

TOWN OF POMFRET  
PLANNING COMMISSION

**Minutes – August, 19 2019**  
**Permit Number ZP19-15**

**MINUTES ON APPLICATION FOR MAJOR SUBDIVISION**

MEMBERS PRESIDING: William Emmons (Chair), Orson St. John (Vice-Chair), John Moore, Nelson Lamson and Ann Reynolds.

MEMBERS RECUSED: Cyrus Benoit

OTHERS PRESENT: Peter Vollers, Jonathan Harrington, Diana Beattie, Lydia Spitzer, Ellen DesMeules, Dottie Dean, Brendan Whittakes, Bob Crean, Brenda Siemer Neustadt, Sam Neustadt, Emily Grube, Kathryn Brickner, Stephen Land, Peter DesMeules and Karen Hewitt (Zoning Administrator)

A hearing was convened to consider the following:

**Application #ZP19-15 by William and Cynthia Nassal** for a major subdivision at 1162 Galaxy Hill Road (Parcel ID #3101).

HEARING:

A site visit was held at 5:30pm with Jonathan Harrington of Horizons Engineering explaining the location markers for the ridgeline and house site.

The hearing was opened at 6:30 PM by chair William Emmons. The hearing was recorded.

A summary of the discussion follows:

- Peter DesMeules asked Attorney for William Nassal to summarize the subdivision permit.
- Peter Vollers stated that it was a major subdivision because of the Pomfret Subdivision Zoning Bylaws state that anything over a creation of 3 lots in a 15-year period would be a major subdivision. It is a benign subdivision and Bill Nassal is not out to develop the parcel. Original plan was to have 2 houses but was changed to 1 house with 2 bedrooms. Clear cutting could be construed as offensive and if any violation it would be the clearing of ridgeline without a permit. There are 2 separate issues, one being the major subdivision, while the other is the ridgeline clearing to eventually be a beautiful pasture.
- Ellen DesMeules stated that a driveway access and site clearing would constitute as a second violation.
- Peter Vollers stated that clearing of trees is problematic
- Ellen replied that before any permits and discussions a septic permit was received in January of 2019 at the Town Office which was before any steps to be taken in the Zoning Ordinance.

- Peter DesMeules stated that William Nassal as the site prepped, a professional engineer, a professional surveyor and a professional lawyer at his disposal and that he has a hard time finding that he didn't know the Zoning Ordinance and feels that consequences by the Planning Commission and the Zoning Administrator should be figured out. He would like to hear from William Nassal and the neighbors deserve to hear what his plans are from him.
- Peter DesMeules stated that the Commission needs to address violations and was wondering if there could be an open space deed restriction on the 7-acre undeveloped lot to remain undeveloped. Peter asked the Planning Commission if there could be a motion to adjourn the meeting for William Nassal to be present to answer any questions the neighbors may have.
- Sam Neustadt stated that the clearing cut the buffer from his house to the proposed subdivided lot. The potential house site would have a major impact with cutting that has been done. Sam Neustadt would like William Nassal to be present at the hearing.
- Peter DesMeules stated there is a clear violation of the subdivision bylaws which states a preliminary plan review but the clear cutting, visual modification from a public right-of-way had already been done.
- Emily Grube stated that the Selectboard received an access permit which is conditional upon approval of major subdivision.

Peter DesMeules, Ellen Desmeules, Bob Crean, Kathryn Brickner, Sam Neustadt, Stephen Land, Lydia Spitzer, Diana Beattie, Dottie Dean, Brenda Siemer Neustadt, Emily Grube, Benjamin Brickner and Margaret Gally St. John were granted interested party status.

By unanimous vote, the PPC adjourned the hearing at 7:30 PM into Open Meeting Status to be reconvened at 6:30pm on Monday September 16<sup>th</sup>, 2019

Dated at Pomfret, Vermont, this \_\_\_\_\_ day of August, 2019.

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William Emmons, Chair  
Pomfret Planning Commission

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.