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**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD
Findings of Fact and Conclusions of Law**

Decision on the application of: Scott Stewart

SCOTT STEWART HEARING ZPA 2021-32 RIGHT OF WAY APPROVAL. 2011 PLAINFIELD ZONING REGULATION SECTION 3.4 REQUIRED FRONTAGE ON OR ACCESS TO PUBLIC ROADS TO ACCESS PROPOSED "LOT 3" OF ZPA 2021-34 MINOR SUBDIVISION. 2010 PLAINFIELD SUBDIVISION REGULATION SECTION 210 MINOR SUBDIVISION

FINDINGS AND DECISION

1. In 2013, Scott Stewart applied for an exempt subdivision ZPA 2013-08. It was granted. The road frontage was 100 feet along Robert Lane. As stated in Subdivision Regulations Section 120 Exempt Subdivision, "... Any subsequent subdivision of any of the resulting parcels must follow these subdivision regulations."
2. On September 24, 2021, Scott Stewart applied for approval of a right-of-way at 91 Robert Lane, Plainfield, lot 3 which is located in the Village District and can be on a public water system.
3. Janice Walrafen (DRB Chair) opened the public hearing at 7:10 pm and administered an evidence affirmation oath, to which public hearing participants affirmed. Scott Stewart was the only public hearing participant present at the time. Also present were Jim Volz (DRB Member), Seth Mullendore (DRB Member), and Mary Niebling (DRB Member), Alice Sky (DRB Member), Karen Storey (Zoning Administrator), Cindy Wyckoff (Minutes Recorder), Scott Stewart (Permit Hearing Applicant), Alice Merrill (Plainfield Coop Discussion), Bob Fancher (Plainfield Coop Discussion), and Christine Farren (Abutter, Stewart Permit Hearing).
4. Zoning Administrator Karen Storey noted that she has been contacted by only one abutter, Christine Ferren, who posed questions, but did not ask to have the conversation become part of the record.
5. Regarding the approval of the right-of-way, Stewart explained that there is already an easement (right-of-way) that was granted as part of a previous subdivision for Lot 2. This request proposes a new right-of-way that would continue access to Lot 1 so that does not become landlocked with this subdivision or, if there is a sale of Lot 1, there still will be access to it. Stewart noted that Lot 1 is all the land that is currently behind his house and up to the top of the

hill.

6. Jim Volz made a motion to approve the permit application for a right-of-way. Niebling seconded the motion. The motion was approved unanimously.

7. Janice Walrafen noted that the second permit request was for approval of a minor subdivision.

8. Karen Storey explained that the DRB had previously deemed it to be a "minor" subdivision.

9. Karen Storey reviewed the minimum standards that need to be met in the Village District, which the proposed subdivision meets.

10. Jim Volz made a motion to approve the Stewart permit application request for a minor subdivision. Seth Mullendore seconded the motion.

11. The motion was approved unanimously.

12. Scott Stewart asked for clarification regarding the allowed length of time after a DRB decision to appeal it. Storey clarified that the decision will not be final until the DRB approves the written decision at the January 2022 meeting, which will then begin the 15-day appeal period.

13. During the above discussion, Farren joined the meeting. Storey noted that Farren was the only person who could appeal because she was the only abutter to participate in the public hearing.

14. Janice Walrafen closed the public hearing portion of the meeting at 7:33pm.

Dated at Plainfield, Vermont, this 12 day of January 2021


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. Sec. 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings