

**TOWN OF POMFRET**  
**Zoning Board of Adjustment**  
**Findings and Decision**

**Application #ZP16-06 by Purple Crayon Productions** for adaptive reuse of the former Teago Grange Hall as a community theater at 65 Stage Road (Parcel ID #0123).

**PROCEDURAL HISTORY:**

1. The above referenced application was considered by the Zoning Board of Adjustment (ZBA) at a public hearing on April 7, 2016, which was recessed until May 12, 2016, and closed on May 12, 2016. Minutes of those hearings are available in separate documents.
2. At the outset of the hearing the ZBA afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4406(b) to demonstrate that the criteria set forth in the subsection are met. Sharlene Kelly (abutter), Anne Bower (for the Abbott Library) (abutter), and Eleanor Pizzani (abutter) were granted status as interested persons.
3. During the course of the hearing the following exhibits were submitted to the ZBA:
  - Completed 4-page Zoning Permit Application #ZP16-06 received February 24, 2016.
  - Two-page narrative description from architect George Turner of River Town Design dated April 1, 2016.
  - A plan entitled “Site Plan” by Michael Engineering dated February 18, 2016.
  - Six architectural drawings from River Town Design dated April 4, 2016.
  - Email entitled “Teago Grange Hearing Questions” from Preston Bristow on behalf of the ZBA to the applicants dated April 28, 2016.
  - Three-page narrative description from architect George Turner of River Town Design dated May 1, 2016.
  - A plan entitled “Site Plan – Proposed Parking Plan” by Michael Engineering dated May 12, 2016.
4. Participating at the April 7, 2016 hearing were the following ZBA members: Alan Blackmer (Chair), Michael Reese, Loie Havill, Hunter Ulf and Shaun Pickett.
5. Participating at the reconvened May 12, 2016 hearing were the following ZBA members: Alan Blackmer (Chair), Loie Havill, Hunter Ulf and Shaun Pickett.

**FINDINGS:**

6. The public hearing on application #ZP16-06 by Purple Crayon Productions was opened on April 7, 2016, recessed on April 7, 2016, reconvened on May 12, 2016, and closed on May 12, 2016.
7. The former Teago Grange Hall is situated on a 0.32-acre parcel located at 65 Stage Road in South Pomfret previously identified as Parcel ID #0204.
8. With its acquisition by Purple Crayon Productions, former Parcel ID #0204 has been merged with other lands of Purple Crayon Productions as Parcel ID #0123.
9. Parcel ID #0123 owned by Purple Crayon Productions is zoned as a Rural Residential District, as is the entire Town of Pomfret.
10. The Artistree Community Arts Center at 2095 Pomfret Road in South Pomfret operating on Parcel ID #0123 owned by Purple Crayon Productions was approved as a nonconforming use under Part 7 of the Pomfret Zoning Ordinance on September 24, 2012.
11. Application #ZP16-06 seeks approval for adaptive reuse of the former Teago Grange Hall as a community theater (the “Teago Theatre”) operating on Parcel ID #0123 owned by Purple Crayon Productions.

12. The proposed Teago Theatre is substantially different in scope and character from the former Teago Grange Hall and requires review and approval as a nonconforming use under Part 7 of the Pomfret Zoning Ordinance.
13. The exterior appearance and historic character of the former Teago Grange Hall will remain essentially unchanged except for the addition of a 48' x 8' side porch with handicap access ramp and a 12' x 10' rear addition for stage access.
14. Parking is available at the Teago Theatre site (8 spaces) and at the Artistree site (45 spaces).
15. An analysis of nearby zoning ordinances provided by the applicant indicates that a theater with an 84 seat design capacity would require 21 parking spaces in Hartford, 25 parking spaces in Norwich, and 28 parking spaces in Woodstock.
16. A "Proposed Parking Plan" dated May 12, 2016 was provided at the reconvened hearing showing 22 parking spaces on the former Wendling lot on reinforced grass.
17. The consensus of the ZBA at the reconvened hearing was that developing the Wendling lot for parking was not necessary and may be unsafe.
18. Pedestrian crossing of Stage Road for larger events would be augmented by a moveable traffic bollard, crossing attendant, and a constable when appropriate.
19. A footbridge with bollard lights is proposed over a drainage swale between the Artistree parking lot and the former Wendling lot. Given the ZBA consensus that the Wendling lot should not be developed for parking, the applicant offered a lighted pedestrian path across the former Wendling lot.
20. A streetlight is proposed to be added to the utility pole at the southeast corner of the former Wendling lot.
21. Visual and audible shielding through the planting of additional vegetative materials is proposed for the Kelley (west) and Arkin (east) boundaries of the Teago Theatre lot.
22. Soundproofing of walls, noise-reducing window treatments, and installation of base traps (acoustic energy absorbers) are proposed for the Teago Theatre building.
23. Operating hours will be occasional, intermittent and typically limited to afternoon and early evenings. The building will be available 'on call' for former Grangers and the community. There will be no provision for food preparation or storage.

#### **CONCLUSIONS:**

With regard to the criteria in sections 11.3 through 11.3.5 of the Pomfret Zoning Ordinance, the Zoning Board of Adjustments makes the following conclusions:

24. With regard to section 11.3, the proposed use conforms with the town plan and bylaws in effect, the ZBA finds the Teago Theatre to be an expansion and continuation of the activity and uses of the Artistree Community Arts Center approved on September 24, 2012 and conforms to the town plan for the same reasons stated in the ZBA's decision of September 24, 2012.
25. With regard to section 11.3.1, the proposed use will not unreasonably burden the town to provide to the site municipal services, including but not limited to: highway maintenance, fire and police protection, and school bus service, the ZBA heard no contrary testimony and finds that the application meets this criterion.
26. With regard to section 11.3.2, the proposed use will not create a health hazard because of inadequacy of water supply and sanitary facilities or for other reasons, exclusive jurisdiction for water supply and waste water now resides with the Vermont Agency of Natural Resources and the ZBA finds this criterion will be met upon issuance of a state water supply and waste water permit.
27. With regard to section 11.3.3, the proposed use will not create a pedestrian or vehicular hazard or congestion because of inadequate parking, loading or storage facilities or other

factors, the ZBA finds this criterion will be adequately met by use of the Teago Theatre site parking (8 spaces) and the existing permitted Artistree site parking (45 spaces) with pedestrian crossing of Stage Road augmented by a moveable traffic bollard and crossing attendant, and a lighted footpath leading across the former Wendling lot to the existing Artistree parking. The ZBA finds the use of the former Wendling lot for parking, and the consequent entrance and exiting of vehicles onto Stage Road from the former Wendling lot, would create a pedestrian or vehicular hazard.

28. With regard to section 11.3.4, the proposed use will not lead to or be subject to flooding, ponding, or soil erosion at the proposed site, the ZBA notes that the property is flat but well drained and relies upon the “Calculated Limit of Base Flood” on the Site Plan dated 2/18/2016 by licensed professional engineer Ralph Michael which shows that the Teago Theatre building is not within the 100-year (1 percent chance) flood hazard area, and finds that the application meets this criterion.
29. With regard to section 11.3.5, the proposed use will not create a public nuisance or adversely affect the character of the area as well as the comfort, convenience and general welfare of the community, the ZBA finds that, if the project is developed and operated with the visible and audible shielding, soundproofing and operating hours referenced in items 21, 22 and 23 above, the application meets this criterion.

#### **DECISION AND CONDITIONS:**


Based on the application, testimony, exhibits and other evidence the Zoning Board of Adjustment grants approval under Part 7 of the Pomfret Zoning Ordinance for permit application #ZP16-06 by Purple Crayon Productions for adaptive reuse of the former Teago Grange Hall as a community theater at 65 Stage Road as the Teago Theatre under the following conditions:

- a) The applicant shall submit a final “Site Plan” which, if consistent with this decision and conditions, shall be signed by the chair of the ZBA (hereinafter, the “Approved Plan”).
- b) The applicant shall secure a Water Supply and Waste Water permit from Vermont ANR.
- c) Parking shall be provided at the Teago Theatre site (8 spaces) and at the existing permitted Artistree site (45 spaces) as depicted on the Approved Plan.
- d) The former Wendling lot shall not be used for regular or overflow parking.
- e) Vehicular access shall not be allowed or provided between the former Wendling lot and the Artistree site as depicted on the Approved Plan.
- f) Pedestrian crossing of Stage Road in front of the Teago Theatre shall be augmented by a moveable traffic bollard and crossing guard for larger events as noted on the Approved Plan.
- g) A pedestrian path leading across the former Wendling lot from the pedestrian crossing of Stage Road to the Artistree site shall be provided and shall be illuminated with full cut-off, night-sky rated LED lights of no greater than 75 watts as depicted on the Approved Plan.
- h) Visual and audible shielding through the planting of additional vegetative materials will be provided as depicted on the Approved Plan.
- i) Soundproofing of walls, noise-reducing window treatments, and base traps (acoustic energy absorbers) will be installed in the Teago Theatre building.
- j) Operating hours will be occasional, intermittent and typically limited to afternoon and early evenings. The building will be available ‘on call’ for former Grangers and the community. There will be no provision for food preparation or storage.
- k) Once the chair of the ZBA has signed the Approved Plan the administrative officer shall issue a permit.
- l) The administrative officer is authorized to make minor changes to this Decision as a permit amendment after conferring with the chair of the ZBA.

- m) Any material change, including but not limited to expansion of the Teago Theatre building, expansion of the use onto additional land, and changes that could increase noise, lighting or traffic, will require review at a public hearing and approval by the ZBA before a permit can be granted.

Members Alan Blackmer, Michael Reese, Hunter Ulf, Shaun Pickett and Loie Havill all voted in the affirmative.

Dated at Pomfret, Vermont, this 22<sup>nd</sup> day of June, 2016.

  
Alan Blackmer, Chair  
Pomfret Zoning Board of Adjustment

This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceedings before the Zoning Board of Adjustment. 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.