

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Variance – Findings and Decisions

**Decision on the application of: N.E. Washington County Community Health, Inc.,
herein referred to as The Health Center**

Re: sign replacement

Permit Application No. 2014-02V

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a variance submitted by The Health Center for a replacement sign.
2. The application was received by zoning administrator Karen Storey on 2/24/14, and a hearing date was scheduled for 3/12/2014.
3. On 2/18/2014, copy of the hearing notice of was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
On 2/19/2014, the notice was published in the Times Argus.
4. On 2/21/2014, a copy of the hearing notice was mailed to the applicant and to the following owners of properties adjoining the subject property:
Brent & Karen Sleeper Gary & Julie Graves John Monahan & Donna Watts
Jonathan & Sarah Matthew Corine Nicholson Mark & Jill Dunkling
Spruce Mountain Inn Charles & Rachel Cogbill
5. On the scheduled hearing date of 3/12/2014, the Development Review Board (DRB) lacked a quorum. The hearing was rescheduled for 4/9/2014. The new hearing date notice was posted on 3/20/14, sent to abutters (above) on 3/25/2014 and appeared in the Times Argus on 3/25/2014.
6. Present at the 4/9/2014 hearing were the following members of the development review board: Neil Hogan, Rob Bridges, and Sarah Albert
7. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b): Linda Bartlett, Charles Cogbill, Will Colgan

FINDINGS

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

1. The Health Center replaced the sign facing Rt. 2 with a new sign that is allegedly very similar in size to the previous sign. The current sign has the dimensions of 145" x 24" and is 58" in height from the ground. The square footage of the sign is 24.2 feet.

2. The Health Center is located in the Rural Residential zoning district.
3. Section 3.6 of the Plainfield Zoning Regulations states that a permit shall be obtained prior to the erection of any non-temporary sign. Section 3.6.6 states that in the rural residential district a free-standing sign shall not exceed six square feet in total size.
4. The original and the replacement sign are not in compliance with the zoning regulations. Representing the applicant, Linda Bartlett states that the original sign was erected in 1978; both the 1974 and 1979 versions of the zoning regulations have the same 12 sq. ft. size limit.
5. The noncompliance of the original sign was never enforced and would have exceeded the statute of limitations for enforcement after 15 years; however, replacement of the original sign would have triggered the need for a new permit and compliance with size limits.
6. Interested party Cogbill states that the amended site plan submitted and approved on 7/2/07 by the Planning Commission did not show the location of the sign. The minutes of the Planning Commission site plan review on 6/25/07 and 7/02/07 refer to an anticipated update to the landscaping plan, showing the location of the sign and done in conjunction with the town's tree planting design, but this was never submitted.
7. The parcel on which The Health Center is located (Map 02-014.000) is adjacent to the Village zoning district.
8. In the Village district, a free standing sign of up to forty square feet is allowed with a Conditional Use permit.
9. DRB member Albert states that the sign does not meet the town zoning's (or the statutory) requirements for a variance. Section 2.9.3 (a) of the Plainfield Zoning regulations calls for compliance with all five provisions as stipulated in 24 V.S.A. §4468; however, there are no unique physical circumstances on the lot that would prevent compliance with the zoning, nor is a variance necessary to enable reasonable use of the property.
10. Interested party Cogbill states that there are discrepancies among the site plans submitted in connection with the addition, a subsequent amendment, and the Act 250 approval. A discussion of lighting and landscaping ensues; changes to the original site plans have been made without review and so the site plans don't accurately depict what's on the ground. The DRB is reminded that lighting and landscaping were not the subject of this evening's hearing; however, the town needs to have an accurate site plan that correctly shows all the changes made on the property. DRB member Hogan states that a new site plan should be submitted to replace the previous plans, showing the sign, all outdoor lighting and all proposed landscaping.

DECISION AND CONDITIONS

Based upon these findings, the development review board denied the variance for the replacement sign on The Health Center's property

Voting to deny the variance:

Rob Bridges, Neil Hogan and Sarah Albert.

The decision carries 3–0.

A subsequent motion was made to request the following of the applicant:

That The Health Center submit a request for an amended site plan, submitting a new site plan that combines the previously submitted plans from 2007 and 2011. The new site plan should include: sign location, fence location, any updated lighting plan, including lighting of the sign, the landscaping of the current trees and shrubs and any proposed modifications to the original landscaping plan. The landscaping will be coordinated with the existing town tree plantings on Rt. 2 and screen the parking lot from Rt. 2.

Voting to approve the motion to request a new site plan as outlined above:

Rob Bridges, Neil Hogan and Sarah Albert.

The decision carries 3–0.

Dated at Plainfield, Vermont, this ___ day of _____, 2014.

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.