

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on the application of: New Hamburger Co-operative

Re: amendment to Conditional Use Permit

Permit Application No. 2017-13CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application by New Hamburger Co-operative for an amendment to their previous Conditional Use permit. The amendment consists of a one-bedroom addition to one of the residences and a removal of a bedroom from another residence on the parcel.
2. The application was received by zoning administrator Karen Storey on 6/12/2017 and referred to the Development Review Board on 6/15/17.
3. The original plan for New Hamburger Co-operative of several residences on the 66-acre parcel was approved in September 1979 and an updated plan was approved on January 20, 1989.
4. On 6/27/17, notice of a public hearing was published in the *Times Argus*. On 6/17/17, notice of a public hearing was posted at the following three locations:
Plainfield Town Offices, Plainfield Post Office and Plainfield Co-op
5. On 6/19/17, a copy of the notice of a public hearing was mailed to the following interested parties or owners of properties adjoining the property subject to the application:

Esther & Frank Dicroce	Cady Hart	Lucinda Garthwaite	Margaret Grevatt
Christopher Miksic	Inda Loso	Nicola Morris	Barbara Johnson
Warren Hathaway	Ross Sneyd	David Smith	Carol Weinrich
Sherry Smiley	Kerry Welch		
6. The application was considered by the DRB at a public hearing on 10/12/16. The application was reviewed under the Town of Plainfield Zoning Regulations adopted March 1, 2011 and Subdivision Regulations, adopted March 2, 2010.
7. Present at the hearing were the following members of the development review board [DRB]:
Chair Janice Walrafen, Elaine Parker, and Sarah Albert

Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Jeff Swift	Sarah Phillips
------------	----------------

FINDINGS

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

1. New Hamburger Co-operative is a Planned Residential Development (PRD) located on 66 acres at 154 New Hamburger Rd. (off of Lower Road) on tax map parcel no. 05-010.000 in the Forest & Agriculture District as described on the Town of Plainfield Zoning Map.
2. The previous permit issued to New Hamburger Co-operative requires a permit amendment for any new construction or additions to the structures on the site.
3. The applicants are asking to build a 12' x 12' addition to the the structure labeled "H" on the site plan. This structure, aka 'the Big House', is a duplex with 3 bedrooms on one side and 2 on the other. The addition would increase the number of bedrooms in the Big House by one, so that the duplex would have 3 bedrooms on each side.
4. If a bedroom were to be added to the PRD, it would require a major revision to their wastewater plan, so they are opting for a solution that will not increase the net number of bedrooms. Thus, the number of bedrooms the structure labeled "M" on the site plan, aka 'Hawaii' will be decreased by one. The existing 2nd bedroom in Hawaii is a loft area that will henceforth not be used as a bedroom. This will result in no change in the total number of bedrooms in the PRD.
5. The applicants obtained a water & wastewater permit WW5-7337-1 from the state of Vermont, dated 7/11/17.
6. This amendment was considered by the DRB to be minor in character, since it does not involve a change in property boundaries or an increase in residences on the property. Therefore, it was not considered necessary to review all of the standards for a Conditional Use under section 2.8 of the Zoning Regulations at this hearing.
7. The site map on file for New Hamburger did not include the location of barn that was constructed later; Jeff Swift made note of the location on the site map, dating and signing the change.

DECISION AND CONDITIONS

Based upon these findings and other information presented at the hearings, the DRB voted to approve the application as submitted and amend the New Hamburger Co-operative conditional use permit as submitted.

Voting in favor: Janice Walrafen, Elaine Parker, and Sarah Albert.

The decision carries 3–0.

Dated at Plainfield, Vermont, this 9th day of August, 2017.

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.