

TOWN OF POMFRET, VERMONT  
PLANNING COMMISSION  
North Pomfret, VT 05053

**Decision-June 7, 2020**  
**Permit Number ZP20-08**

**DECISION ON APPLICATION FOR DEVELOPMENT IN THE  
RIDGELINE AND HILLSIDE CONSERVATION AREA**

PUBLIC HEARING DATE: May 18, 2020

**APPLICANTS & OWNERS:**

Applicant: Cody Chase  
695 Allen Hill Road  
North Pomfret, Vermont 05053

Owners: Eric and Valerie Chase  
695 Allen Hill Road  
North Pomfret, Vermont 05053

POMFRET PROPERTY ADDRESS: 695 Allen Hill Road

**NATURE OF APPLICATION**

On Wednesday April 15<sup>th</sup>, 2020, Karen Hewitt Osnoe, the Zoning Administrator, determined that the application to be complete and was sent to the Pomfret Planning Commission for review. This Application requested permission to build a 20'x30' single family dwelling consisting of 1 bedroom and 1 bathroom.

The application materials include:

1. the application form;
2. a site plan indicating the proposed construction site.

**FINDINGS OF FACT**

1. The request for approval of development in the Ridgeline and Hillside Conservation Area, as specified in the Pomfret Zoning Regulations, Section 15, requires a warned Public Hearing and Approval by the Planning Commission.

2. Legal Notice of the Public Hearing, held on May 18, 2020, was published in the Vermont Standard, a weekly newspaper and Pomfret's designated paper of record for public hearing notices, in the edition on April 30<sup>th</sup>, 2020. Notices of the hearing were posted more than 14 days in advance at the Pomfret Town Clerk's Office, Teago Store, and the North Pomfret Post Office.
3. Submitted with the permit application was the Subdivision Survey of Eric and Valerie Chase dated January 21, 2020 indicated that the proposed house site is in Lot 2 which consists of 2.02 Acres. It states that the driveway to the proposed single-family dwelling is 265 feet long and 12 foot in width.
4. The site visit was conducted on May 18, 2020 at 4:30pm. Those attending were: Eric Chase, Valerie Chase, Cody Chase, Lucia Ellerson, William Emmons (Chair), Cy Benoit, Nelson Lamson, and Karen Hewitt Osnoe. It was determined at the site visit that the proposed construction site was not visible from Howe Hill, which was the only Critical Public Vantage point to the project.
5. The warned public hearing of May 18, 2020 was conducted via Zoom due to the Covid-19 Stay at Home mandate. Those attending were: William Emmons (Chair), Orson St. John (Vice-Chair), Nelson Lamson, John Moore, Ann Reynolds, Eric Chase, Valerie Chase, Jules Wolfe, Betsy Siebeck, Benjamin Brickner and Karen Hewitt Osnoe (Zoning Administrator). The public hearing was concluded at 7:49 pm on May 18, 2020, with Cy Benoit absent.

### **CONCLUSIONS OF LAW**

Section 15.3.1 of the Ridgeline bylaws states to allow development in Pomfret's Ridgeline and Hillside Conservation Area primarily below the skylines so that no development shall break the skyline nor a ridgeline near the proposed development when viewed from Pomfret's Public Highways at any time of the year.

Section 15.6.14 of the Ridgeline Amendment pertains to Critical Public Vantage Points which refers to a point or place located on or immediately adjacent to a Class 1,2, or 3 Public Highway from where the proposed development is visible.

Section 15.6.17 of the Ridgeline bylaws refer to "Undue Adverse Effect". There is a two-step process in determining whether or not the proposed Land Development constitutes an "undue adverse effect"

Section 15.15 requires that no Ridgeline development be allowed which has an undue adverse effect on the scenic and natural beauty of an area as seen from significant viewpoints along Pomfret's public highways, or fails to meet various local and State health and pollution regulations, or causes unreasonable soil erosion.

### CONDITIONS

This decision is granted to the Applicants under the following Conditions:

1. The Permit, with Conditions, shall be binding upon the Applicants, their Successors and Assigns.
2. The Project shall be completed specifically as submitted on the Application, and as described in the Findings of Fact, listed above. Subdued colors shall be used for exterior siding and roof materials. No reflective materials shall be used. Any deviation from these plans, including renovations raising the building elevation or increasing the building's footprint, must be approved by the Planning Commission prior to development.
3. Trees outside the building site and the slope of the land from the proposed single-family dwelling shall not be cut without prior approval from the Planning Commission, as this stand of trees provide the only screening on the Applicant's land, and within his control.
4. Any exterior lighting shall be shielded so the light source is not visible from the Critical Vantage Point.
5. It has been determined by the Planning Commission that the proposed single-family dwelling does not cause an undue adverse effect on the area

Members William Emmons (Chair), Orson St. John (Vice-Chair), John Moore, Nelson Lamson, and Ann Reynolds all voted in the affirmative.

Dated at Pomfret, Vermont, this 17 day of June, 2020.

  
\_\_\_\_\_  
William Emmons, Chairman

## 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.