

**TOWN OF PLAINFIELD  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact and Conclusions of Law**

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

**Re:** Site plan amendment and variance for sign replacement

**Permit Application Nos. 2017-01CU and 2017-16V**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves an amendment to the site plan for Conditional Use permit 2011-03, to include: landscaping, sign location, new drainage (put in after flood), concrete pad beside accessory building, fence location, and new retaining wall. Also under consideration is a subsequent application for a variance on the dimensions of a free-standing sign facing Rt. 2.
2. The first application (2017-01CU) was received by zoning administrator Karen Storey on 1/9/17, and a hearing date was scheduled for 2/8/17.
3. On 1/20/17, copy of the hearing notice of was posted at the following places:  
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op  
On 1/20/17, the notice was published in the Times Argus.
4. On 1/14/17, 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. Present at the 2/8/2017 hearing were the following members of the development review board:  
Janice Walrafen, Rob Bridges, and Sarah Albert  
Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
6. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):  
Rachel Cogbill                      Charles Cogbill                      Gerry Tarrant  
Denise Wheeler                      Bob Duncan                      John Monahan
7. At the 2/8/2017 hearing, Bob Duncan (Duncan Wisniewski Architecture) presented three drawings of the Health Center grounds, L1.0, L2.0 and L3.0, the latter purporting to represent the requirements previously noted by the DRB in its decision of 4/9/2014 (2014-02V). Charlie Cogbill (abutter) read aloud his testimony, focussing on the insufficiency of landscaping and screening. Both Cogbill and Monahan (abutter) noted discrepancies between the original plan and the current landscaping. Rachel Cogbill noted the bright lighting now visible on their property from various sources at or near The Health Center because of the lack of screening, and Charlie Cogbill stated that the timing of the lighting was a concern.

8. There was also discussion of the necessity of updating the site plan with changed ground contours, and the cost of a new engineering survey. DRB members felt that a new survey was unnecessary, but that changes in topography since 2011 should be noted on the plans so that there is a record going forward.
9. Tarrant proposed that the neighbors (Cogbill and Monahan) and The Health Center meet to reach an agreement regarding landscaping, lighting and screening. The Health Center will submit the results in writing to the Development Review Board. Walrafen clarified that the issue includes the landscaping and screening along Route 2 as well as the areas between the neighbors and the Health Center.
10. Bridges made a motion to continue the hearing for a status update at 8 pm on 3/8/17. Albert seconded the motion. The motion was approved unanimously.
11. The 3/8/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.
12. Present at the 3/8/2017 hearing were the following members of the development review board: Janice Walrafen, Rob Bridges, Neil Hogan and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
13. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):  
Rachel Cogbill                  Charles Cogbill                  Denise Wheeler
14. C. Cogbill and Wheeler gave an progress update: they had a productive meeting on 2/23/17 at Gerry Tarrant's office. Drafting of a memorandum of understanding and provisions for future monitoring were discussed and there is general agreement on landscaping. Walrafen reiterated that a new engineering survey for the revised site plan was not necessary, but that it should note where the topography had changed due to the flood event of 2011 and where new trees will be planted to comply with the agreed-upon landscaping changes.
15. DRB members voted to continue the hearing to 5/13/17 at 7 pm.
16. The 5/13/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.
17. Present at the 5/13/2017 hearing were the following members of the development review board: Janice Walrafen, Elaine Parker and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
18. The following persons were present at the 5/13/17 hearing and requested status as interested persons under 24 V.S.A. § 4465(b):  
Rachel Cogbill                  Charles Cogbill                  Denise Wheeler
19. Wheeler reported that a general agreement had been reached after several meetings between neighbors and Health Center representatives; Health Center attorney Gerry Tarrant is writing a draft for review. In addition to the items that have been cited by the DRB (landscaping, sign location, new drainage (post-flood), concrete pad beside the accessory building, fence location, and retaining wall) other items to note on the new site plan should include new gravel pedestrian paths, basketball hoop, volley ball posts with net, grading changes, and storm water drains. Zoning Administrator Karen Storey requested that the Health Center provide the dimensions of the retaining wall, as well as the air conditioning pad behind the

accessory structure with a description of what is sitting on top of it. She noted that the Health Center's sign is in violation until either a variance is granted by the DRB or when the proposed zoning regulations (which allow businesses on Route 2 to post signs of the same dimensions allowed in the Village District) are adopted. Sarah Albert asked that the Health Center submit an application for a sign variance as soon as possible in order to consider all the issues at the July hearing continuance. Rachel Cogbill noted the exit on the paddock side of the main building should be included on the site plan. It was agreed that the site plan need only state whether a tree is deciduous or evergreen, instead of needing to specify the species.

