

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

**Decision on the application of: Town of Plainfield
Re: Variance and Conditional Use for Bus Shelter**

Permit Application No. 2015-16CU-V

INTRODUCTION AND PROCEDURAL HISTORY

1. The Town of Plainfield submitted an application to move the bus shelter currently located at the Plainfield Park & Ride to property owned by Brent Sleeper and leased to the Post Office.
2. The application was received by zoning administrator Karen Storey on 6/21/15 and referred to the DRB on 8/11/15.
3. On 8/14/15, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 8/14/15, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Spruce Mt. Inn	The Health Center	Johnathon & Sarah Matthew
Patricia Scannell	Dirk ten Broeck	Second Wind LLC
Fairpoint Communications	Gary & Julie Graves	Donna Marie Watts
John Monahan		
5. The application was considered by the development review board at a public hearing on 9/9/15.
6. Present at the hearing were the following members of the development review board:
Rob Bridges and Neil Hogan. To meet the quorum, Jean Hamilton from the Planning Commission attended as an alternate.
7. The following persons were present at the 9/9 hearing and requested status as interested persons under 24 V.S.A. § 4465(b): Gary Graves, Charles Cogbill
8. DRB members read statements submitted by Brent Sleeper, property owner, and David Strong, selectboard member (neither of whom was present at the hearing) and heard testimony from Gary Graves.
9. The DRB still had questions concerning parking, the water line/storm water drain, necessity, and traffic, so the hearing was continued to 10/14/15. At this date, there was still no one from the Town of Plainfield to represent the application and address questions from the DRB, so the hearing was again continued to 11/11/15.
10. The following persons were present at the 11/11 hearing and requested status as interested persons under 24 V.S.A. § 4465(b): Gary Graves, Charles Cogbill

11. Since there was no representation at this third date and the planned move of the shelter was not until next spring, the DRB voted to table the application.
12. Select Board Chair Bram Towbin requested that the application be reconsidered and at the DRB's 4/13/16 meeting the application was taken off the table for new consideration. A hearing was scheduled for 5/11/15 with a site visit beforehand.
13. On 4/20/16, notice of a public hearing was posted at three public places and sent to the abutters listed above under #4.
14. The application was again considered by the development review board at a public hearing on 5/11/16. A site visit was held at 6:15 pm followed by the hearing at 7 pm. Present at the site visit and 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 5/11 hearing and requested status as interested persons under 24 V.S.A. § 4465(b): David Strong (representing the Town of Plainfield. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.

FINDINGS

Based on the application, testimony, exhibits, and a brief site visit during the hearing the development review board makes the following findings:

1. The Town of Plainfield, represented by David Strong, seeks a permit to place a bus shelter next to the Post Office on Rt. 2. The 911 address of the parcel is 189 Towne Ave.; however, it is located at the intersection of Towne Ave. with Rt. 2.
2. The property is a .9 acre parcel (tax map parcel no. 011-001.000) located in the **Rural Residential District** as described on the Town of Plainfield Zoning Map and section 4.3 of the Zoning Regulations. The property is owned by Brent Sleeper and leased to the USPS.
3. The bus shelter will be 5'x7' and have a concrete footing measuring 8'x11'. It will be located next to the GMTA bus stop on Rt. 2.
4. Because the bus shelter is located within the state highway right of way it requires a variance from the required setback.
5. At the initial hearing on 9/9/15, Gary Graves had testified that the location of the bus shelter next to the crosswalk could cause confusion for drivers on Rt. 2, as they might think that someone waiting for the bus wanted to cross the road.
6. DRB member Rob Bridges said that the intersection of Rt. 2 and Towne Ave. had been a problem spot for years. David Strong said that the oak trees at the Post Office had been removed to improve the site distance for drivers at the intersection and that it may not be a problem now.
7. DRB member Janice Walrafen noted that the lighting at the shelter would improve the visibility at the location; shelter lighting will be downward-directed as it was in its previous location.
8. The use of Post Office parking spaces by bus commuters is not expected to be a problem; if it becomes one, a sign will be posted directed drivers to park at the Park & Ride facility.
9. The proposed bus shelter is deemed to be in conformance with the Town Plan in that it encourages both renewable energy and the use of public transportation. This was the last requirement necessary for approving a Conditional Use permit.
10. VTrans has given approval for the placement of the shelter in their ROW; it cannot be located further from the road because of the sidewalk.
11. DRB member Sarah Albert questioned the placement of the shelter on the south side of Rt. 2, since most people boarding at this location are traveling west toward Montpelier and would have to cross Rt. 2 to board the bus. During the time of year when it is dark during peak commuting hours it's more difficult for drivers to see pedestrians; also, she stated that people coming from the Health Center are frequently accompanied by children or developmentally disabled adults who might not exercise caution in crossing if they see their bus approaching .
11. Dave Strong said that the Town is not in a position to spend the money that would be required to site the shelter on the Black Bear Biodiesel property across the road, stating that it would require installing a culvert under the concrete pad. He said that both VTrans and GMTA approved the location of the bus shelter without expressing safety concerns.

DECISION AND CONDITIONS

Based upon these findings, the DRB member Bridges moved to approve a variance from the setback and a conditional use permit, subject to the following conditions:

1. The shelter is not a target of repeated vandalism;
2. The shelter's placement does not result in an increase in traffic accidents at this location; and
3. A sign is posted asking commuters to park at the town's Park & Ride instead of the Post Office parking lot.

If any of these conditions is violated, this permit will be considered invalid.

Voting in favor: Janice Walrafen, Rob Bridges, and Neil Hogan; voting against: Sarah Albert.
The decision carries 3–1.

Dated at Plainfield, Vermont, this ___ day of _____, 2016.

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.