

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on the application of: Mike Betit and Amanda Andrews, DBA Tamarack Hollow Farm

Re: Revision of DRB decision 2013-21, Approved 10/9/13

Permit Application No. 2014-11 (2013-21 rev.1)

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves amending a previous DRB decision (2013-21) regarding subdivision of land by Steve Pappas on Country Club Road.
2. The application was received by zoning administrator Karen Storey on 10/20/2014 and referred to the Development Review Board on 10/24/14 because it was a major revision to the original subdivision decision: applicant was not planning to use approved ROW and there were waived requirements which had not been fulfilled.
3. On 11/25/2014, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 11/25/2014, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

William Glanvil	Roland Hayford Sr.	Philip Moros
Garfield Barnes	Nancy LeClerc	Beth Ann Mueller
Steve Pappas	William Swift	Town of Barre
Barre Rifle Club	Catherine Swift	Central VT RPC
5. On 11/25/2014 notice of a public hearing was published in the *Times Argus*.
6. The application was scheduled to be reviewed by the DRB at a public hearing on 12/10/14; however, the hearing was postponed to 12/15/14 due to weather and road conditions. The application was reviewed under the Town of Plainfield Zoning Regulations, as amended March 1, 2011.
7. Present at the hearing were the following members of the DRB:
Janice Walrafen, chair, Rob Bridges, Sarah Albert
8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Amanda Andrews	Alice Merrill
Mike Betit	Philip Moros

FINDINGS

Based on the application, testimony, exhibits, and a site visit by DRB members on 12/7/14, the development review board makes the following findings:

1. The subject property is a 20.3 acre parcel located at 3280 Country Club Rd., tax map parcel no. 04-016, owned by the applicants, Mike Betit and Amanda Andrews.
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 and section 4.4 of the Zoning Regulations. The Town of Plainfield owns the property.
3. The parcel is Lot 2 in a subdivision granted on 10/9/13 (DRB 2013-21). Finding #5 in that decision states:

The applicants have applied for and received an access permit for the ±500 ft. long, 50 ft. wide R.O.W. through lot 3 to access lot 2. This R.O.W. originates near the boundary line between lots 1 & 3 and runs along the boundary (and tree) line to the boundary between lots 2 and 3. Although lot 2 has frontage on the town highway, it cannot be used for access due to wet soils. During that same review, the applicants requested waivers from a number of subdivision requirements (see DRB 2013-21, Findings #8), including erosion control design, stormwater management and culvert design, driveway design and wastewater permit. The subdivision decision states that “For each lot of the subdivision, all permits or processes for which waivers were granted must be completed and submitted to the Zoning Administrator before any development, including R.O.W. improvement, can occur on that lot, as outlined above in 9–13.”
4. The applicants have not developed the R.O.W. designated in the subdivision approval; however they will retain the legal R.O.W. so that if the property is sold the new owner will be able to develop it once the waived driveway design is submitted.
5. The applicants obtained an opinion from the VT Agency of Agriculture, Food & Markets that their proposed use of the property would qualify as farming and accepted agricultural practices. Andrews attests that the Agency stated that farming operations are exempt from the waived requirements, including stormwater plans and driveway design. The Agency further stated that a new farm road (not on subdivision plan) accessing the farm structures does not need to comply with the requirements listed above and can be used to access the dwelling on the lot as long as the occupants maintain the proposed farming practice.
6. Applicant has complied with the waived requirements for showing locations of utilities and planned improvements (see 7b below) and submitting a water supply & wastewater permit (7c).
7. The following exhibits were submitted and are incorporated into the findings of the decision:
 - a) Letter from Stephanie Smith, VT Agency of Agriculture, Food & Markets, along with email clarification regarding proposed farm road, both dated 2/20/14.
 - b) Map submitted to VT Agency of Agriculture, Food & Markets by applicant on 2/18/14.
 - c) Wastewater system and potable water supply permit WW-5-6485-1, dated 9/5/14.
8. Based on the site visit, there were questions from the DRB regarding the drainage ditch that runs alongside and underneath the farm road. Mike Betit stated that Bruce Hewitt of the Natural Resources Conservation Service (U. S. Department of Agriculture) in Berlin has visited the property and advised them on drainage and swales to handle water runoff. The current ditch will be filled with drainage tile and covered with soil.

DECISION AND CONDITIONS

Based upon these findings, the development review board finds that subdivision decision DRB-2013-21 is amended to allow use of a farm road located within Lot 2 to access the dwelling on that lot and to continue waiving the unfulfilled subdivision requirements for stormwater management, erosion control, and driveway design under the following conditions:

1. Owners of Lot 2 are engaged in farming and accepted agricultural practices as determined by the VT Agency of Agriculture.
2. Owners agree to notify the town if they cease to engage in agriculture and if they plan to transfer ownership of the property.
3. Cessation of agricultural operation or change of ownership will require new owner(s) to fulfill the waived subdivision requirements unless they sign and submit an affidavit that they are engaged in farming and accepted agricultural practices according to the VT Agency of Agriculture.

Voting in favor: Janice Walrafen, Rob Bridges, and Sarah Albert. The decision carries 3–0.

Dated at Plainfield, Vermont, this __ day of _____, 2015.

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.