

Town of Pomfret
Zoning Administrator
5218 Pomfret Road
North Pomfret, VT 05053

April 28, 2017

Peter J. DesMeules
DesMeules, Olmstead & Ostler
P.O. Box 1090
Norwich, VT 05055

**Determination regarding log storage and firewood processing on lands of the
William A. Russell, Jr. Trust (Parcel ID #0500-A) west of Pomfret Road**

Dear Peter:

I am responding to your letter to me of April 14, 2017 written on behalf of Chippers, Inc., requesting that I reissue my Determination of January 6, 2017 as previously requested by Chippers through a letter from Mundy Wilson Piper dated December 27, 2016.

The Pomfret Zoning Board of Adjustment, through its Findings and Decision of May 19, 2016, denied the storage of logs and processing of firewood on the east side of Pomfret Road but allowed the storage of logs and processing of firewood on the west side of Pomfret Road at a volume and level no greater than was in use in 2001. The ZBA further authorized me to determine the volume and level of storage and disposition of logs and processing of firewood in 2001 on the lands of the William A. Russell, Jr. Trust (Parcel ID #0500-A) west of Pomfret Road for the purpose of implementing this condition.

As you note in your letter of April 14, 2017, the appeal before the Vermont Superior Court, Environmental Division has been dismissed and jurisdiction over this matter has reverted to me as Zoning Administrator. Further, Chippers' log pile is now on the westerly side of Pomfret Road and the lands on the easterly side of Pomfret Road where Chippers' log pile was formerly located have been sold by the William A. Russell Trust to Hudson Holland.

I hereby reissue my Determination regarding the location, maximum volume of storage, and maximum level of activity for the storage and disposition of logs and processing of firewood on lands of the William A. Russell, Jr. Trust (Parcel ID #0500-A) west of Pomfret Road. My Determination is as follows:

1. The location at which the storage of logs and processing of firewood may occur is depicted on an annotated Google Maps aerial photo and on a Rockwood Land Services survey, which annotated map and survey were provided with your letter to

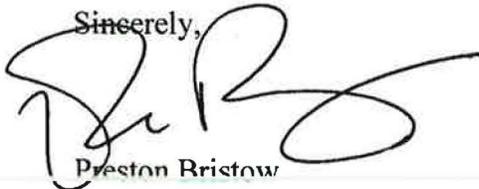
me dated December 27, 2016 and are attached to this Determination letter and incorporated herein.

2. Three types of wood may be stored and processed: firewood, mill wood and mulch wood. The maximum volume of storage of these three piles are as follows: the firewood pile will not exceed 100' long by 25' wide by 20' tall, the mill wood pile will not exceed 100' long by 25' wide by 20' tall, and the mulch wood pile will not exceed 30' by 30'.
3. There will be no burning, chipping or grinding of logs or wood on the property.
4. The hours of operation will be Monday through Friday from 7 AM to 5 PM with no delivery, loading, or processing of logs or firewood, including chainsaw operation, on weekends.
5. Backing-up of log and delivery trucks will be minimized through use of a loop or circular access drive.

The above-referenced two-page letter of December 27, 2016, from Mundy Wilson Piper, President & CEO of Chippers, Inc. to Preston Bristow, Town of Pomfret Zoning Administrator, with annotated Google Maps aerial photo and Rockwood Land Services survey, is attached to this Determination and all representations contained in the letter and on the map and survey are incorporated into this Determination.

This Determination may be appealed to the Zoning Board of Adjustment by you or an interested person by sending a written notice of appeal to the address above within 15 days of the date of this Determination. The notice of appeal must give the reasons for the appeal and be accompanied by a hearing fee of \$135 payable to the Town of Pomfret. If no appeal is received within this 15-day appeal period, this Determination will become final.

Sincerely,



Preston Bristow
Zoning Administrator

cc: Interested persons: Kristen Maxham, Susan Cross, Lora Murray, Brian Alderfer, Hudson Holland, Margaret Holland
Attorneys: Ryan Kane, Paul Gillies, Peter Vollers, Amanda Lafferty



December 27, 2016

Preston Bristow, Town of Pomfret Zoning Administrator
5218 Pomfret Road
North Pomfret, Vermont 05053
Re: ZBA's decision of 5/19/2016 (Chippers Log Pile Application)

Dear Preston:

Pursuant to your e-mail of 12/16/2016 (attached) this is to state Chippers' intention to comply with the ZBA's decision of 5/19/2016 when clarification has been received from you as to an acceptable location of the pile on the west side of the Pomfret Road and "the volume of material and level of activity for the log pile and firewood processing" which is approved for that site.

In furtherance of such clarification, Chippers proposes the below described level and volume of activity on the site identified on the attached plan and drawing. The drawing shows the available space for the log landing OUTSIDE the flood plain area (marked in white) and Chippers' access and egress to the pile formations marked in black.

There will be three distinct groups of wood, one for firewood, one for mill wood and one for mulch wood. The firewood and mill wood is depicted by the parallel black lines on the attached document 'Chippers Proposed Log Landing 27 December 2016', the mulch wood by the black circle.

In 2001 the log storage was 2 piles 100' long by 25' wide by 25' tall, or 125,000 cubic feet in total. That year Chippers processed 150 cords of firewood and burnt a 30' X 30' pile of waste wood.

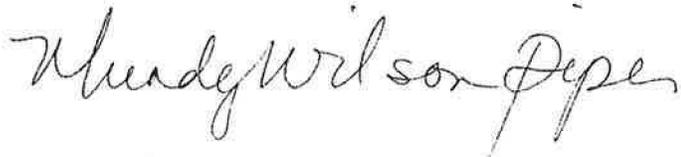
For 2017 and henceforth Chippers propose significantly less: 2 piles 100' long by 25' wide by 20' tall, or 100,000 cubic feet in total, with a mulch pile of 30' X 30' (this was the wood we used to burn). Chippers will process approximately 30 cords of wood a year.

The hours of operation will be Monday through Friday from 7am to 5pm and no weekends. Activity on the site is limited to wood being unloaded by Chippers from job sites and wood being picked up by vendors for transporting the materials to their final mill destination. As in the past chain saws must be used to get the wood into proper shape for the pile. (As has been the practice for over two years there will be no burning, chipping or grinding onsite.)

The attached survey by Rockwood Land Services, LLC (named as 'Chippers West Side Survey by Rockwood Land Services December 2016') shows the flood plain boundaries-as noted above, the proposed relocated log pile site is OUTSIDE of and respects the flood plain boundaries.

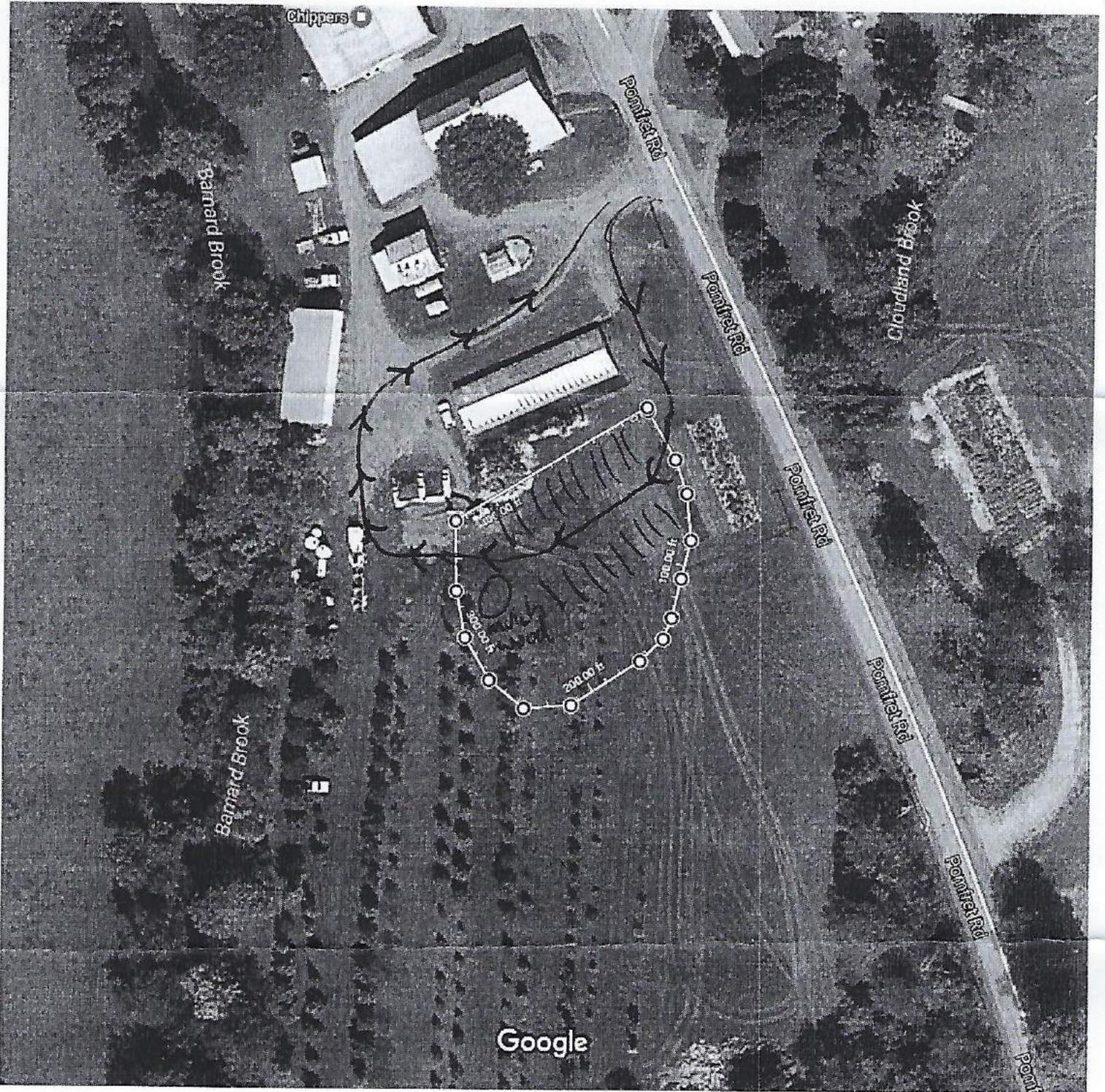
Chippers would appreciate your review and approval/clarification (on behalf of the Town) of the proposed/requested site and the level and volume of activity to be conducted thereon. Chippers is prepared to begin to effect the log pile relocation, weather permitting, as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "Mundy Wilson Piper". The signature is written in dark ink and is positioned above the typed name.

