

**TOWN OF PLAINFIELD**  
**DEVELOPMENT REVIEW BOARD**

**Findings of Fact and Conclusions of Law**

**Decision on the application of: Keith Swann and Cindy Wyckoff**

**Re: Zoning Permit to build a fence near their boundary line on their property at 37 Harvey Hill.**

**Permit Application No. 2019-14**

**INTRODUCTION AND PROCEDURAL HISTORY**

1. This proceeding involves a Zoning Permit Application by Keith Swann and Cindy Wyckoff (“Applicants”) for a Zoning Permit to build a fence near their boundary line on their property at 37 Harvey Hill.
2. The application was received by Assistant Town Clerk, Carol Smith, on August 2, 2019, and referred to the Development Review Board (“DRB”) on August 14, 2019.
3. On August 21, 2019, a notice of a public hearing was posted at the following three locations: Plainfield Town Offices, Plainfield Post Office, and Plainfield Coop.
4. On August 23, 2019, a notice of public hearing was published in the Times Argus.
5. On August 23, 2019, a copy of the notice of a public hearing was mailed to the owners of properties adjoining the property subject to the application.
6. The application was considered by the DRB at a public hearing on September 7, 2019. The application was reviewed under the Town of Plainfield Zoning Regulations adopted

March 1, 2011, and Subdivision Regulations adopted March 2, 2010.

7. Present at the hearing were Keith Swann, Cindy Wyckoff and the following members of the DRB: Chair Janice Walrafen, Members Alice Dworkin, Elaine Parker, and James Volz. Zoning Administrator Karen Story was also present. No one else attended.

## **FINDINGS**

Based on the application, testimony, and exhibits, the Development Review Board makes the following findings:

1. Keith Swann and Cindy Wyckoff own a house at 37 Harvey Hill Road in the Town of Plainfield, Vermont, Tax Parcel No. 035-0037.
2. Keith Swann and Cindy Wyckoff seek to erect a screening fence parallel to but not directly on the boundary between their house and the Plainfield Town Hall and Opera House. The fence would be 6 feet high and 18 feet long and set 2 inches inside their property line.
3. This application is governed by the Town of Plainfield Zoning Regulations dated March 1, 2011, and Plainfield Subdivision Regulations Section 3.7 dated March 2, 2010.
4. Section 3.7 concerning fences provides as follows:

In all districts, fences over four feet in height built within the setback area for the district shall require a conditional use permit. Fences and walls may not be constructed within the road right of way, except in the village district where they shall not create a safety or road/sidewalk maintenance hazard. Agricultural fences are not subject to these limitations to the extent exempted by state law or regulation.
5. Given the location of the fence, it will not be in the road right of way and therefore will not create a safety or road/sidewalk maintenance hazard.

## **DECISION**

Based upon these findings, the specific circumstances of this case, and the fact that no objections were made by abutting property owners or members of the public, the DRB hereby approves this

zoning permit for a conditional use.

Voting in favor: Chair Janice Walrafen, Alice Dworkin, Elaine Parker, and James Volz. The decision carries 4-0.

Dated at Plainfield, Vermont, this 9<sup>th</sup> day of October 2019.

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