

**Town of Plainfield**  
**Development Review Board (DRB)**  
**Minutes of Meeting held on October 9, 2013**

**Final Minutes Approved on: 11/13/13**

**Present:**

\_\_\_x\_\_\_ Janice Walrafen, Chair

\_\_\_x\_\_\_ Rob Bridges

\_\_\_x\_\_\_ Neil Hogan

\_\_\_x\_\_\_ Sarah Albert, Clerk

(Full DRB in attendance)

**Also Present:**

Karen Storey – Zoning Administrator (ZA)  
Mary Lane – Administrative Assistant

Signed in for Steve Pappas 3 lot minor subdivision, hearing request  
for waivers:

Steve Pappas; Philip Moros; Beth Mueller; Craig Chase

**6:52 P.M. – Meeting called to order by DRB Chair Walrafen**

## **Agenda Item #1 – 6:55 P.M. – Review Agenda**

- No changes made to the agenda.
- Z.A. Storey informs the DRB members she posted the warning for the hearing in the paper, hung a notice in 3 places, and sent one to all abutters. She goes over the waivers that will be requested during the Pappas hearing, and provides to each DRB member, a copy of a letter from Craig Chase, of Chase & Chase, surveyors and septic designers. The letter dated September 17, 2013 lists the waivers they seek.

## **Agenda Item # 2 – 7:00 P.M. -- Steve Pappas 3 Lot Minor Subdivision.**

Chair Walrafen swears in all who plan to participate.

- Mr. Pappas presents the sketch plans of the subdivision. The first plat shows the location of the 3 subdivided lots. The other plat shows the developments for lot #1, with no further modifications proposed. Mr. Pappas plans to sell lots #2 & #3, and the burden of any proposed development will be on the buyers, which is the reason for most of the waivers.

*(The following waivers come from the Plainfield Subdivision Zoning Regulations, and the wording is taken from the letter from Chase & Chase, 9/17/13)*

- **Article III, Section 310, (A) 3:** "A waiver request from showing the specific proposed locations of driveways, utility poles, underground lines, sewage and stormwater systems for Lots 2 & 3." The DRB members look at the plats and discuss the need for wastewater permits from the State to be filed with the Town prior to development of any of the lots. This is included on the deed and into the Decision.

- DRB member Bridges alerts the board that the discussion is covered in the next waiver request: **Section 310, (B):** "A waiver from providing written proof of additional permit compliance for Lot 1 as it is normal practice to obtain Town approval before submitting for State approvals. This is also a request for a waiver from providing written proof of additional permit compliance for Lots 2 & 3 because of no current plans for development."

*The DRB members discuss making a motion for each waiver vs. one motion to cover them all. They decide to make one motion after hearing all waiver requests.*

- **Article IV, Section 440, (A):** "A waiver request from showing the specific stormwater design for Lots 1-3 because at this time, no specific

development is proposed for these lots. It is unlikely that the development of lots 2 & 3 would establish the one acre of hard surface that would trigger the need for State permits. It is presumed that any future development would require a site specific stormwater plan to be submitted along with a building application.”

- Chair Walrafen states a concern that placing the burden upon the purchaser of each lot to discover if the lot is buildable could create a problem with erosion control. She further states that when looking at the land prior to subdividing vs. looking at each lot, there could be a difference in the erosion control. Mr. Chase points out that Section 440 (A) is about stormwater drainage not erosion control, and (B) will cover the erosion component. He suggests the builder of each lot will need to obtain a Construction Stormwater Permit (formally known as an Erosion Control Permit), which would cover this issue. DRB member Bridges interjects to inform the DRB members that the next waiver request covers this issue. He reads section B.

- **Section 440, (B):** “A waiver request from showing the specific erosion control design for Lots 1- 3 because at this time, no specific development is proposed for these lots. Not that since it is likely that more than one acre of land will be disturbed if lots 2 & 3 are fully developed, a Construction Stormwater Permit will be required for any development on the lots.”

- **Section 460, (A):** “Topography, a waiver request from showing the specific driveway design(s) for Lots 1-3 because at this time, no specific development is proposed for these lots. It is presumed that any future development would require a site specific plan to be submitted along with a building application.”

- **Section 460, (B):** “Road Construction Standards, a waiver request from showing the specific design(s) for Lots 1-3 because at this time, no specific development is proposed for these lots. It is presumed that any future development would require a site specific plan to be submitted along with a building application.”

**Section 460, (C):** “Town Highway Access. Lot 1 is currently served by an existing driveway with no plans for additional development. Lot 2 has had the location of any future proposed drive way approved by the Town road foreman within the 50’ right of way dedicated to access said lot. Lot 3 has numerous options for development of a drive [way], at this time it is assumed that it would share access with Lot 2 and that any other location would need review and approval by the Town road foreman.”

- Z.A. Storey responds to this referring to The Subdivision Regulations, page 14 “Access Roads and Driveways”, that states: For driveways in excess of 500 ft in length, a 10’ x 30’ turnout may be required. She reports that by looking at it, Lot 2 will not exceed the 10% grade, but will need a more extensive drive way design than the typical request for a driveway.

- **Section 470, (A):** “Water Supply. A waiver request from showing the specific water supply design(s) for Lots 2 & 3 because at this time, no specific

development is proposed for these lots. A site plan showing the existing and potential replacement water supply is being provided for Lot 1.”

- **Section 470, (B):** “Wastewater Disposal System. A waiver request from showing the specific wastewater system design(s) for Lots 2 & 3, because at this time, no specific development is proposed for these lots. Test pits have been dug on Lots 2 & 3 to insure that the parcels being created have soils suitable for wastewater system(s). Each lot is capable of sustaining a mound type system. A site plan showing the existing and potential replacement wastewater systems are being provided for Lot 1.”

- **Section 480, A, B, & C.** “A waiver request from showing the specific utility design(s) for Lots 1 – 3 because at this time, no specific development is proposed for these lots.”

- DRB member Bridges makes a **motion** to accept the request for waivers per the letter from Chase & Chase dated September 17, 2013 regarding the Pappas subdivision. All conditions waived at this hearing need to be met prior to development of Lot 2 and or 3. Motions seconded by Chair Walrafen. Z.A. Storey states concern that whoever purchases Lot 2 should be aware of the requirements for the driveway. Chair Walrafen questions if she wants this to be part of the decision. DRB member Hogan reminds the board that the language in the decision should reflect this. Chair Walrafen calls for the vote, which passes unanimously.

### **Agenda Item # 3 – 8:05 P.M. – Approve Decisions and Minutes.**

#### **Plainfield Co-op / Town of Plainfield**

##### **Application 2013-06: Conditional Use and Variance for a sign located at 169 Main St.**

- Clerk Albert asks for the date. August 22, 2013 is given for the answer.  
- DRB member Bridges asks if the measurements of the sign are correct. Clerk Albert discovers she misread one of the numbers, which changes the measurements from 10 to 36 square ft. DRB member Hogan makes a **motion** to approve the application of conditional use and variance decision for the Co-op sign as amended for date and on page 2, paragraph 4 for adjusting 10 sq ft to 36 sq ft. DRB member Bridges seconds. Motion passes unanimously.

#### **Black Bear Biodiesel LLC / Second Wind LLC**

##### **Application 2013-17: Light Industry for distribution of pure biodiesel, and food trucks.**

- DRB member Hogan notices that on page 2 the gallons of the storage tank are 6000, then on page 5 the storage tank is stated as being 7000. Clerk Albert reports that Mr. Malloy must have changed the gallons when he stated he was bringing the doubled walled storage tank inside the building. Other

members remember the increased the tank size. Clerk Albert reports she will change the wording to reflect the difference in tank size.

- Chair Walrafen reports she was confused by the Decision, but realized that it is because it covers 2 meetings. Clerk Albert explains how she combined two hearings on the Decision.

- DRB member Hogan asks if R. L. Vallee can appeal since he was not at the last hearing. Z.A. Storey explains that because he sent a representative to the first hearing, and sent a letter to be read at the second hearing, he does have a right to appeal. The DRB members discuss when the 30 day appeal begins. They all agree that it is from when the hearing was held vs. when the decision was signed.

