

Draft

TOWN OF PLAINFIELD

DEVELOPMENT REVIEW BOARD

Findings of Fact and Conclusions of Law

Decision on the application of: Gregory Light

Re: Zoning Permit Section 3.7 - Fence Over 4 Feet Within Setback

Permit Application No. 2018-09 CU Section 3.7

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application by Gregory Light (“Applicant”) for a Zoning Permit to build a fence taller than 4 feet within the setback at his house at 56 Creamery Street (hereinafter referred to as “Mr. Light’s House”).
2. The application was received by zoning administrator Karen Storey on April 6, 2018, and referred to the Development Review Board (“DRB”) on April 11, 2018.
3. On April 18, 2018, a notice of a public hearing was posted at the following three locations: Plainfield Town Offices, Plainfield Post Office, and Plainfield Coop.
4. On April 28, 2018, a notice of public hearing was published in the Times Argus.
5. Between April 24 and April 27 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: Gregory Light; Carson LLC; Jeri and Michael Keenan; Daniel and Justine Gadd; Philip and Gifford Lee; Pamela Guptil; Mink Properties; Robert Atchinson and Carolyn Buchanan; Gary Winders of Winders Property Management; and Jodi Valardi.

6. The application was considered by the DRB at a public hearing on May 16, 2018. 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 the following members of the DRB: Chair Janice Walrafen, Members Elaine Parker and James Volz. Zoning Administrator Karen Story was also present.

8. The following persons were present at the hearing and requested status as interested persons under 24 V.S.A. Sec. 4465(b): Greg Light, Jolie Jontie, and Dan Gadd.

FINDINGS

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

1. Mr. Light's House is a residential building located in the village district at 56 Creamery Street, tax parcel no. 009-0056.
2. Mr. Light seeks a permit to build a fence on the northeast side of his lot to run 100 feet along the Lee, Betman and Mink property lines and for 24 feet along the back side of his house and would be 8 feet tall.
3. This application is governed by the Town of Plainfield Zoning Regulations dated March 1, 2011.
4. Section 3.7 of those regulations provide the following: "In all districts, fences over four feet in height built within the setback area for the district shall require a conditional use permit."
5. The DRB has authority to waive the height requirement in the Zoning Regulations.
6. Mr. Light stated at the hearing that the purpose of the 8 foot fence was to provide privacy

to his home and yard around his home.

7. No interested party at the hearing objected to the granting of a waiver.

8. Granting of this permit will have no effect on:

- a. The capacity of existing or planned community facilities
- b. The character of the area affected
- c. Traffic on roads and highways in the vicinity
- d. Bylaws and ordinances currently in effect
- e. Utilization of renewable energy resources.

DECISION

Based upon these findings and the specific circumstances of this case, the DRB hereby approves Mr. Light's Zoning Permit Application for a conditional use to build an 8 foot privacy fence as described in this order. This waiver runs with the land and shall apply to the Applicant here before the DRB and to any successor owner or lessor of the property.

Voting in favor: Chair Janice Walrafen, Members Elaine Parker and James Volz.

The decision carries 3-0.

Dated at Plainfield, Vermont, this 13th day of June 2018.

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