

TOWN OF PLAINFIELD
Development Review Board

**Application for R. L. Vallee Commercial Site Plan Review &
Conditional Use Hearing**

In re: R. L. Vallee/former Red Store
Permit Application No. 2014-17

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a change of use permit from single family to two family (adding an apartment), in addition to new sidewalk, parking improvements and access ramp submitted by **R. L. Vallee, Inc.** for the property known as the Red Store at 230 High St. (Rt. 2)
2. The application was received by zoning administrator Karen Storey on 9/15/14 and referred to the DRB on 9/17/14. A copy of the application is available at the Plainfield town offices.
3. On 9/22/14, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 9/22/14, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Toni Campbell	David & Shannon Spidle	Randy & Amy Grafton
Claire Dumas	Scott Stewart & Jill Bessette	Steve & Gail Washburn
Michael J. Palumbo	Brent & Karen Sleeper	Johnathon & Sarah Matthew
Patricia Scannell	Peter Young, Second Wind LLC	James Malloy, Black Bear Biodiesel LLC
Telephone Operating Company of Vermont/Fairpoint Communications		
5. On 9/23/14, notice of a public hearing was published in the *Times Argus*.
6. The application was considered by the development review board [DRB] at a public hearing on **10/8/14**. The DRB reviewed the application under the Town of Plainfield Zoning Regulations, as amended March 1, 2011.
7. Present at the hearing were the following members of the development review board [DRB]:
Chair Janice Walrafen, Rob Bridges, Neil Hogan and Sarah Albert.
8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Marcy Shaffer Halé	David Halé	Jill Bessette	Dena Cox
Scott Stewart	Josh Pitts	Claire Dumas	Liz Pettit
Scott Emery	Ryan Horvath	Ellen Selkowitz	Fred Woogmaster
Charles Cogbill	Tim Phillips	Paula Emery	Alice Merrill
Bram Towbin	Mary Lane, Plainfield Water/Wastewater Commission		
Otto Hanson, R.L. Vallee, Inc.	Chris Galipeau, R.L. Vallee, Engineer		
Jon Anderson, R.L. Vallee, Attorney	David Grayck, Black Bear Biodiesel, Attorney		
9. The hearing was continued to **11/12/14** at 7 pm. This does not need to be re-warned, but Zoning Administrator Karen Storey posted notices in all three public locations about the continuance.

10. Present at the continued hearing on **11/12/14** were the following members of the DRB: Janice Walrafen, Rob Bridges, Neil Hogan and Sarah Albert.
11. The following persons were present at the 11/12/14 hearing and requested status as interested persons under 24 V.S.A. § 4465(b):
 Charles Cogbill Tim Phillips Toni & George Campbell William L. Chidsey
12. At this hearing, R. L. Vallee requested a continuance to the December 10, 2014 meeting via a 11/6/14 letter from Chris Galipeau, Civil Engineer for the project. (attached)
12. The letter was read aloud and Charles Cogbill requested that he be allowed to comment on the part of the letter that states, "Vallee's impact on this wetland is negligible since we are increasing the impervious area by 930 square feet (0.02 acres)". Mr. Cogbill does not believe they should be able to draw any conclusions about the impact the impervious area will have on the wetlands, and reports this should be left to professionals, or the members of the DRB.
13. The DRB voted to reconvene the hearing on **12/10/14** at 7:30.*
14. Because of bad weather and road conditions, the 12/10/14 meeting and hearing was postponed to **12/18/14**.
15. The hearing was reconvened on **12/18/14**. Present at the hearing were the following members of the DRB: Janice Walrafen, Rob Bridges, and Sarah Albert
16. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):
 Jill Bessette Scott Stewart Charles Cogbill Alice Merrill
 Jim Malloy Peter Young David Grayck, Black Bear Biodiesel, Attorney
 Otto Hanson, R.L. Vallee, Inc. Chris Galipeau, R.L. Vallee, Engineer
 Jon Anderson, R.L. Vallee, Attorney
17. Section 2.6 of the zoning regulations states that site plan review by the Development Review Board is required for all commercial development.. The application requires review under the following sections of the Town of Plainfield Zoning Regulations:
 - 2.6 Commercial site plan review
 - 2.8 Conditional uses
 - 3.6 Signs
 - 3.8 Outdoor Lighting
 - 3.13 Parking

FINDINGS

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

1. The subject property is a .32 acre parcel located at 230 High Street (US Rt. 2) in the Town of Plainfield (tax map no. 11-029.000), containing a building formerly known as The Red Store and a detached garage. The applicant seeks to create a second apartment from the existing retail footage in the building and renovate the retail space.
2. The property is located in the **Village** 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 proposed use is a retail commercial service, which is a conditional use in the village district.
3. The property is not in the Village Historic District nor are the buildings on the state or national registry of historic buildings
4. The exterior of the building will remain as it is, except for the addition of a handicap access ramp on the east side of the building next to a new building entrance, as shown on the site plan. The current 2-story apartment space of $\pm 1,390$ sq. ft. will remain, and a second apartment of $\pm 1,030$ sq. ft. apartment will be created in part the former retail space, leaving $\pm 1,835$ sq. ft. retail space. The garage will be available for use of the building tenants for storage and will not be rented separately.
5. Dark sky compliant, downward facing and fully shielded lighting will be installed over all exterior doors. All exterior lighting will be changed to energy efficient lighting. No pole-mounted lighting will be added.
6. Section 3.1.3 (1) of the Zoning Regulations requires one parking space for each residential unit. Section 3.1.3 (6) of the Zoning Regulations requires one parking space for every 100 sq. ft. of floor area for commercial uses. The site plan depicts the retail area as $\pm 1,835$ sq. ft.; however, the actual floor area of retail space will be less than this to allow for internal layout renovations.

By these calculations the site would need 20 parking spaces. The site plan indicates 7 spaces in front of the building, including one handicapped space, 4 spaces on the east side of the building, including one handicapped space, and 10 spaces on the eastern property line, for a total of 21 spaces. Parking spaces will be marked with paint on the paving and be at least 9 ft. wide and 18 ft. deep. There will be a ± 20 ft. aisle between the two rows of parking on the side of the building.
7. The site plan shows a ± 22 ft. wide travel lane between the sidewalk and the end of the parking spaces on the front of the building that will be bi-directional. The eastern access/curb cut is on the applicant's property and the western access/curb cut is on the property of the landowner to the west, currently occupied by Black Bear Biodiesel. There is a deeded shared R.O.W. between the two properties that has not been demarcated.
8. Scott Stewart, who owns the property to the east, states that the property boundary shown on the site plan is not correct. Mr. Galipeau says that they have not performed an actual boundary survey, instead using tax maps and ortho photos to depict the parcel size, but that they can minimize the width of the aisle between the rows of parking to accommodate this if necessary. The DRB requests that the site plan include the actual measurements. Applicant responded that the site plan includes dimensions as accurately as can be estimated without a survey.
9. The applicant had stated General Retail on the application instead of a specific retail use. Applicant does not yet have a tenant for the retail space, but their expectation is that a prospective tenant might be a boutique type shop selling local crafts, novelties, or food items. They want to renovate the retail space to make it more presentable to prospective renters. Mr. Hanson states that the space is too small for chain

store operations such as Dollar General. Applicant is willing to accept reasonable conditions the DRB might impose to limit the nature of the business. The general opinion is that a store dealing in adult-only materials or gambling activities would be inappropriate in the village.

