

**TOWN OF PLAINFIELD  
DEVELOPMENT REVIEW BOARD**

**Findings of Fact and Conclusions of Law**

**Decision on the application of: Town of Plainfield**

**Re:** Conditional Use and Historic Site Plan Review for a 6 foot high wooden fence along boundary line

**Permit Application No. 2014-20**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves review of an application for a boundary fence at the Plainfield Town Hall Opera House submitted by David Strong for the Town of Plainfield.
2. The application was received by zoning administrator Karen Storey on 9/30/2014 and referred to the Development Review Board on 10/22/14
3. On 10/24/2014, notice of a public hearing was posted at the following places:  
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 10/28/14, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Nancy Martin	Jeffrey and Kerry Martin	Leon Cookson
Paul Grier	Tamera Ferro	James Jamele
Keith Swann	Cindy Wyckoff	Lynn Gallison
Priscilla Harvey Estate	Fred Harvey	Annette Thompson
5. On 10/29/14, notice of a public hearing was published in the *Times Argus*.
6. The application was considered by the DRB at a public hearing on 11/12/14. 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, chair, Rob Bridges, Neil Hogan, Sarah Albert
8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. § 4465(b):

David Strong	William L. Chidsey
Jim Jamele	Nancy Martin

## FINDINGS

Based on the application, testimony, exhibits, and a brief site visit during the hearing the development review board makes the following findings:

1. David Strong, a selectboard member acting for the town, seeks a permit to place a 6-foot high privacy fence between the Plainfield Town Hall Opera House (PTHOH) and the adjoining property at 34 High St. The subject property is located at 18 High St. (US Rt. 2), tax map parcel no. 011-050.000.
2. The property 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. The Town of Plainfield owns the property.
3. Sean Lee owns the residence at 34 High St. and shares the property line with the PTHOH where the proposed fence will be constructed.
4. There was a new exit built on the side of the PTHOH that faces Mr. Lee's residence during the recent restoration. When people leave the building via this exit during events there has been an increase in noise levels.
5. The Plainfield selectboard and Mr. Lee have agreed that a fence be built on the boundary line between the two properties. The town will share in the construction costs of the fence and Mr. Lee has agreed to maintain it. (see #10)
6. Section 3.7 of the Zoning Regulations states that fences over four feet in height built within the setback area for the district require a conditional use permit.
7. Section 3.15 states that because the parcel contains a building listed on the state and national register of historic places, the application is required to have site plan approval by the DRB. Prior to granting that approval, the DRB must find that the historic building and/or site will be renovated in accordance with the provisions of 24 V.S.A. §4414.
8. The fence will be wood construction with the posts set in a concrete base. The fence will be 100 feet long, beginning at a point 10 feet back from the existing sidewalk on Rt. 2 and extending to Keith Swann's garage. The design proposed (photos attached) is a "shadow" fence with offset vertical boards. There may be a lattice border along the top. The total height of the fence will be 6 feet. They will install an 8 foot wide gate in the fence. The fence will be painted in a color similar to "Putty Grey" in accordance with the historic nature of the Town Hall Opera House.
9. The VT Housing and Conservation Board holds an easement on the property and will need to approve the design of the fence.
10. James Jamele, the town law agent, has drawn up a memorandum of understanding between the town and Mr. Lee governing the future maintenance of the fence. Mr. Lee will be responsible for the paint and also for replacement of broken or rotted boards in the fence. This memorandum will be attached to the deed of Mr. Lee's house in perpetuity.
11. The placement of the fence will not interfere with traffic visibility for vehicles entering Rt. 2 from Harvey Hill Rd.

## DECISION AND CONDITIONS

Based upon these findings, the development review board finds that the fence proposed by the applicant is compatible with the historic and architectural significance of the Plainfield Town Hall Opera House and the surrounding buildings in the historic district. Accordingly, the DRB grants a conditional use permit for a six foot fence on the boundary between the Plainfield Town Hall Opera House and the property at 34 High Street subject to the following conditions:

1. The fence will be located, constructed and painted as described in the Findings and shown in the submitted photos. Minor variations from the proposed fence design will be allowed, if necessary, to comply with the recommendations of the VT Housing and Conservation Board.

Voting in favor: Janice Walrafen, Rob Bridges, Neil Hogan and Sarah Albert. The decision carries 4–0.

Dated at Plainfield, Vermont, this \_\_ day of \_\_\_\_\_, 2014.

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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.