

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on the application of: Tom Stauckas

Re: amendment to Conditional Use Permit

Permit Application No. 2018-03CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application by Tom Stauckas for an amendment to his previous Conditional Use permits for his building, known as the River House, at 16 Main St. The amendment involves changes of use for the two ground-floor units.
2. The application was received by zoning administrator Karen Storey on 2/5/2018 and referred to the Development Review Board [DRB] on 2/7/2018.
3. 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
4. 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:

Thomas Stauckas	James Jamele	Richard & Gaye Christiansen
Peter Cressy	Edmund & Jane Benoit	Nicole, Charlene & Barry Ibey
Leon Cookson	Town of Plainfield	
5. The application was considered by the DRB at a public hearing on 3/14/18. The application was reviewed under the Town of Plainfield Zoning Regulations adopted March 1, 2011 and Subdivision Regulations, adopted March 2, 2010.
6. Present at the hearing were the following members of the DRB: Sarah Albert (acting Chair), Elaine Parker, and Will Colgan (alternate from Planning Commission.)
Also present were Zoning Administrator Karen Storey and minutes recorder Cindy Wyckoff.
7. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

Lindsay Helwig	Tom Blachly	Jim Jamele
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FINDINGS

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

1. The River House is a mixed use commercial/residential building located at 16 Main St. near the intersection with Rt. 2, tax parcel no. 011-053.000, occupying .1 acre in the Village District.
2. The original conditional use permit, ZP2005-005CU, was approved in September 2005 and issued to the previous owner, Jay Southgate, for restoration of four apartment units in the building. An amendment to the conditional use permit, ZP2006-06CU, was approved in August 2006 for a change of use from residential to art gallery for the westerly half of the ground floor unit. A subsequent amendment, ZP2006-010CU, was approved in December 2006 for a change of use from residential to clay studio for the other (river) side of the ground floor.
3. This permit amendment addresses a change of use for both of the ground floor units: the applicant requests that former art gallery be used as an attorney's office and that the former clay studio be permitted for use as a yoga studio. Both of the proposed uses fall within the uses permitted in the Village District with a conditional use permit.
4. The issue of parking spaces was addressed. The three apartments require a total of 4.5 spaces. The former Blinking Light art gallery had two onsite parking spaces and used municipal parking on Mill St. or the lot across from the Town Hall for the times when additional spaces were needed. Tom Blachly, who will be renting the office, stated that he has only one onsite parking space in his lease. The office will be open during normal business hours on week days. Albert proposed changing the permit conditions to reflect that his unit has one, not two, onsite parking spaces.
5. According to section 3.13.6 of the Zoning Regulations, one parking space would be required for each 100 sq. ft. of the floor area of the yoga studio, plus an additional space for every vehicle used in the business. This would mean 8 parking spaces including the teacher's vehicle, which is impossible, given that the 6 onsite spaces are already allocated to other units in the building. The former clay studio had no onsite parking but the Zoning Board of Adjustment found that sufficient parking was available in municipal parking on Main St., the Town Hall parking lot and street parking on Main Street.
6. The proposed yoga studio will have hours of operation seven days a week from 8am to 8 pm. There will be approximately ten classes a week, with classes scheduled each day of the week. Studio owner Lindsay Helwig presented the DRB a class schedule, showing that the majority of classes were on the weekend. Attendance at weekday classes averages 4 persons, while in the weekend it can be 8-10 people. The DRB expressed concern that this could cause parking problems during events at the Town Hall Opera House.
7. The DRB has the authority to waive the parking requirements for a commercial use in the village and will waive the parking requirement for the yoga studio on the condition that they coordinate with the monthly schedule of the Town Hall Opera House and notify their customers to park in the Lower Village at times when events at the Town Hall Opera House are scheduled.
8. Blachly submitted a permit application for signage for the attorney office; Helwig still needs to submit a sign application. Signs proposed by both businesses are of a size that doesn't require a conditional use.

9. There will be no change in the existing outdoor lighting. There are manual switches for both ground floor businesses and motion detector lighting on the side of the building for people parking in the lot.
10. There will be less traffic going in and out of the onsite parking since the attorney's office will generate less traffic than the art gallery did.
11. The fire marshall conducted an inspection in 2006, in conjunction with the Stauckas application ZP2006-06. At that time he did not approve occupancy of the ground floor unit on the river side since work had not been completed yet. The DRB would like the fire marshall to return and inspect the unit that will be occupied by the yoga studio.
12. The issue of maximum occupancy was discussed; the DRB requests that the fire marshall state what the maximum occupancy should be for that unit.
13. The building is listed on the register of historic places and, according to section 3.15 of the Zoning Regulations, must be "restored, renovated or otherwise preserved" in accordance with VT statutes. The DRB finds that since there are no structural or exterior changes proposed, the building will not be affected by the two changes in use under discussion.
14. The conditions set out in the previous conditional use permits ZP2006-06CU and ZP2006-010CU, issued to Tom Staukas, will be amended as listed in the decision below.

DECISION AND CONDITIONS

Based upon these findings and other information presented at the hearings, the DRB voted to approve the application to amend a conditional use permit, involving a change of use for the two ground floor units, from clay studio to yoga studio and from art gallery to attorney's office, subject to the following conditions. This approval includes site plan approval for a site containing a building on the historic register and a parking waiver for the yoga studio as described below:

Conditions:

1. One onsite parking space will be allocated to the attorney's office; 4.5 onsite spaces will be allocated to the 3 apartment units.
2. The attorney's office will be open 5 days a week during regular business hours.
3. The yoga studio will be open seven days a week from 8am to 8 pm with approximately 10 classes a week.
4. The fire marshall shall conduct an inspection of the unit that will be occupied by the yoga studio and, if possible, state a maximum occupancy for the unit.
5. The parking requirement for the yoga studio will be waived on the condition that they coordinate with the monthly schedule of the Town Hall Opera House and notify customers to park in the Lower Village at times when events at the Town Hall Opera House are scheduled.
All of the original conditions from the conditional use permit obtained by Jay Southgate, ZP2005-05CU remain in effect:
6. There shall be 6 parking spaces available to building residents year-round.
7. Vehicles will exit the parking area forward.
8. There shall be signage instructing that the flow of traffic heading out of the parking area must exit heading out and such signage shall be placed on the building or in a location where it won't obstruct the sight line of traffic on the road.
9. Garbage pickup and disposal shall be regular and adequate to prevent odor.
10. Landowner and his lessees shall obtain all necessary state and federal permits, and shall remain in compliance with all such permit requirements and future regulations and laws governing such a project.

These conditions run with the land and shall apply to the applicant here before the DRB and to any successor owner or lessor of the land.

Voting in favor: Sarah Albert, Elaine Parker, and Will Colgan (alternate)

The decision carries 3-0.

Dated at Plainfield, Vermont, this 11th day of April, 2018.

Sarah Albert, Acting 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.