20. DRB members voted to continue the hearing to 7/12/17 at 7 pm.
21. The second (2017-16V) application was received by zoning administrator Karen Storey on 6/16/17, and scheduled to be handled concurrently with the conditional use application.
22. The 7/12/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.
23. Present at the 7/12/17 hearing were the following members of the development review board: Janice Walrafen, Elaine Parker and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
24. The following persons were present at the 7/12/17 hearing and requested status as interested persons under 24 V.S.A. § 4465(b): Charles Cogbill
25. The Health Center requested a continuance of the hearing. Charlie Cogbill asked in which order the two applications, revised site plan approval (2017-01CU) and sign variance (2017-16V), would be considered. Walrafen and Albert responded that the site plan would be considered first, followed by the variance request.
26. DRB members voted to continue the hearing to 8/9/17 at 7:45 pm.
27. The 8/9/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.
28. Present at the 8/9/17 hearing were the following members of the development review board: Janice Walrafen, Elaine Parker and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
29. The following persons were present at the 8/9/17 hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Gary Graves	Charles Cogbill	Gerry Tarrant
Denise Wheeler	John Monahan	
30. John Monahan requested a continuance of the hearing on behalf of the interested parties. The parties are close to drafting a full settlement agreement, which will be submitted to the DRB prior to its 9/13/17 meeting. Walrafen read aloud a letter received on 8/4/17 from Brent and Karen Sleeper, owners of the property known as the Plainfield Post Office at 189 Towne Avenue, in support of the Health Center.
31. DRB members voted to continue the hearing to 9/13/17 at 6:45 pm.
32. The 9/13/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.

33. Present at the 9/13/17 hearing were the following members of the development review board: Janice Walrafen, Elaine Parker and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
34. The following persons were present at the 8/9/17 hearing and requested status as interested persons under 24 V.S.A. § 4465(b): Charles Cogbill
35. The Health Center attorney Gerry Tarrant requested a continuance until next month because the agreement between the Health Center and neighbors wasn't ready.
36. DRB members voted to continue the hearing to 10/11/17 at 7 pm.
37. The 10/11/17 continuation hearing was posted in 3 public locations and in the Times Argus together with another hearing taking place on the same date.
38. Present at the 10/11/17 hearing were the following members of the development review board: Janice Walrafen, Elaine Parker and Sarah Albert. Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
39. The following persons were present at the 10/11/17 hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Rachel Cogbill	Charles Cogbill	Gerry Tarrant
John Monahan	Gary Graves	Steve Farnham

## **FINDINGS**

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

### **2017-01 CU Site Plan Revision**

1. Since 2007, when The Health Center submitted a site plan with its conditional use permit application for an addition, there have been numerous discrepancies between the site plan and the actual landscaping, some due to plantings that never occurred, some because of trees and shrubs that were removed. Subsequent site plans submitted with a conditional use amendment and Act 250 approval did not resolve the inconsistencies. Additionally, there were small structures (fences, concrete pads, etc.) built that did not appear on any site plan. Grading and drainage changes also appear to have been done without DRB review. The town did not have an accurate site plan that accurately depicted what was on the ground.
2. On 4/9/14, the Development Review Board made a motion requesting 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, an 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.
3. From April 2014 through November 2016, there were numerous communications from the Zoning Administrator and the Development Review Board directed to the Health Center, to determine when the updated site plan would be submitted. During this period, a site visit including Health Center board members, Zoning Administrator Storey and DRB members Bridges and Albert was done to observe discrepancies on the ground.

