

**TOWN OF PLAINFIELD
DEVELOPMENT REVIEW BOARD**

Findings of Fact and Conclusions of Law

Decision on the application of: Ben Davis-Noe, DBA Bristol Holdings 5, LLC

Re: Historic Site Plan and Conditional Use Review—Conversion from duplex to triplex at 50 High Street

Permit Application No. 2020-19 CU

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for a multi-family dwelling on the historic register submitted by Ben Davis-Noe.
2. The application was received by zoning administrator Karen Storey on 11/9/2020 and referred to the Development Review Board for Historic Site Plan and Conditional Use Review on 11/11/2020.
3. On 11/24/2020, notice of a public hearing was posted in the *Times Argus*.
3. On 11/21/2020, notice of a public hearing was posted at the following places:
Plainfield Town Offices, Plainfield Post Office, Plainfield Co-op
4. On 11/21/2020, a copy of the notice of a public hearing was mailed to the following owners of properties adjoining the property subject to the application:

Tamera Ferro	Gabrielle Monteith	Wrisley's Auto Care, Inc.
Christopher Keast	Rachel Beard	Paul Grier
Julie Boisvert		
5. The application was considered by the DRB at a site visit followed by a public hearing held via Zoom on 12/9/2020. The application was reviewed under the Town of Plainfield Zoning Regulations, as amended March 1, 2011.
6. In attendance at the hearing via Zoom were the following members of the DRB:
Janice Walrafen, chair, Jim Volz, Alice Sky, Elaine Parker, Sarah Albert
Also present was Zoning Administrator Karen Storey, minutes recorder Cindy Wyckoff.
7. The following persons were present at the site visit and requested status as interested persons under 24 V.S.A. § 4465(b):

Cam Wrisley	Ben Davis-Noe	Sean Lee
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8. The following persons attended the online hearing at 7 pm:

Ben Davis-Noe	Sean Lee
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FINDINGS

Based on the application, testimony, submitted parking plan, and a site visit prior to the hearing, the development review board makes the following findings:

1. The applicant seeks a permit to change the multi-family dwelling from a duplex into a triplex. The subject property is located at 50 High St., tax map parcel no. 011-046.000.
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. It is also located within Plainfield's Historic District and Section 3.15 of the zoning regulations states that the proposed construction is required to have site plan review by the DRB to determine whether the historic building will be renovated in accordance with the provisions of 24 V.S.A. §4414.
3. Zoning administrator Karen Storey stated that both the dwelling and the garage were on the historic register. According to her, even though the building is a duplex it's been used as a single-family residence for decades.
4. The proposed conversion will be accomplished by putting an additional bathroom and kitchen into existing rooms and closing off doors to create separate units. Each apartment will have two floors directly above each other. The number of bedrooms will not increase: the duplex has seven bedrooms and the resulting triplex would still have seven. The room at the back of the dwelling labeled "garage" on the site plan is storage area, Davis-Noe said.
5. Abutting property owner Sean Lee objected to the building being converted solely to maximize occupancy and profit. Davis-Noe answered that he planned to make other improvements to the property as well.
6. Walrafen stated that since the project would involve primarily interior changes with no significant alterations to the exterior, the proposed conversion would have no effect on the historic character of the building. Review continued to consideration of the requirements of Section 2.8 Conditional Uses and Section 3.13 Parking, which requires 1.5 parking spaces for every unit in a multi-family dwelling.
7. Applicant had submitted a parking plan with his application. Abutter Lee stated that the parking configuration for tenants could have a negative effect on the historical character of the building and the neighboring residences. Albert agreed with him that there should be no parking in front of the building, adding that she felt it that allowing parking in front of a building, between the building and sidewalk, had a negative effect both on the property and the entire neighborhood.
8. The owner of the abutting business, Cam Wrisley, recently installed a fence along the property line with the applicant because of parking problems. He is adamant that no tenants or their visitors use his lot for parking. Davis-Noe stated that he will make the parking restrictions clear in tenant leases.
9. Davis-Noe submitted a revised parking plan during the hearing showing 7 spaces; zoning regulations require 4.5 spaces. The plan had been changed from the original one submitted based on comments received during the earlier site visit; however, it showed a parking space in front of the house that both Albert and abutter Lee had objected to. Additionally, it shows parking for two vehicles on the left side of the driveway next to the fence, one space on the left side of the garage, and another inside the garage. There were an additional two spaces shown on the lawn in back of the house.

10. Alice Sky introduced the issue of storm water, noting that the addition of parking spaces on the property could result in more impermeable surface and increased runoff to Rt. 2 and the Winooski River. There is a steep slope behind the house and she suggested that Davis-Noe consider swales or a rain garden to manage runoff. Abutter Lee asked that there be a minimum of parking behind the house because of the noise impact on his property. He also suggested the need for a fence between the property for reasons of privacy and concern for the safety of anyone wandering on to his property. Volz suggested that since the zoning only required one additional parking space in the yard, that it be located directly between the house and the garage and not further back in the yard.

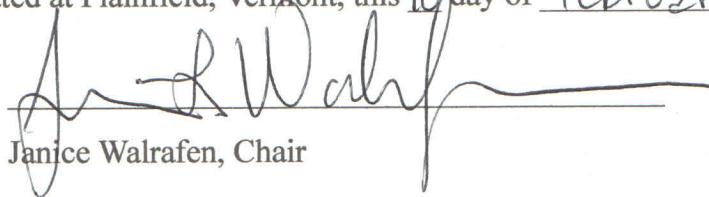
DECISION AND CONDITIONS

A motion was made to approve the conversion of the duplex to a three-unit building with the following condition: Parking must be configured as shown on the submitted revised parking plan except that:

1. There will be no parking allowed between the house and the front sidewalk, and no parking on any adjacent properties.
2. In the back of the house, no more than one parking space shall be allowed between the house and the garage with a surface treatment, if needed, of gravel or another permeable surface, such as permeable pavers.
3. No additional asphalt or blacktop paving or other impermeable surface treatment shall be used in the back or side yard in order to minimize storm water runoff and maintain a maximum absorption area for runoff from the hill behind the house.

Voting in favor: Janice Walrafen, Jim Volz, Alice Sky and Elaine Parker. Opposing: Sarah Albert. The decision carries 4-1.

Dated at Plainfield, Vermont, this 10 day of February, 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. § 4471 and Rule 5(b) of the Vermont Rules for Environmental Court Proceedings.