

Town of Plainfield
Development Review Board Meeting
November 8, 2017
Approved Minutes

PRESENT: Sarah Albert (Development Review Board Clerk), Janice Walrafen (Development Review Board Chair), Elaine Parker (Development Review Board Member), Karen Storey (Zoning Administrator), Cindy Wyckoff (Minutes Recorder), Charles Cogbill (Health Center Decision), Rachel Cogbill (Health Center Decision), Gerry Tarrant (Health Center Decision), John Monahan (Health Center Decision), Bram Towbin (Road Commissioner), Maurice Cerutti (Inda Loso Appeal Hearing), Inda Loso (Inda Loso Appeal Hearing), Tammy Brochu (Inda Loso Appeal Hearing), Judith Cerutti Dix (Inda Loso Appeal Hearing), Courtney Leggner (Inda Loso Appeal Hearing), Michael Caccaro (Inda Loso Appeal Hearing), Robert A. Bridges (Inda Loso Appeal Hearing), Matthew Leggner (Inda Loso Appeal Hearing), Gary Graves (Inda Loso Appeal Hearing), Lloyd Farnham (Inda Loso Appeal Hearing), Shelley Vermilya (Inda Loso Appeal Hearing), Lucinda Garthwaite (Inda Loso Appeal Hearing), Deb Gibson (Inda Loso Appeal Hearing), and Brooke Dingledine (Inda Loso Appeal Hearing).

Janice Walrafen called the meeting to order at 7:01pm.

AGENDA

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| 6:45pm | Call Meeting to Order
Review Agenda, Make any Adjustments |
| 6:50pm | Review and Approve Meeting Minutes from October 11, 2017
Review and Approve 2017-23 Fairpoint Communications Decision
Review and Approve 2017-01CU The Health Center, Amendment to CU Permit 2011-03 Site Plan Decision |
| 7:00pm | Appeal Hearing of Zoning Administrator's Issuance of Zoning Permit 2017-24 (Construction of Single-Family Home on Property of Robert Bridges) by Inda Loso |
| 9:00pm | Adjourn |

REVIEW AGENDA, MAKE ANY ADJUSTMENTS

- There were no revisions to the agenda.

REVIEW AND ADOPT MINUTES OF OCTOBER 11, 2017

- Elaine Parker made a motion to approve the minutes of the 10/11/17 Development Review Board meeting as written. Sarah Albert seconded the motion. The motion was approved unanimously.

REVIEW AND APPROVE 2017-23 FAIRPOINT COMMUNICATIONS DECISION

- Parker made a motion to accept the Fairpoint Communications Decision as written. Albert seconded the motion. The motion was approved unanimously.

REVIEW AND APPROVE 2017-01CU THE HEALTH CENTER, AMENDMENT TO CU PERMIT 2011-03 SITE PLAN

- There was discussion regarding which additional documents to attach to the signed decision. All agreed that the negotiated Settlement Agreement, Attachment A (the planting site map), a separate map submitted by Charles Cogbill depicting the locations of drainage, and Attachment 1 (the site map, including a letter from Health Center Attorney Gerry Tarrant) will be included in the file. Cogbill and Health Center Attorney Gerry Tarrant will discuss and agree on a map to be submitted to the Development Review Board noting the locations of the plantings and above-ground drainage areas. **Albert made a motion to approve The Health Center Decision as written. Parker seconded the motion. The motion was approved unanimously.**

APPEAL HEARING OF ZONING ADMINISTRATOR'S ISSUANCE OF ZONING PERMIT 2017-24 (CONSTRUCTION OF SINGLE-FAMILY HOME ON PROPERTY OF ROBERT BRIDGES) BY INDA LOSO

- Walrafen called the hearing to order and read aloud an evidence affirmation oath, to which all public hearing participants affirmed. Zoning Administrator Karen Storey stated that she had issued the permit because the request was consistent with the Zoning Regulations. Albert noted that in 2009, the Planning Commission had approved a right-of-way request by Robert A. Bridges. The reasons for the appeal of the current zoning permit issuance include: 1) the applicant does not abut a public road or public right-of-way thus is required to demonstrate to the Development Review Board that he has sufficient width of the right-of-way to satisfy the Zoning Ordinance; and 2) the Zoning Administrator failed to post a public notice in view of a public way as required by the Zoning Ordinance. Speaking on behalf of the appealing party, resident Tammy Brochu noted that Article III, Section 3.4 of the Zoning Regulations states that the easement of right-of-way needs to be at least 20 feet in width, therefore the permit is not in compliance. Albert provided some background on the establishment of the right-of-way, noting that at the time it was approved, no one had appealed it. Storey stated that the Planning Commission had approved the right-of-way in 2009, which allows for an exempt subdivision, and a building lot is permitted use in the Forest and Agriculture district. Resident Maurice Cerutti noted that the appeal did not contest the existence of the right-of-way, but rather the narrowness of the right-of-way, its steep grade, and associated safety issues that would result from increased traffic if any proposed development were to take place. Bridges presented maps and photographs of the right-of-way and the location of the posted zoning permit sign, noting of the latter that it had been posted in a location specifically where interested parties would see it. Additional concerns were noted regarding the possibility of making improvements to the right-of-way that may result in water drainage changes that may damage the Loso property as well as the impact on a neighboring property if the right-of-way is widened. Discussion ensued regarding previous conversations between the parties about building an alternate route to Bridges' subdivision, the cost of which neither party was willing to assume. Discussion returned to the width of the right-of-way being insufficient to develop property on the subdivision according to the Zoning Regulations. Storey noted that in 2008, the Planning Commission had jurisdiction over approving rights-of-way for development and zoning administrator granting exempt subdivisions. Brooke Dingedine, attorney for the appealing party, disagreed, noting that the Planning Commission did not have the right to grant right-of-way approval for a subdivisions at the time; however current Zoning Regulations prohibit developing the subdivided property unless the permit applicant can demonstrate to the Development Review Board that the right-of-way is at least 20-feet wide. Albert

stated that when the decision was made, the Planning Commission followed the law that existed at the time, which she stands by, and that it was the appealing party's right to appeal the issue further at a higher court. Michael Caccaro, attorney for Robert A. Bridges, stated that the establishment of a right-of-way was required in order to get a subdivision permit. In 2009, Bridges was granted a right-of-way permit and shortly thereafter a subdivision permit, with no appeals to those decisions. Caccaro noted that the Town would not have granted a right-of-way that was not sufficient to develop the land. Discussion continued with the interested parties failing to come to an agreement. **Albert made a motion to uphold the Zoning Administrator's permit for a single-family house on the land owned by Bridges and deny the appeal. Walrafen seconded the motion.** After a brief discussion, it was decided that the Development Review Board did not require further deliberation on the issue. **The motion was approved unanimously.**

ADJOURN

- **The meeting adjourned at 8:55pm on a motion by Walrafen. Parker seconded the motion. The motion was approved unanimously.**

Respectfully submitted by Cindy Wyckoff