10. The Zoning Regulations regulate change of use, defined as any change from one category of use to another or within a category of use, such as one retail use to another, or any change of character in the business activity. Since conditional use reviews hours of operation, signage and lighting, among other things, a conditional use permit can't be issued until the specific business is known.
11. Mr. Galipeau had spoken with Greg Chamberlin, the chief facility operator of the wastewater treatment plant. Applicant will still need to go to the Town Office to get an application, and follow the process to obtain a water and wastewater permits.
12. Charlie Cogbill draws attention to the increase in impervious surfaces in the northwest corner of the village and increased stormwater runoff into the Winooski River. He also calls attention to the number of businesses on the east and west ends of the village that have lights on until late at night, saying that the illumination goes beyond the property lines of those businesses.
13. Mr. Grayck states that the application has no signatures and adds that the apartment is currently rented to tenants. He requests that the site plan show property line setbacks and also asks that traffic study information be submitted as part of the record. He has concerns about the common R.O.W. and that parked vehicles could create problems with entry and egress.
14. The DRB would like to see clarification of the shared right of way issue and requested that the attorneys (Anderson and Grayck) come to a mutual agreement concerning its location before the continued hearing date. Anderson and Grayck were unable to do so (see no. 28B below).
15. At the **12/18/14** continuance, additional information was reviewed. The updated site plan, an email dated 9/24/14 and a letter dated 11/6/14 from Chris Gallipeau to the Zoning Administrator are incorporated into these findings.
16. An updated site plan has been submitted, showing setbacks and parking area dimensions. The boundary lines on the original site plan submitted were based on tax maps and ortho photos. Boundary line between applicant and adjacent landowners (Steward/Bessette) has now been adjusted based on information from landowner. The updated plan shows the previous boundary line as light gray and the revised darker line moved 6 ft. to the west.
17. Snow from the Maplefields' property in Marshfield has been brought to the subject property and stockpiled near the eastern property line. Snow piles get pushed against the trees on border, and the melting snow creates drainage problems on neighboring property. Applicant says that this was the result of a miscommunication and that in the future snow will be removed offsite to state-approved location.
18. The property drains to the north toward a small wetland on an adjacent parcel owned by Stewart and Bessette. Attorney Anderson claims that impact from the subject property on the wetland is negligible since they are increasing the impervious area in the parking lot by 930 sq. ft. A consultant was hired to delineate the wetland last summer; however, there was excavation in the immediate area at the same time in conjunction with work on the municipal water lines. Attorney Anderson says that the buffer depicted on the site plan represents the worst case scenario because it was delineated when the town water line was still leaking. The applicant has offered to hire a qualified person to delineate the wetland so that the state can make a determination as to whether it's a Class 2 wetland.
19. Mr. Cogbill states that the site plan doesn't indicate where water will drain, and that, however small, the drainage from the site is adding to the total cumulative effect of stormwater in the village.
20. Applicant is not proposing any deed restrictions in conjunction with this project.

21. A zoning application with the applicant's signature has been submitted to the zoning administrator.
22. The applicant agrees to amend the zoning application question "Is access by ROW or easement?" to say that, **Yes**; it had originally been marked as **No**. (Note: applicant representative amended it during the hearing.) The DRB recognizes that the applicant also has access via a curb cut on his own property (see Findings no. 7).
23. The trash and recycling dumpsters will be located inside the garage shown on the plan and will not be visible from outside the building. The trash dumpster will be emptied once a week and the recycling containers will be emptied no less frequently than every two weeks.
24. Applicant will obtain a permit for the building from the Vermont Fire Safety Division; Attorney Anderson states that in order to secure this permit the building must comply with requirements for the state Building Energy Standards. Mr. Gallipeau states that the applicant typically works with Efficiency Vermont during building renovations.
25. Applicant is not proposing additional landscaping on the parcel, asserting that the parking plan does not allow room for street trees along the inside of the sidewalk. Applicant will not be installing fencing.
26. There is uncertainty as to whether the state owns the land underneath Rt. 2, including the state right of way that extends 33 ft. from the highway center line, or whether the applicant owns to the center line of the road, which is normally the case with rural roads.
27. Applicant used the ITE (Institute of Traffic Engineers) manual, 9th edition, to calculate traffic estimates for a specialty retail operation, stating that for the square footage at this site, approximately 9 trips would be generated per hour at peak times. The prior use as a gas station, he calculated, would have been just over 30 trips per peak hour. Since the proposed use, including the residential units, would generate ± 10 trips per peak hour, this is considerably less than the prior use.
28. The standards from Section 2.6 Commercial Site Plan Review were reviewed:
 - A: DRB members find that the scale and size of this project are compatible with nearby properties and the historic character of the Village.
 - B: As to whether the use was appropriate to district and not detrimental to others in that district, or to neighboring properties: Attorney Gracyk asks whether the shared ROW now exists between the sidewalk and the end of the proposed parking spaces or whether it includes the area in front of the building where they have parking spaces. His concern is that the project not interfere with how Black Bear Biodiesel uses the parking area in front of their building. The DRB had requested that the applicant work out an agreement with Black Bear Biodiesel concerning the common right of way on both properties, but this has not happened.
Conditions will be put on the permit to address concerns of abutting property owners on the east side.
 - C: The DRB ascertained that since the project is a mixed use of residential and retail, it does utilize land efficiently.
 - D: Traffic circulation and parking was been addressed in Findings nos. 6 & 7.
 - E: With regard to odor, noise, and lights beyond the property line, this issue was addressed in Findings nos. 5 & 21 and will be also be addressed in the conditional use review when the applicant secures a retail tenant. Landscaping is addressed under Findings no. 23.

