

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on: Melanie Sargent appeal of Zoning Administrator determination

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an appeal of a Zoning Administrator determination dated 2/16/21 stating that the property at 79 Bean Rd. owned by Melanie Sargent is in violation of Section 3.19 of the Town of Plainfield Zoning Regulations, pertaining to recreational vehicles.
2. The appeal letter was received by zoning administrator Karen Storey on 2/26/21 and referred to the Development Review Board for review. Due to COVID restrictions, the hearing was held remotely via Zoom and public notices contained information for online access.
3. On 3/26/21, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
On 3/26/21, notice of a public hearing was published in the *Times Argus*.
4. On 3/30/21, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Karl Bissex	Ryan Christiansen	Judy Cyprian
Chris Ditmeyer	Adam Hochschild	Catherine Hochschild
Tom Kelly	Kim Nolan	Mike Nolan
Sarah Pollica	Mike Raymond	Mary Trerice
Sean Ward		
5. The application was considered by the DRB at a public hearing on 4/14/21. The application was reviewed under the Town of Plainfield Zoning Regulations adopted March 1, 2011 and Subdivision Regulations adopted March 2, 2010.
6. Present online during the hearing were the following members of the DRB:
Janice Walrafen, chair, Alice Sky, Jim Volz, Sarah Albert
7. The following persons logged into the Zoom hearing and/or requested status as interested persons as signatories of a letter submitted prior to the hearing:

Karl Bissex	Ryan Christiansen	Judy Cyprian
Chris Ditmeyer	Adam Hochschild	Catherine Hochschild
Tom Kelly	Kim Nolan	Mike Nolan
Sarah Pollica	Mike Raymond	Mary Trerice
Sean Ward	Phoenix 5 (log-in name)*	

Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.

*Assumed to be Melanie Sargent, but not confirmed. This party had difficulty maintaining the Zoom internet connection and didn't speak during the hearing. It's not known whether they were able to listen to any of the proceedings.

FINDINGS

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

1. The property is located at 79 Bean Rd. (tax map parcel no. 06-025.000) and is located in the **Forest & Agriculture** District as described on the Town of Plainfield Zoning Map on record at the town office and section 4.2 of the Zoning Regulations.
2. The property is a 1-acre lot in a zoning district with a minimum lot size of 5 acres, but may be developed as an existing small lot under Section 3.3 of the Zoning Regulations.
3. Prior to the hearing, DRB members had received by email the following: letter from the Zoning Administrator to Melanie Sargent dated 8/7/20; zoning violation notice sent to Sargent dated 2/16/21; Sargent appeal letter received 2/26/21; and letter from abutters dated 4/7/21.
4. The Zoning Administrator's 8/7/20 letter outlined the zoning regulations in Section 3.19 regarding recreational vehicles, and also gave the setbacks for the Forest & Agriculture district. It also stated that the property was in the Flood Hazard Area and that Inundation Regulations required a recreational vehicle to obtain a permit. Sargent was asked to be sure that the vehicle was in compliance with the setbacks and to contact the town regarding disposal of sewage.
5. The zoning violation notice dated 2/16/21 stated that the property was in violation of section 3.19(2) by exceeding the 180-day limit for using a recreational vehicle as a dwelling; section 3.19(3) for not obtaining approval from the Wastewater Management for connecting to a septic system; and section 3.19(4) for failing to provide the town with documentation on the disposal of sewage from the recreational vehicle. (With regard to 3.19(1), the zoning administrator had not visited the property to measure the setbacks, so compliance is unknown.)
The violation letter gave Sargent seven days to correct the violation and stated the fines that would be imposed for non-compliance.
6. In her appeal letter, Sargent stated that she had been in contact with the state permit specialist and that her intent was to build a house on the property; however, the town has not received notification that she has applied for a wastewater permit. Sargent provided an invoice from Fowler Septic Service stating that the septic tank had been pumped on 8/17/20; however because she has not demonstrated compliance with state wastewater regulations this does not fulfill the requirements of Section 3.19(3 &4).
7. Sargent stated in her appeal that she's placed a deposit with Safford & Sons Water Wells to drill a well on the property. She also stated that the well would not be drilled until her house was built, but Mike Nolan (Road foreman and interested party) said that he had been contacted by the well company a few weeks ago, asking to move their equipment on town roads. He denied the request at the time because the roads were still muddy. Sargent has been pumping water from the brook as her water supply.
8. Sargent also stated in her appeal that she had put in a driveway. This was done without applying for a road access (curb cut) permit from the town. Mike Nolan, who typically reviews permit applications before they're approved by the selectboard, stated that the new driveway was in a better location than the old one that accessed the property.
9. During the hearing the letter from the abutters (named under interested persons) was read, including a number of questions they had concerning the appellant's use of the property.

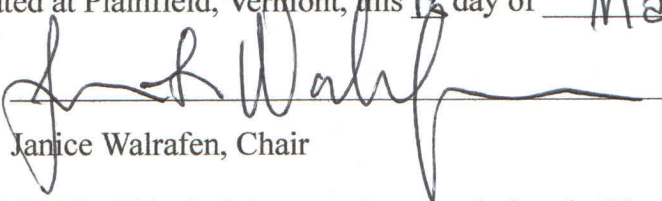
10. Zoning administrator Storey informed the DRB that Sargent had submitted an incomplete application (without the permit fee) this morning for a building permit to build a house. Storey screen-shared the site plan of the application, which indicated that the proposed house did not have a 50 ft. setback from the brook. Albert questioned whether the septic system could comply with the setback. Storey said that Sargent would need to apply for a variance if she could not satisfy the setback requirements.

DECISION AND CONDITIONS

Based upon these findings, the development review board upholds the violation letter sent by the Zoning Administrator on 2/16/21 and orders the appellant to cease the violation by removing the recreational vehicle from the property within 30 days, by 5/14/21. All relevant state and local permits must be obtained before returning any recreational vehicle to the premises.

Voting in favor: Janice Walrafen, Jim Volz, Alice Sky and Sarah Albert. The decision carries 4-0.

Dated at Plainfield, Vermont, this 12 day of May, 2021.



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.