health, Inc. for a change of use of the first floor residential apartment to business/professional use along with the use of the garage for housing the Health Center's two minivans, and the use of the property as a distribution center for the weekly food program under the following conditions: 1) that the number of available parking spaces, which is currently five, be increased to eight to include the required number for the business office (7) plus one for the residential apartment; 2) that the pickups for the weekly food program be staggered to reduce congestion in the parking lot; and, 3) that all existing conditions will remain in place. Sky seconded the motion.** Sky asked that if the lot is already paved, why is it not all considered available for parking, to which Storey and Walrafen responded that there are no painted lines to indicate designated/permitted parking and that the Health Center is currently only requesting the eight spaces to satisfy the zoning requirements. **The motion was approved unanimously.**

- Walrafen closed the public hearing at 8:38pm.

REVIEW AND ADOPT MEETING MINUTES FROM JUNE 9, 2021

- **Volz made a motion to adopt the minutes from the 6/9/21 meeting as amended. Sky seconded the motion. The motion was approved unanimously.**

OTHER BUSINESS

- Storey reported that she was contacted by a renter would like to open a small engine repair shop at 173 High Street, in the Village District, but who does not live there. She asked if it has to go through a conditional use review. It was determined that those kinds of businesses are needed in the area and that it would be best for him to apply for a conditional use permit for a retail business.

ADJOURN

- **Sky made a motion to adjourn at 8:46pm. Volz seconded the motion. The motion was approved unanimously.**

Respectfully submitted by Cindy Wyckoff