



review board:

Janice Walrafen, chair, Rob Bridges, and Neil Hogan

10. The following persons were present at the preliminary review hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Don Marsh                                      Paul Hannan  
Fred Meyer                                      Guy & Patty Edson

11. The DRB voted to approve the preliminary plat on 4/10/13.

12. On April 19, 2013, a copy of the notice of the final plat hearing on 5/8/13 was mailed to the applicant and to the following owners of properties adjoining the subject property:

Allan Farnham                                      Kevin Farnham                                      Steven Farnham  
Joseph Mislak                                      Sandra Wells                                      Randall Neal  
Guy Edson    Lucille Jarvis                                      Barry Ibey  
Lori Barg    Anthony Bagalio                                      William Basa  
Lawyer for Peter Saman: Hayes Windish  
Executors for Peter Saman: Luther Weeks & Michael Saman Jr.  
Suzanne Richman                                      Central VT Regional Planning Commission

13. On April 23, 2013, notice of a final plat hearing on 5/8/13 was posted at the following places:

- a. Plainfield Town Offices
- b. Plainfield Post Office
- c. Plainfield Co-op

14. The final plat review was conducted by the development review board on May 8, 2013. Present at this hearing were the following members of the development review board:

Janice Walrafen, chair, Rob Bridges, Neil Hogan, and Sarah Albert

15. The following persons were present at the final plat review and requested status as interested persons under 24 V.S.A. § 4465(b):

Paul Hannan                                      Steven Farnham

16. Final plat review was continued to June 12, 2013 at 7 pm.

17. The continuation of final plat review was held on June 12, 2013. Present at this hearing were the following members of the development review board:

Janice Walrafen, chair, Rob Bridges, and Sarah Albert

18. The following persons were present at the continuation of final plat review and requested status as interested persons under 24 V.S.A. § 4465(b):

Steven Farnham                                      Don Marsh  
Jay Meyer    Fred Meyer

## FINDINGS

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

1. The applicant seeks subdivision approval for a 103 acre parcel located on the Upper Road between Lindemann Lane and Bartlett Road (tax map parcel no. 05-070.000). The parcel currently has one dwelling located at 1369 Upper Rd.
2. The applicant wishes to subdivide said parcel into six lots:  
Lot 1: 10.8 acres, Lot 2: 17.2 acres, Lot 3: 5.6 acres, Lot 4: 22.4 acres, Lot 5: 23.4 acres and Lot 6: 22.9 acres. Lots 4 and 5 as depicted span both sides of Upper Road. Lot 4 contains a dwelling and a barn.\*
3. The application is a major subdivision according to Section 610 of the Subdivision Regulations. 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 4.2 of the Zoning Regulations.
4. The smallest lot in the subdivision, 5.6 acres, meets the minimum lot size for the district. Side lot lines are generally at right angles and lot lines follow the natural features, i.e. tree lines and streams, on the property. No changes to the use of the property are proposed at this time; it will continue to be used as agricultural land. The building envelope for all lots will be 50 ft. from the lot lines.
5. The applicant has submitted a written request for four waivers from submission requirements in accordance with section 130 (B) of the Subdivision Regulations. There are currently no plans to develop the property; the applicant is doing this subdivision as a part of his estate planning. Since there are no proposed house locations at this time it would be a hardship for the applicant to provide the information requested. These waivers were approved by the DRB at the 4/10/13 preliminary hearing:
  - a) Water & wastewater permit, Section 470 (A)(B)
  - b) Stormwater Management & Culvert Design, Section 440 (A)
  - c) Erosion and Sediment Control, Section 440 (B)
  - d) Construction Sequencing, Section 300 (B)5
6. The applicant has applied for and received access permits for four new accesses from the selectboard. These access points are located at the following distances from the intersection with Lindemann Lane: Lot 1, .412 mi.; Lot 2, .489 mi.; Lot 3, .417 mi.; Lot 5, .651 mi. (on east side of road); Lot 6, .736 mi. Lot 4 already has a house with an existing access.\*
7. The Plainfield Fire Department submitted a letter stating that given normal weather conditions and driveway maintenance, the department would be able to offer typical fire and rescue services to the lots in the subdivision.
8. All lots except Lot 3 have frontage on Upper Road. Lot 3 requires approval of a 1200 ft. right-of-way accessing it via Lot 2. Don Marsh attests that the plan for this 50 ft. wide right-of-way provides a driveway 15 ft. wide, with grades no greater than 10%. The driveway crosses through an area of 15% slope but the driveway slope does not exceed 10%. The plan provides two 10 x 30 ft. emergency pullouts. The DRB voted to approve this right of way as being in conformance with Section 460 at the 4/10 preliminary hearing.
9. ZA Storey notes that no elevation on the property is greater than 1500 ft.

10. DRB member Albert noted at the 5/8/13 hearing that the subdivision is 8 lots instead of 6 because two of the lots are bisected by a town highway. According to Section 610 of the Subdivision Regulations a lot cannot be divided by a town highway. This issue was referred for further discussion to the continued hearing on 6/12. After considerable discussion it was decided that the applicant would submit an amended application for an 8-lot subdivision and renumber the lots on the plat to reflect the change.\*\*
11. Surveyor Hannan stated that all survey pins have now been placed.
12. DRB member Bridges had inquired about possible spring rights at the preliminary hearing. Surveyor Hannan was unable to locate any documents regarding these.
13. DRB member Albert visited site with surveyors Hannan and Marsh and ZA Storey on 5/15/13, walking the route of the right-of-way to Lot 5. While acknowledging that the right-of-way had been approved during the 4/10/13 preliminary hearing at which DRB member Albert was not present, she wanted to go on record as with her comments she did not think that the driveway was in compliance with the subdivision regulations: it does not follow the contours of the land and crosses a couple wet areas at the lower end. She remarked that there was an existing former farm road on Lot 2 that would have better served as an access to Lot 3, and that the right of way as currently designed will be expensive and require considerable landmoving.

\*N.B. This numbering refers to the lots on the original plat submitted for a 6-lot subdivision. The plat has been renumbered for an 8-lot subdivision.

\*\*See final plat for parcel numbers and size.

## DECISION AND CONDITIONS

Based upon these findings, the development review board approves the subdivision of the Meyer property into 8 lots, with the following conditions:

1. An amended application for 8 lots will be submitted to the zoning administrator and the final plat will be renumbered accordingly.
2. Chair Walrafen will approve the paper version of the plat before the final mylar is created.
3. For each lot of the subdivision, except lot 4, all permits or processes for which waivers were granted must be completed and submitted to the Zoning Administrator before any development can occur on that lot, namely:
  - a) Water & wastewater permit; also, each deed created for any of the 8 lots must contain the standard deferral language required by the Wastewater Division of the Agency of Natural Resources.
  - b) Stormwater Management & Culvert Design
  - c) Erosion and Sediment Control
  - d) Construction Sequencing

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

Dated at Plainfield, Vermont, this \_\_\_ day of \_\_\_\_\_, 2013.

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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.