- DRB member Bridges notices that it is stated that a power cord will be run to one of the vendors. He reports this is not a good idea. Clerk Albert reports she remembers listening to the recording of the hearing, and the business owner did say there would be a conduit. Member Bridges states that he will stop by the business and make sure they will be using safety precautions for running an electric power cord from the building to a food cart.

- DRB member Hogan makes a **motion** to approve the Decision of the Black Bear Biodiesel/Second Wind application with amendments to the verbiage of the 6000 to 7000 gallon tank. Member Bridges seconds. Motion passes unanimously.

### **Approve Minutes**

- Member Bridges makes a **motion** to approve the minutes of 9/11/13 as written. Member Hogan Seconds. Motion passes unanimously.

- Member Hogan makes a **motion** to approve the minutes of 8/28/13 as written. Member Bridges Seconds. Motion passes unanimously.

- Member Bridges makes a **motion** to approve the minutes of 10/2/13 as presented. Member Hogan Seconds. Motion passes unanimously.

### **Agenda Item # 4 – 8:10 P.M. – Discussion of Health Center and Cloud Alliance.**

- Z.A. Storey reports she has had several complaints about the Health Center. She says these are: the lighting, the lack of shrubbery, and the fence around the generator that is not listed on any of the permits. The new sign also should have a permit.

- Clerk Albert states that the Health Center said the parking lot would not be visible from the road because they would plant trees. They did this, but people stole them. They also said they would meet with neighbors to make sure that shrubbery blocked the views and lights, but one of the neighbors complained that the lights shine into his windows at 3 A.M.

- Z.A. Storey asks the Board members how they want to proceed with this. Chair Walrafen suggests a letter be written telling the Health Center that

they need to obtain a permit for the new sign as well as the fence, and that the Board members would like them to come in to discuss how things are going and if they are complying with the conditions of their permit.

- Z.A. Storey asks if the letter would come from the DRB or from her. It is agreed that Z.A. Storey should write the letter stating that it has come to her attention that they are not complying with the conditions of their permit, and the DRB would like them to come to a meeting. Clerk Albert asks if the abutters should also be invited to the meeting. The DRB members agree.

- Z.A. Storey reports she will look through the applications to see if there is any mention of a fence around the generator. She says that the generator is on the plans, but there is shrubbery surrounding it, not a 6 ft fence. If no mention of a fence can be found, then they will need to come in. The sign also triggers a need to come in, as it also is not complying with the permit. The lighting is another issue. It is supposed to be turned off by 9:30 P.M.

- Member Hogan wonders what will make them comply, or would they even come into a meeting. Z.A. Storey states that she could write a violation letter and it goes onto the deed.

- Z.A. Storey reports she will go through all the paperwork and see if she finds mention of the fence. She does not believe she will, so that would trigger a need for them to come in to amend their permit. This would also give the neighbors a chance to come in and voice their concerns. Chair Walrafen tells Z.A. Storey that the DRB will back whatever she writes in the letter.

- Z.A. Storey brings the new tower for the Cloud Alliance to the attention of the DRB just as a heads up. The 100 ft tower is located on the Upper Rd on the Yorra property. A zoning permit was not obtained, because they have a Certificate of Public Good, but the Planning Commission as well as the Select Board has put some stipulations on what needs to be done for mitigation of the impact having to do with screening. They said they would plant tall trees, but this has not happened. This goes through the Planning Commission as it is supposed to meet the Town Plan, not the DRB. However, it does not meet the setback. Clerk Albert suggests Z.A. Storey write a letter reminding them they have not met the conditions of their permit.

The next meeting will be held on October 30 with Irene Nagel, and the next regular meeting will be held on November 13, 2013.

### **Meeting Adjourned at 8:20 P.M.**

- Member Bridges makes a **motion** to adjourn. Member Hogan seconds. Motion passes unanimously.

Respectfully Submitted,  
Mary Lane, DRB Administrative Assistant

