

TOWN OF POMFRET
Zoning Board of Adjustment

Conditional Use Review

Findings and Decision

In re: Purple Crayon Productions, Inc.
Permit Application #ZP19-16

PROCEDURAL HISTORY:

1. Purple Crayon Productions, Inc. (Applicant) submitted an application #ZP19-16 for a permit to use a portion of Applicant's property as a seasonal parking area for Applicant's employees. The application was submitted by the Applicant under the Pomfret Zoning Ordinance.
2. The proposed use is considered "non-conforming" under Part 7 of the Pomfret Zoning Ordinance and accordingly, the application was forwarded to the Zoning Board of Adjustment (ZBA) for its consideration.
3. The application was considered by the ZBA at its hearing on September 17, 2019. Minutes of the hearing are posted on the Pomfret website.
4. Present at the September 17, 2019 hearing were the following members of the ZBA: Alan Blackmer (Chair), Michael Reese, Shaun Pickett, Loie Havill and Benjamin Brickner.
5. Participants in the hearing included Marie Cross (representative for the Applicant) and Sharlene Kelly (Interested Person). Also present were Karen Hewitt (Administrative Officer and Clerk for the ZBA), James Havill, Jacob Kelly, Emily Grube and John Moore.
6. At the outset of the hearing The ZBA afforded the opportunity for participants at the hearing to be granted status as "Interested Persons". The criteria set forth in 24 V.S.A. § 4461(b) were met by Sharlene Kelly and Marie Cross. They were sworn in as "Interested Persons".
7. During the hearing, Marie Cross gave testimony and answered questions on the application, as detailed in the Conditional Use Review Minutes for ZP19-16 approved September 30, 2019.

FINDINGS:

Based on the application, site visit, and public hearing testimony, the ZBA makes the following Findings with regard to application #ZP19-16 under section 11.3 of the Pomfret Zoning Ordinance:

8. All procedural steps leading to the Decision herein were properly taken, including notification of adjoining property owners.
9. The use proposed in application #ZP19-16 is considered “non-conforming” under Part 7 of the Pomfret Zoning Ordinance. Pursuant to Section 11.3, before a permit may issue for such a use, the ZBA must find that the proposed use conforms with the Town Plan and other provisions of the Pomfret Zoning Ordinance, and that the use will not:
 - a. Unreasonably burden the town to provide the site municipal services, including, but not limited to: highway maintenance, fire and police protection, and school bus service.
 - b. Create a health hazard because of inadequacy of water supply and sanitary facilities or for other reasons.
 - c. Create a pedestrian or vehicular hazard or congestion because of inadequate parking, loading or storage facilities or other factors.
 - d. Lead to or be subject to flooding, ponding, or soil erosion at the proposed site: or
 - e. Create a public nuisance or adversely affect the character of the area as well as the comfort, convenience and general welfare of the community.
10. Based on the application, site visit, and public hearing testimony, the ZBA has determined that the use proposed in application #ZP19-16 meets all criteria specified in Section 11.3 of the Pomfret Zoning Ordinance.

DECISION AND CONDITIONS:

Based on these Findings, the ZBA authorizes a permit for the use proposed in application #ZP19-16 by Purple Crayon Productions, Inc. subject to the following conditions:

- a. Applicant’s proposed uses shall conform to its submissions, plans and representations as reflected by the Minutes, these Findings and Decision, except as modified by the conditions provided for in this Decision.
- b. The proposed use shall be limited to parking for the Applicant’s employees .

- c. The proposed use shall be limited to parking of a maximum of eight (8) vehicles at any time.
- d. The proposed use is authorized only during the operation of the Applicant's summer camp, and is not authorized before June 1 or after August 31 of any calendar year.
- e. Overnight parking is not authorized.
- f. Prior to commencement of the proposed use in 2020, the Applicant shall add screening to shield parked vehicles from view of the public rights-of-way along Pomfret Road, Stage Road and Library Street.
- g. The original Zoning Board of Adjustment Findings and Decision #ZP12-14 approved September 24, 2012, shall continue in full force and effect, except as provided herein.

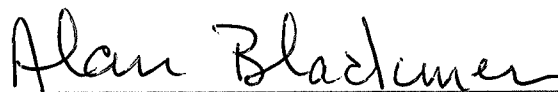
LIMITATIONS:

This Decision applies to the activities referenced herein on the subject parcel. The conformity of any other uses or activities on Applicant's property was not considered or addressed in this Decision.

The ZBA wishes to observe that the Applicant's primary parking area is not ideally configured for use as a child drop-off/pick-up area. And that while this Decision to authorize a permit for seasonal employee parking in a different location may alleviate vehicular traffic during drop-off/pick-up hours, it is unlikely to solve the Applicant's long-term traffic flow concerns. The ZBA encourages the Applicant to utilize the time and flexibility afforded by the Decision to consider alternate configurations of its primary parking area that are better suited to its year-round needs.

* * * * *

These Findings and Decision approved at Pomfret, Vermont, this 25 day of October, 2019.



Alan Blackmer, Chair, Zoning Board of Adjustment

Members Alan Blackmer, Benjamin Brickner, Loie Havill and Shaun Pickett voted in the

affirmative. Member Michael Reese voted in the negative.

NOTICE: This Decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) 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.