

TOWN OF PLAINFIELD

DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

Decision on the application of: David and Lisa Capaccioli

Re: Hearing for David and Lisa Capaccioli ZPA 2018-02 Variance for Setback

Requirements in Forest and Agricultural Lands

Permit Application No. 2018 - 02V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application by David and Lisa Capaccioli (“Applicant”) for a Zoning Permit to build a new accessory building (garage).
2. The application was received by zoning administrator Karen Storey on February 5, 2018, and referred to the Development Review Board (“DRB”) on February 7, 2018.
3. On February 26, 2018, a copy of the notice of a public hearing was mailed to the following interested parties or owners of properties adjoining the property subject to the application: Philip and Gifford Lee; Pamela Guptil; Donald Cain; William Kirtley; Christina Sandvill; Joseph Miller and Marylou Miller .
4. On February 27, 2018, a notice of a public hearing was posted at the following three locations: Plainfield Town Offices, Plainfield Post Office, and Plainfield Coop.
5. On February 27, 2018, a notice of public hearing was published in the Times Argus.
6. On March 14, 2018, the application was considered by the DRB at a public hearing. The

application was reviewed under the Town of Plainfield Zoning Regulations adopted March 1, 2011, and Subdivision Regulations adopted March 2, 2010.

7. Present at the hearing were the following members of the DRB: Sarah Albert, Elaine Parker and alternate Will Colgan, Plainfield Planning Commission.

8. The following persons were also present at the hearing and requested status as interested persons under 24 V.S.A. Sec. 4465(b): David and Lisa Capaccioli.

9. A site visit was held on March 14, 2018, at 4400 East Hill Road, Plainfield. It was attended by David and Lisa Capaccioli, Elaine Parker, Will Colgan, Sarah Albert and Karen Storey, Plainfield Zoning Administrator.

10. The hearing was continued until June 13, 2018.

11. On June 13, 2018, the Board held a continued public hearing on the Capaccioli request for a variance. It was attended by David and Lisa Capaccioli, Elaine Parker, James Volz, Sarah Albert and Karen Storey, Plainfield Zoning Administrator. At the hearing Mr. Capaccioli presented a new configuration of his request for a variance.

FINDINGS

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

1. David and Lisa Capaccioli (“Applicant”) have applied for a Zoning Permit to build a new accessory building (garage) at their home at 4400 East Hill Road, Plainfield.
2. The proposal also adds a new driveway. The existing driveway will be used as an extra parking space.
3. The new building will be 44' from the road, which does not meet the traditional 50' setback

requirement.

4. The new design solves some problems the original one presented, by siting the garage and driveway on level ground.
5. The new proposal moves the site of the garage away from a watershed to the only level spot available on his property, and adds a driveway.
6. The existing driveway will be used as an extra parking space.
7. Mr. Capaccioli will also appeal to the town road commissioner for a curb cut and driveway to follow an existing opening and trail coming in from the road, and running parallel to East Hill Road, as it accesses the proposed garage.
8. Mr. Capaccioli has been working on this design with a local excavator. The new design solves some problems the original one presented, by siting the garage and driveway on level ground.
9. The proposed garage will be built on a new 4 inch thick concrete slab-on-grade (“concrete slab”).
10. The concrete slab will have a thickened perimeter of 12 inches minimum and a thickened center grade beam which will be reinforced with steel rebar.
11. The concrete slab will be constructed on top of compacted permeable fill made of crushed stone.
12. The garage will have a shed roof which directs water downslope.
13. The driveway will have at least one culvert to allow surface water to move underneath the driveway. The area will be graded to direct water to the culvert.
14. The existing parking area will be removed and turned into lawn or garden space.
15. Construction will be consistent with the plans and construction notes submitted by Mr.

Capaccioli at the June 13, 2018, hearing.

16. No interested party at the hearing objected to the granting of the permit.

17. This application is governed by the Town of Plainfield Zoning Regulations dated March 1, 2011.

18. Granting of this permit will have no effect on:

- a. The capacity of existing or planned community facilities
- b. The character of the area affected
- c. Traffic on roads and highways in the vicinity
- d. Bylaws and ordinances currently in effect
- e. Utilization of renewable energy resources.

DECISION

Based upon these findings and the specific circumstances of this case, a permit and variance for the new June 13, 2018, proposal was granted by the DRB conditioned on approval by the Town Road Commissioner for the curb cut and driveway . This variance runs with the land and shall apply to the Applicant here before the DRB and to any successor owner or lessor of the property.

Voting in favor: Chair Janice Walrafen, Members Elaine Parker and James Volz. The decision carries 3-0.

Dated at Plainfield, Vermont, this ___ day of _____ 2018.

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. Sec. 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings