

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

**Decision on the application of: Patrick Tibbetts
Re: Conditional Use for Cottage Industry**

Permit Application No. 2016-28CU

INTRODUCTION AND PROCEDURAL HISTORY

1. Patrick Tibbetts submitted an application for a Cottage Industry on his property to use an existing pole barn for events (receptions, parties, etc.).
2. The application was received by zoning administrator Karen Storey on 8/29/16 and referred to the DRB on 9/25/16.
3. On 10/20/16, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
A copy of the notice was published in the Times Argus on 10/25/16.
4. On 10/25/16, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

David Strong	Laura Zeisel	Donald & Barbara Sherman
James Capobianco	Robert & Gail Strong	Town of Plainfield
Town of Orange		
5. A site visit was held on 10/26/16 and a public hearing was held on 11/9/16; the site visit was warned on 10/19/16.
6. Present at the hearing were the following members of the development review board:
Rob Bridges (acting chair), Neil Hogan and Sarah Albert
7. The following persons were present at the 9/9 hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Patrick Tibbetts	Jennifer Bradley	Steve Farnham
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Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.

FINDINGS

Based on the application, testimony, and site visit the development review board makes the following findings:

1. Patrick Tibbetts seeks a Conditional Use permit to use a pole barn on his property as an event barn. The events would take place from May to October, Friday through Sunday nights, ending by 10 pm.
2. The address is 865 Maxfield Rd., the last residence on Maxfield Road, which terminates at the Town Forest. The property is a 9.2 acre parcel (tax map parcel no. 08-013.000) located in the **Forest & Agricultural Lands District** as described on the Town of Plainfield Zoning Map and section **4.2** of the Zoning Regulations.
3. The pole barn measures 26 x 34 ft. with a height of 16 ft. and had originally been built for beef cattle.
4. Applicant would like to use the barn for parties, receptions, weddings, reunions, etc. on an infrequent basis on weekends between 9 am and 10 pm.
5. This application will be reviewed under Section 2.8 Conditional Use and Section 3.5.2 Cottage Industry in the Plainfield Zoning Regulations.
6. DRB members did not believe there would be an undue adverse affect on existing or planned community facilities or the utilization of renewable energy resources.
7. As to the character of the neighborhood, DRB member Bridges read letter submitted by Robert Strong, adjacent property owner, in which he expressed his support for the Tibbetts project and requested certain conditions to protect his family's adjacent property. These will be incorporated into the decision. Tibbetts states that the pole barn is located .25 mile from the nearest residence.
8. Regarding traffic on roads and highways in the vicinity, Tibbetts stated that events will be limited to no more than 125 guests. He had done research regarding square footage and accomodation of guests: the square footage of the barn is 880 sq. ft.
9. Regarding bylaws and ordinances in effect, the caterers will need to comply with town and state liquor regulations. Each caterer will carry their own liability insurance. A public safety permit may be required to insure that the facility is in accord with fire codes. The town's noise ordinance covers any noise generated by events.
10. Tibbetts has an appointment next week with the acting fire marshall, Glen Moore, who will do a site visit and determine any requirements.
11. Tibbetts spoke with the wastewater division and stated that he was told that if events were to take place more often than once a month, that additional provisions for the disposal of wastewater would be necessary. For one weekend event a month, portapotties would be sufficient. There is no running water in the pole barn; caterers will bring in any water necessary for their operations.
12. Tibbetts would like to eventually add Christmas tree sales in November and December. Albert countered that this type of sale was not part of the original application or the warning. The applicant is not prepared to begin this year; he will contact the department of agriculture concerning the status of selling trees grown off-site and apply later for an amendment for sales.

DECISION AND CONDITIONS

Based upon these findings, the DRB member Albert moved to approve a conditional use permit for a cottage industry consisting of an event barn, subject to the following conditions:

1. Events will occur between May through October on no more than one weekend per month during that period.
2. During those weekends, hours of operation will be 9am – 10pm each day from Friday through Sunday.
3. There will be enough self-contained portable toilets to adequately serve the number of people in attendance at each event.
4. All parking will be onsite with no parking on the road or on town property. Additional offroad parking may be provided on a neighbor's property.
5. The border between Tibbetts' property and the Strong property will be properly identified with assurance that guests will respect the boundary.
6. Promotional materials for the event barn will not include views from, or any reference to, the adjacent Strong property.
7. An access permit for the driveway will be obtained from the Town of Plainfield.
8. Applicant will submit a letter from the Fire Marshall verifying that deficiencies have been corrected and required standards for an event barn have been met.
9. Provide written acknowledgment from the State of Vermont's wastewater division that one weekend event per month does not trigger additional requirements.

If any of these conditions is not met, this project will be considered in violation of the permit.

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

Dated at Plainfield, Vermont, this __ day of _____, 2017.

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.