DECISION AND CONDITIONS

Based upon these findings and information (letters and site plans) submitted by the applicant, the DRB votes to approve the commercial site plan dated 1/26/15 (attached) for two apartments and a retail operation at this location subject to the following conditions:

1. No structural changes to the exterior of the building except the addition of a handicapped access ramp.
2. No changes in outdoor lighting locations; any replacement fixtures shall be downward-facing and energy efficient, and in compliance with Section 2.6 (e) of the Zoning Regulations.
3. The ± 22 ft. bi-directional travel lane in front of the building between the rear of the parking spaces and the sidewalk shall be kept open and unobstructed for vehicle access, until a change in configuration may be permitted by the DRB.
4. No snow shall be brought to the property from offsite and excess snow shall not be stockpiled on the site. Excess snow shall be removed offsite in accordance with state regulations.
5. No obstructions shall be permanently placed or maintained along any boundary with the easterly neighbor except as shown on the site plan.
6. The tenant for the retail space shall obtain a Conditional Use permit before occupying the premises.
7. All applicable state and local permits and compliances (wastewater, fire & safety, Vermont Commercial Building Energy Standards, etc.) will be obtained by applicant and recorded with the town.
8. Any changes to the above conditions or to the exterior lighting, trash storage, parking and traffic circulation as described in the findings and updated site plan will necessitate an amendment to the commercial site plan by the DRB.

Also, The DRB recommends strongly that the applicant work with adjacent landowners to minimize the impact of stormwater coming from the property and to control its deliverance to the Winooski River.

