

TOWN OF POMFRET
PLANNING COMMISSION

Minutes – October 21, 2019
Permit Number ZP19-23

**MINUTES ON APPLICATION FOR RECLAMATION OF PASTURE IN THE
RIDGELINE**

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

MEMBERS RECUSED: Cyrus Benoit

MEMBERS ABSENT: Orson St. John (Vice-Chair)

OTHERS PRESENT: Peter Vollers, Dottie Dean, Bob Crean, Brenda Siemer Neustadt, Sam Neustadt, Emily Grube, Benjamin Brickner, Stephen Land, Peter DesMeules and Karen Hewitt Osnoe (Zoning Administrator)

A hearing was convened to consider the following:

Application #ZP19-23 by William and Cynthia Nassal for a reclamation of pasture in the Ridgeline Overlay at 1162 Galaxy Hill Road (Parcel ID #3101).

HEARING:

A site visit was held at 5:30pm.

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

A summary of the discussion follows:

- Bill Emmons addressed the public and stated that a site visit was to determine if we should allow this permit for the section the top of the hill which is in the Ridgeline. Bill stated that were there a few trees left and if it was cut back to the boundary line of the neighboring Galaxy Hill, there was a buffer that was left uncut so we are just dealing with one little strip of land that was at the top which is approximately about an acre . Should we approve or should we have a punitive fine? We have to determine the public vantage point and vantage point from public roads and not from somebody else's property as per Pomfret's Ridgeline and Conservation ordinance. The vantage point is at Pomfret Road and from Galaxy Hill Road. Would you consider an undue adverse effect within the Ridgeline area?

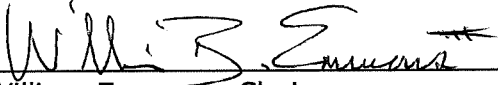
- Sam Neustadt asked if should we know exactly how much land in the Ridgeline was cleared.
- Peter Vollers, Representative for the Applicant, stated that the survey does not depict exact acreage. The survey does show the area which is labeled as restoration pasture land. Screening was left and would argue that the visual impact is minimal. Trees that were cleared a low quality that's damaged by storm and disease. Everything done by professionals. Opinion by a forester was to be a good use of the property. Revoked subdivision application.
- Bob Crean is stated was a restoration pasture okay to do. Piece of land was pasture before ordinance passed so was it grandfathered?
- John Moore stated purpose of this hearing is to determine an undo adverse effect on visual Vantage points and impacts
- Bill Emmons stated most of cuts in Vermont are for forestry land management plan. A cut within a ridgeline could be for a variety of reasons without a permit. Nassal cut into a ridgeline and opened up from what we understood as agricultural.
- Peter Vollers stated that the current use was a sound use for maintaining pasture. Ridgeline is visual impact from vantage point. Certain cuttings are exempt. Trying to reclaim a horse pasture.
- Dottie Deans as Representing Lydia Spitzer who cannot be at the hearing. A big concern was for a lack of obtaining a permit for what was done on the property. Unfortunate no permit and the permit was not obtained. There are rules and procedures. What is going to be done about not obtaining a permit.
- Bill Emmons...Reclaiming junk woods. Used as pasture for years. Clearing useless forest species for agricultural land. Didn't get a permit for cutting in ridgeline prior to it being done which were the begins of the problems that were created.
- Dottie Dean stated that there are rules and procedures that the Pomfret Town's People put in place and to be addressed. Should there be a fine? What she would like to see addressed is the lack of obtaining a permit.
- Peter Vollers stated that there are Aerial photos from 50's that proved a pasture. Shouldn't set a precedent of fining.
- John Moore stated that there are exemptions for cutting trees in the Ridgeline as per Section 5.3.5 of the Pomfret Ridgeline and Conversation Area.
- Ben Brickner stated that preliminary work done for house to go in and major subdivision. The Commission has two core issues. Undue adverse visual impact, not relevant of diseased trees and what to do of happening out of order. Permit coming after the fact. Maybe think about goals of what it should be. Maybe not punitive. Think about what next cutter in ridgeline may think. Something should be done to acknowledge permit did not happen. Permit was required and cutting was done before one was granted. Probably make sense to resolve the actual map that controls where the boundary falls. Current map is the 1987 digitized map.

- Emily Grube... ridgeline was enacted at the time because Quechee Lakes was building condominiums on the Ridgeline at the time and because we were close to Quechee so Pomfret was concerned didn't want to see that the basis of what the Ridgeline ordinance came about we were trying to protect the view sheds from that kind of assault visual assault through large-scale housing don't be totally on screen for the most part.

Peter DesMeules, Bob Crean, Benjamin Brickner, Sam Neustadt, Stephen Land, Lydia Spitzer Dottie Dean, Brenda Siemer Neustadt, Emily Grube, and were granted interested party status.

By unanimous vote, the PPC closed the hearing at 7:36 PM.

Dated at Pomfret, Vermont, this 4 day of November, 2019.



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.