Mundy Wilson Piper
President & CEO

Google Maps



Imagery ©2016 DigitalGlobe, Map data ©2016 Google 50 ft

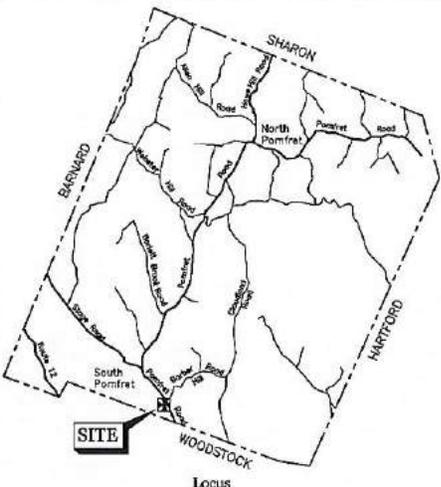
Measure distance

Total area: 18,025.09 ft² (1,674.59 m²)

Total distance: 508.87 ft (155.10 m)

attachment to chippers letter of 12/27/16
 to pomfret zoning Administrator
 (Preston Bristow)

Attachment to chippers letter of 12/27/16 to pomfret zoning Administrator (preston Brisson)



Corner Monument Descriptions
All SET Monuments have an Orange Plastic Cap Labeled "ROCKWOOD VT 537 NH618" monument sizes are O.D.

- No.1 Found a 8"x6" Stone Bound firm, straight and in good condition with 12" of reveal;
- No.2 SET a 5/8x36" blue Rebar firm and straight with 6" of reveal;
- No.3 SET a 5/8x36" blue Rebar firm and straight with 6" of reveal at the top of the Brook bank;
- No.4 SET a 5/8x36" blue Rebar firm and straight with 7" of reveal at the top of the Brook bank as a witness to the corner in the water;
- No.5 SET a 5/8x36" blue Rebar firm and straight with 7" of reveal at the top of the Brook bank as a witness to the boundary corner at the edge of high water;
- No.6 SET a 5/8x36" blue Rebar firm and straight with 7" of reveal at the top of the Brook bank as a witness to the corner in the water;
- No.7 SET a 5/8x36" blue Rebar firm and straight with 7" of reveal at the top of the Brook bank as a witness to the corner in the water;
- No.8 SET a 5/8x36" blue Rebar firm and straight with 11" of reveal at the end of the stone wall;
- No.9 SET a 5/8x36" blue Rebar firm and straight with 7" of reveal in the stone wall;
- No.10 SET a 5/8x36" blue Rebar firm and straight with 6" of reveal;
- No.11 SET a 5/8x36" blue Rebar firm and straight with 6" of reveal;
- No.12 SET a 5/8x36" blue Rebar firm and straight and flush in the paved road;

Legend

- Found Iron Pipe or Rebar ○ as described
- Set Capped Rebar ⊙ as described
- Stone Bound □ as described
- Computed Point ●
- Boundary Line ———
- Stone Wall ————
- Setback Limits - - - - -
- Easement Limits - - - - -
- 1% Flood Limits - - - - -
- Edge of Brook - - - - -
- Deed Reference Book, Page
- Plan Reference Plan Slide

Parcel 0107
Cama Family Limited Partnership
Book 70, Page 401
Plan: Map Slide 75B

Parcel 0107
Cama Family Limited Partnership
Book 70, Page 401
Plan: Map Slide 86

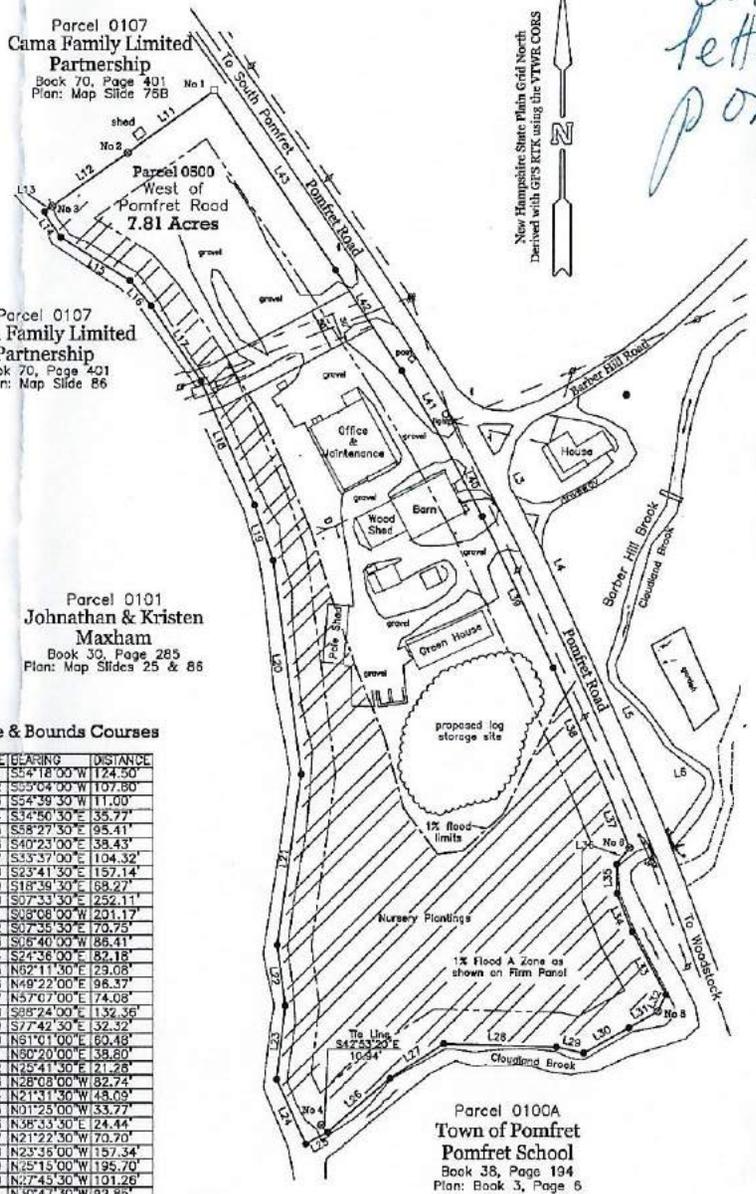
Parcel 0101
Johnathan & Kristen Maxham
Book 30, Page 285
Plan: Map Slides 25 & 86

Mets & Bounds Courses

LINE	BEARING	DISTANCE
L11	S54°18'00"W	124.50'
L12	S55°04'00"W	107.80'
L13	S54°39'30"W	111.00'
L14	S34°56'30"E	35.77'
L15	S58°27'30"E	95.41'
L16	S40°23'00"E	38.43'
L17	S33°37'00"E	1104.32'
L18	S23°41'30"E	157.14'
L19	S18°39'30"E	58.27'
L20	S07°33'30"E	252.11'
L21	S08°08'00"W	201.17'
L22	S07°35'30"E	70.75'
L23	S06°40'00"W	88.41'
L24	S24°36'00"E	82.18'
L25	N02°11'30"E	129.08'
L26	N49°22'00"E	98.37'
L27	N57°07'00"E	74.08'
L28	S85°24'00"E	132.36'
L29	S77°42'30"E	32.32'
L30	N91°01'00"E	60.48'
L31	N80°20'00"E	38.80'
L32	N25°41'30"E	121.28'
L33	N26°03'00"W	82.74'
L34	N21°31'30"W	48.09'
L35	N01°25'00"W	33.77'
L36	N98°33'30"E	24.44'
L37	N21°22'30"W	70.70'
L38	N23°36'00"W	157.34'
L39	N25°15'00"W	195.70'
L40	N27°45'30"W	101.26'
L41	N30°47'30"W	92.85'
L42	N33°27'00"W	138.58'
L43	N34°23'30"W	252.32'

I hereby certify that to the best of my belief and knowledge a Vermont Rural Class Survey was completed on the portion of Pomfret Parcel 0500 in accordance with the requirements of 27 VSA 1403(b)-(8) and, except as noted within the Survey Notes, are consistent with the deeds, plans, and notes referenced on this plat which are the basis for this surveyor's opinion of the boundary line locations.

New Hampshire State Plane Grid North
Derived with GPS RTK using the VTWER CORRS



Survey Notes and Report

1. The purpose of this Boundary Survey Plat is to identify the Boundary Lines and monument boundary corners for Pomfret Parcel 0500 on the Southwesterly side of Pomfret Road.
2. Surveyor's Report: Southwesterly side of Pomfret Road: This parcel is junior in title to Parcels 0107 and 0101. Both abutting parcel were sold out of the subject parcel. The NORTHERLY boundary line common with Parcel 0107 is consistent with the referenced survey plans and deeds. The EASTERLY boundary line is common with Parcel 0101. The referenced plans and deeds conflict as to the boundary's location along Barnard Brook. In the deed from Moxham to Russell recorded in Book 33 page 60, Parcel No. 1, describes this boundary as "a northerly direction along the centerline of the brook." The Survey Plan recorded at Map Slide 86 by Bruce is not consistent with this description as it indicates the abutter's boundary along the easterly edge of the brook. The subject parcel's boundary only extends to the brook's centerline. The SOUTHERLY boundary line which is common with the Pomfret School. The referenced Bruno Plans and respective deeds conflict as to the boundary's location along the Cloudland Brook. The subject parcel's deed describes this boundary line as "thence proceeding along the center line of the brook." The School's boundary line deed describes the same boundary line as "thence proceeding easterly along the northerly side of said brook." An overlap of Title exists and a boundary line agreement is recommended. The WESTERLY boundary line follows the easterly limits of the Pomfret Road. See note 3 to the highway layout information.
3. The Highway layout for the Pomfret Road is found in Pomfret's Proprietors Book at Pages 23 and 24 dated August 27, 1781. The Highway is 4 Rods or 65 ft wide. The layout may vary from the Highways current position. The 4 Rods was established based on the Highways current centerline location.
4. The subject parcel is burdened by the 30 ft wide utility recorded in Book 61 at page 68 which crosses the parcel.
5. The subject parcel is burdened by the 50 ft wide Right-of-Way which crossed the parcel.
6. Corner monuments noted as SET are were placed in December 2016. All monument dimensions are outside diameters.

PARCEL 500
Owner of Record
William A. Russell, Jr Trust u/t/a October 27, 2000
1241 Pomfret Road
Pomfret, VT
Mundy Wilson Piper, Trustee
1241 Pomfret Road
Woodstock, VT 05091
Deed Reference: Book 66 , Pages 344
Parcel No. 5
Plan Reference: Plan Slide 25

Boundary Survey Plat for
William A. Russell, Jr Trust

1241 Pomfret Road, Pomfret, Vermont



Project No.1372 Date: December, 2016
Rockwood Land Services, LLC
PO BOX 347
Hartland, VT 05048
(802)436-1039
rockids@vermont.net

TIMOTHY W. ROCKWOOD
LLS NO. 537