

**TOWN OF PLAINFIELD  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact and Conclusions of Law**

**Decision on the application of:** Chamberlain Construction, Inc., representing (owner) Telephone Operating Company of Vermont, herein called Fairpoint Communications  
**Re:** amendment to previous CU permit

**Permit Application No. 2017-23CU**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a relocation of the emergency generator to existing concrete pad, an enlargement of the pad, and replacement of the fence around the pad.
2. The application was received by zoning administrator Karen Storey on 8/28/17 and referred to the Development Review Board on 9/13/17.
3. On 9/21/17, notice of a public hearing was posted at the following places:  
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 9/22/17, notice of a public hearing was published in the *Times Argus*.
5. On 9/22/17, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:  
Gary & Julie Ann Graves      Brent & Karen Sleeper      Robin & John Mascitti  
David & Shannon Spidle      Jim Malloy, Black Bear Biodiesel      Second Wind LLC  
286 High St. LLC      Johnathan & Sarah Matthew
6. The application was considered by the DRB at a public hearing on 10/11/17. The application was reviewed under the Town of Plainfield Zoning Regulations, as amended March 1, 2011.
7. Present at the hearing were the following members of the DRB:  
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):  
Gary Graves      Ted Chamberlain

## FINDINGS

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

1. The property is located at 190 Towne Ave., tax map parcel no. 011-026.000, and is owned by the applicant, Fairpoint Communications. It is located in the **Village** District as described on the Town of Plainfield Zoning Map on record at the town office and section 4.4 of the Zoning Regulations.
2. The reason for review of this application by the DRB is that the application involves a change to a conditional use permit issued for the structure on 1/14/93 to construct a 10' x 7' concrete pad enclosed by a 6' fence with locked gate for a 350-gallon fuel tank. (Permit 93-01CU to New England Telephone Company).
3. Ted Chamberlain, of Chamberlain Construction Inc., the contractor hired to carry out the work, was in attendance to represent Fairpoint Communications and submitted drawings to the DRB showing the current and proposed dimensions of the cement pad.
4. The emergency generator installed 25 years ago is failing; it is mounted on the wall on the outside of the building. Fairpoint wants to remove it and replace it with a dual unit containing the generator and a 550-gallon fuel tank. This would require enlarging the existing cement pad on two sides; the new size will be 12'6" x 13'6". The cement pad is currently enclosed by a wooden fence, which will be removed and replaced by a 7' high wooden stockade fence.
5. The rating in decibels is 65 for the new generator. The closest neighbor is approximately 60 ft. away. The generator is run once a month for about an hour for maintenance and only comes on otherwise when there is a power outage.

## DECISION AND CONDITIONS

Based upon these findings, the development review board votes to approve the replacement of Fairpoint Communication's wall-mounted emergency generator with a combined generator/fuel tank unit that will sit on a new concrete pad with new fencing, in accordance with submitted plans (attached). All conditions of the previous conditional use permit 93-01CU remain in effect.

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