

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Subdivision Review – Findings and Decisions

Decision on the application of: Steven Pappas

Re: 3-lot subdivision

Permit Application No. 2013-21

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a 3-lot subdivision submitted by Steven Pappas.
2. The application was received by zoning administrator Karen Storey on 7/30/13.
3. A sketch plan review was held on August 14, 2013.
4. Present at the sketch plan review were the following members of the development review board:
Neil Hogan, Rob Bridges, and Sarah Albert
5. The following persons were present at the sketch plan review and requested status as interested persons under 24 V.S.A. § 4465(b): Steven Pappas
6. At the sketch plan review, the subdivision was deemed to be minor; a site visit and final subdivision review were set for September 11, 2013. On August 22, 2013, copy of the notice of was posted at the following places:
 - a. Plainfield Town Offices
 - b. Plainfield Post Office
 - c. Plainfield Co-opOn August 26, 2013, the notice was published in the Times Argus.
7. On August 22, 2013, a copy of the notice of the a site visit and final subdivision review was mailed to the applicant and to the following owners of properties adjoining the subject property:

Robert Andres	William Swift	Roland Hayford
Kathy Andres	Catherine Swift	Nancy LeClerc
Garfield Barnes	Barre Rifle & Pistol Club	Donna J. Kelty, Town of Barre
Central VT Regional Planning Commission		
8. The site visit was conducted by the development review board on September 11, 2013 at 6 p.m. at the property, followed by a final plat review at 7 p.m. at the town offices. The following members of the development review board were present at both:
Janice Walrafen, chair, Rob Bridges, Neil Hogan and Sarah Albert
9. The following persons were present at the site visit and final plat review and requested status as interested persons under 24 V.S.A. § 4465(b):

Steve Pappas	Craig Chase
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10. On September 11, 2013 the DRB voted to continue the final plat review to October 2 because the applicant had not submitted required information.
11. On October 2, 2013 the DRB voted to continue the final plat review to October 9 at the request of the applicant.
12. Because of the two continuations, Zoning Administrator Karen Storey deemed it necessary to re-warn the final plat review. A notice was posted at the three locations mentioned under #6 above, and sent to the Times Argus and to the abutters named in #7.
13. On October 9, 2013 the following members of the development review board were present for the continuation of the final plat review:
Janice Walrafen, chair, Rob Bridges, Neil Hogan, and Sarah Albert
14. 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):
Steve Pappas Craig Chase
Philip Moros Beth Mueller

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 54 acre parcel located on the Country Club Road abutting the Barre Town line (tax map parcel no. 04-016.000). The parcel currently has one dwelling located at 3134 Country Club Rd, where the applicant resides.
2. The applicant wishes to subdivide said parcel into three lots:
Lot 1: 9.8 acres, Lot 2: 20.3 acres, and Lot 3: 15 acres. Lot 1 contains a dwelling and a garage.
3. The application is a minor 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. Side lot lines are generally at right angles with the town highway and approximately half of the new inside lot lines follow tree lines within the property. The building envelope for lot 3 will be 50 ft. inside of the lot lines; the building envelope for lot 2 is drawn to avoid wet soils in the southeast corner of the parcel.
5. The applicant has applied for and received an access permit for the ±500 ft. long, 50 ft. wide R.O.W. through lot 3 to access lot 2. This R.O.W. originates near the boundary line between lots 1 & 3 and runs along the boundary (and tree) line to the boundary between lots 2 and 3. Although lot 2 has frontage on the town highway, it cannot be used for access due to wet soils. Applicant has not designated a separate driveway for Lot 3.
6. The applicant did not bring Wastewater or Erosion control plans to the final plat review as stipulated at the sketch plan hearing and the final plat review needed to be continued.
7. At the continued final plat review on October 9, 2013 the applicant submitted a written request for eleven (11) waivers in a letter from Chase & Chase dated 9/17/13. Since there are no proposed house locations for lots 2 & 3 at this time, applicant wants to shift the burden of the subdivision requirements to potential purchases of lots 2 & 3. Two potential purchasers were signed in as interested persons at this hearing.
8. The waivers for which the applicant has submitted a written request in accordance with section 130 (B) of the Subdivision Regulations are:
 - a) Article III, Section 310 (A) 3: location of all improvements on final plat
 - b) Article III, Section 310 (B): written proof of state permit compliance
 - c) Article IV, Section 440 (A): stormwater management and culvert design
 - d) Article IV, Section 440 (B): erosion control design
 - e) Article IV, Section 460 (A): driveway design
 - f) Article IV, Section 460 (A): driveway design
 - g) Article IV, Section 460 (B): driveway construction standards
 - h) Article IV, Section 460 (C): town highway access
 - i) Article IV, Section 470 (A): water supply
 - j) Article IV, Section 470 (B): wastewater disposal system
 - k) Article IV, Section 480 (A-C): utility systems design

9. Article III, Section 310. The location of improvements will not be shown on final plat because they are not known at this time; before development. Applicant does not have proof of state permit compliance for any of the lots 1, 2 or 3 and requests a waiver until such time as further development is planned.
10. Article III, Section 440. Applicant requests a waiver from stormwater design and erosion control design requirements. Any future development on these lots, including improvement of the R.O.W. to lot 2, will require the submission of a Construction Stormwater permit.
11. Article III, Section 460. Applicant requests a waiver from showing driveway designs for lots 1–3. Any future development on these lots, including improvement of the R.O.W. to lot 2, will require the submission of a driveway design in compliance with Section 460. Additionally, if lot 3 uses a road access separate from the one already approved for the R.O.W. to lot 2, it will require a road access permit from the town.
12. Article III, Section 470. Applicant requests a waiver from the water supply and wastewater disposal requirements. Prior to any future development on these lots, a state wastewater permit must be obtained and submitted to the town.
13. Article III, Section 480. Applicant requests a waiver from showing specific utility designs for lots 1-3. These designs will be submitted prior to any future development on these lots.

DECISION AND CONDITIONS

Based upon these findings, the development review board approves the subdivision of the Pappas property into three (3) lots, with the following condition:

For each lot of the subdivision, all permits or processes for which waivers were granted must be completed and submitted to the Zoning Administrator before any development, including R.O.W. improvement, can occur on that lot, as outlined above in 9–13.

Voting in favor: Janice Walrafen, Rob Bridges, Neil Hogan and Sarah Albert. The decision carries 4–0.

Dated at Plainfield, Vermont, this ___ day of _____, 2013.

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.