4. Through several hearings/continuances this year, testimony and progress updates on meetings between the Health Center and the neighbors were given. At the 2/18/17 hearing, Charlie Cogbill submitted written testimony and at the 8/9/17 continuance, a letter from Brent and Karen Sleeper, dated 8/4/17, was submitted.
5. At the 10/11/17 (final) continuance date, the negotiated settlement agreement between the Health Center and the neighbors, signed on 10/4/17 and 10/10/17 by all parties, was submitted to the DRB. This agreement addresses landscaping, lighting, signage, screening and maintenance of plantings and paths at the Health Center. The proposed plantings (shown on Attachment A, submitted with the agreement) will be done next spring by the Health Center.
6. Health Center representative Attorney Gerald Tarrant submitted a revised site plan, Attachment 1, noting that he has provided information, as requested by Storey, regarding the cement slab next to the annex building in the back, the retaining wall, surface drainage areas, and the fence around the electric motors. Tarrant stated that the dimensions of the above items are stated in his letter submitted this evening and their locations are depicted on Attachment 1.
7. There were questions concerning the meaning of the symbols on the plantings map, Attachment A. Also, in January 2017, the Development Review Board had explicitly requested that drainage changes after the 2011 flood be shown, however, the changes shown are only those west of the main building. Cogbill noted several existing drainage areas that do not show up on any map, and submitted a separate map depicting their locations (this map was part of his 2/8/17 submission).
8. The DRB requests that Attachment 1, the site plan, be updated with the correct locations of the new plantings after the plantings have been done and also with the surface drainage areas shown on Cogbill's map so that it's not necessary to refer to two site plans. The new site plan should be a larger format, at least 24" x 36".
9. Tarrant requested that the Health Center not be required to hire a landscape architect for site map revisions due to the cost. Both Cogbill and DRB members agreed that the Health Center could prepare the updated map as long as all notations and symbols are easily readable.
10. Tarrant noted that after DRB conditional use approval the Health Center would have to go to Act 250 within 30 days to file for an administrative amendment, saying that Act 250 approval is needed before the Health Center can do any of the work in terms of plantings. After the plantings, the Health Center will submit an updated map of the drainage areas as agreed upon by the Health Center and Cogbill as well as the identification of the shrubs and trees. This will be sometime in late May or June of 2018.

### **Variance**

11. The Health Center replaced the freestanding sign facing Rt. 2 with a new sign that is 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.
12. The Health Center is located in the Rural Residential zoning district, which does not allow free-standing signs exceeding six square feet. The parcel on which The Health Center is located (Map 02-014.000) is adjacent to the Village zoning district. In the Village district, a free standing sign of up to forty square feet is allowed with a Conditional Use permit.
13. On 4/19/14, the DRB denied the Health Center's request for a variance for the sign.

14. The draft zoning currently being revised by the Planning Commission proposes a change in the sign regulations that would allow signs on Rt. 2 to have the same dimensions as those currently allowed in the Village District. The Health Center's sign would be able to obtain a Conditional Use permit if these regulations are adopted.

**Note from DRB clerk Albert:** For a more thorough description of the discussion at the several hearing dates for this application, see the minutes of the Development Review Board from: 2/8/17, 3/8/17, 5/13/17, 7/12/17 and 10/11/17. These can be found either at the municipal offices or on the town website.

## **DECISION AND CONDITIONS**

### **Conditional use application**

Based upon Findings 1-10 (above), Albert moved to approve the **amended site plan** (Attachment 1), and the terms of the settlement agreement with the neighbors including the landscaping plan in Attachment A, under the following conditions:

1. When the plantings are completed, the Health Center will submit a comprehensive site plan that combines the information on Attachment 1, the amended site plan, and Attachment A, the proposed landscaping agreement, in indicating the new plantings.
2. The comprehensive site plan should also include drainage and swales as the Health Center confirms from the submitted map from Charles Cogbill.
3. The comprehensive site plan should be a larger format, at least 24" x 36", with enough room to depict all notations and symbols clearly.

Parker seconded the motion. The decision carries 3-0.

### **Variance application**

Based upon Findings 11-14 (above), Parker moved to approve a variance for the Health Center's sign. Albert seconded the motion. The decision carries 3-0.

Dated at Plainfield, Vermont, this \_\_\_ day of \_\_\_\_\_, 2017.

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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.