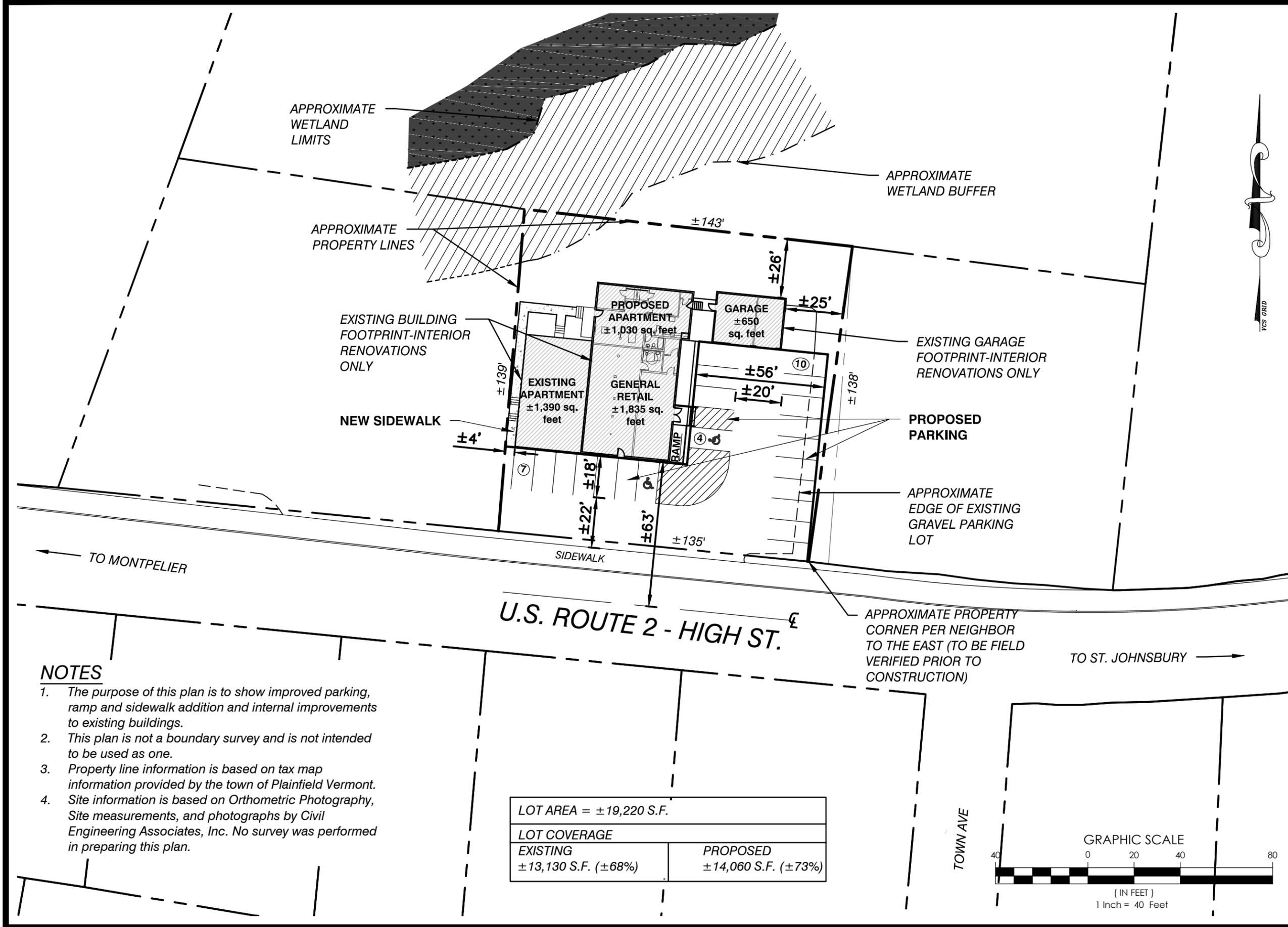
Voting in favor: Janice Walrafen, Rob Bridges, and Sarah Albert.

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.



DATE: 1/26/2015
 SCALE: 1" = 40'
 DRAWN: PJM
 CHECKED: CJG
 PROJ. NO: 14148

PROPOSED SITE IMPROVEMENTS
 230 HIGH STREET / RT. 2
 PLAINFIELD, VT 05667

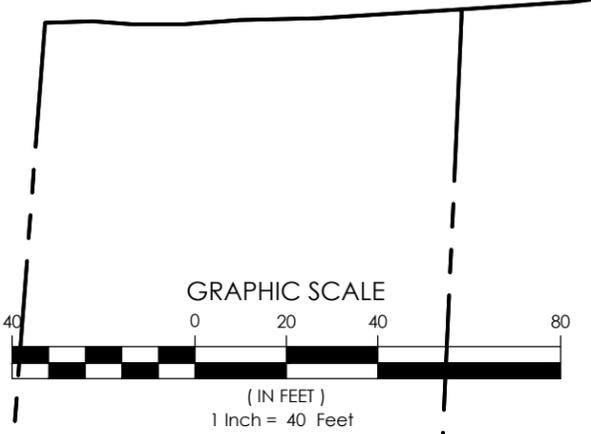
CIVIL ENGINEERING ASSOCIATES, INC.
 10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com



NOTES

1. The purpose of this plan is to show improved parking, ramp and sidewalk addition and internal improvements to existing buildings.
2. This plan is not a boundary survey and is not intended to be used as one.
3. Property line information is based on tax map information provided by the town of Plainfield Vermont.
4. Site information is based on Orthometric Photography, Site measurements, and photographs by Civil Engineering Associates, Inc. No survey was performed in preparing this plan.

LOT AREA = ±19,220 S.F.	
LOT COVERAGE	
EXISTING ±13,130 S.F. (±68%)	PROPOSED ±14,060 S.F. (±73%)



← TO MONTPELIER

U.S. ROUTE 2 - HIGH ST.

→ TO ST. JOHNSBURY

TOWN AVE