

**Town of Pomfret Special Selectboard Meeting Agenda**  
**Town Offices**

5238 Pomfret Road  
 No Pomfret, VT. 05053  
 Wednesday, May 5, 2021  
 7:00 p.m.

Agenda	Presenter	Time Frame
1. Call to Order	Chair	7:00 pm
2. Public Comment		
3. Agenda review		
4. Recurring Items <ul style="list-style-type: none"> <li>a. Approval of 04/21 &amp; 29/2021 minutes</li> <li>b. Warrants for approval</li> <li>c. Road Foreman's Report</li> </ul>		
5. Items for Discussion or Vote <ul style="list-style-type: none"> <li>a. Pomfret Road underdrain and ditching</li> <li>b. Teago Right-of-Way</li> <li>c. CDL Requirements Road Crew</li> <li>d. Library Parking</li> <li>e. Herbie Hill – 695 Allen Hill Rd</li> <li>f. Zoning Permit Fees</li> <li>g. Veterans' Memorial</li> <li>h. Open meeting law &amp; video streaming</li> <li>i. Library Trustee</li> <li>j. Labounty Trustee</li> <li>k. Silo Distillery Permit</li> </ul>		
6. Meeting Wrap-up		
7. Select Board Correspondence		
8. Review of Assignments		
9. Agenda Items for Next Meeting		
10. Meeting Adjournment		

- <https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09> to start or join a scheduled Zoom meeting  
 Join Zoom Meeting via Mobile Phone +19292056099,,953950799233#,,1#306922
- Join Zoom Meeting via Landline or Mobile Phone Dial +1 301 715 8592, followed by the Meeting ID: 953 9507 9923 and Password: 306922

Town of Pomfret Select Board  
Draft Minutes, 04/21/2021 Meeting

Present: Emily Grube, Steve Chamberlin, Jon Harrington, John Peters, Chuck Gundersen

Public: Jim Potter (Road Foreman), John Moore (Planning Commission), Cathy Peters, Joanna Long, Rebecca, Ben Brickner (Auditor, Zoning), Sean Williams, Teresa Miele (HR consultant)

Call to Order Executive Session No action taking  
Adjourn Executive Session  
Call to order SB meeting 7:05 Public Comment no

Agenda Review no Recurring Items

1. Approval 04/07/2021 minutes: 5f Scott did not second. Chuck did. 5O Chris not Christ.
2. Warrants for Approval – Emily moved and Chuck seconded approval the following  
  
Warrants for Payment: unanimous roll-call vote 21094 \$ 6312.00 Payroll  
21095 19,292.86 Accounts Payable
3. Road Foreman's Report: Jim has scheduled the loader for a 4000-hour service and is waiting to hear the cost estimate from Nortrax. The crew have been grading the roads and dealing with erosion along the edges of the roads. Will be touching iup some blacktop where it is eroded. Western Star has been delivered to Sabil for transmission work. Has had a burnt odor. A resident of Kenyon Hill will be having some rocks crushed and has offered them to the town. The excavator damage is 6686.75 (with \$1000 deductible); Jim feels he may be able to parts and perform some of the repairs himself only a couple hours. Rich Gardner, Barber Hill, has decided not to add to his driveway access but would like to have suggestions for improvement. Jim, Chuck, and Jon will perform a site visit on Thursday at 4 pm. VTRANS will be repairing I89 from VT line to Sharon in June including milling. They have offered the RAP (recycled asphalt pavement) to us for free (we truck it away). Jim would like to do this as the material is excellent for shoulder repairs; Jon agrees. Jim mentioned the Town Garage needs a ventilation system upgrade. Cynthia will call area vendors.

Items for Discussion or Vote

- a. Employee Handbook – Teresa Miele is in attendance tonight for further updates of the Employee Handbook. She has been working with Ellen, Jim, and Chuck. She took the Board through several revised categories and asked for input from all. This covered a Welcome Letter; health insurance, disability insurance, employee classification, flexible work arrangements

(unpaid leaves of absence), combined time off (CTO), Federal and State regulations, telephone, travel and entertainment, meal breaks etc. She has asked the Board to read and comment before she returns. This handbook is meant to be completed by the end of May.

2. Underdrain and Ditching. Jon Harrington would like to install some underdrain and ditching on the Pomfret road between Handy and Kenyon Roads prior to the paving project. He demonstrated via photo the damage being done at the present. Jim is all in favor as is the Board. Emily would like to check the current budget figures to see what is available to help with the cost. Jon felt it could possibly come out of the paving fund for this project. Paving bids are submitted and due back. May 17<sup>th</sup>. We will check budget figures and revisit at next meeting and have Jim dig some test pits to determine what is feasible.
3. VTRANS Bicycle and Pedestrian Program. Emily distributed information regarding this funding possibility. Jon will attend a workshop on 04/27 to get more information. This could be combined with Dolan's contribution for So. Pomfret village improvements now that Teago is finished.
4. Teago Access and Permitting Process – Joe Mclean has given advise on how to proceed. He feels the final plan needs to accurately depict all information. The last plans were submitted in October. Gurney is still working; perhaps they have final site-work plans. Will schedule a site visit. Jim is concerned about a slab over a drainage area.
5. Highway Access Permits – Jon submitted an edited document (last was in 2009) using VTRANS v71 standards. He also mentioned there were about a dozen. Driveway permits that need to be signed off after inspection. Further discussion is warranted re: residential vs. agricultural, etc.
6. Furnace Replacement is set up with Ottaquechee Plumbing in the next few weeks. They will schedule on a non-work day and call ahead to schedule.
7. Open Meeting Law and Video Streaming – postponed to next meeting
8. Veterans Memorial – postponed

#### Meeting Wrap Up

- a. Correspondence has been distributed
- b. Review of Assignments. – Jon to attend Bicycle-pedestrian meeting on 4/27; John will check with Becky and Ellen re: furnace replacement; Library trustee needs a letter;
- c. Agenda items for next meeting: OML, Employee Handbook, Veterans Memorial, Highway Permit Access; Underdrain financing. Library trustee; Labounty Fund Trustee
- d. Steve moved and John seconded for adjournment at 9:44; unanimous roll-call vote

Town of Pomfret Selectboard  
Draft Minutes  
04/29/2021 Special Meeting

Present: Emily Grube, Steve Chamberlin, Chuck Gundersen, John Peters, Jon Harrington

Public: Ann Bowers (Library), Betsy Rhodes (Library), Alan Graham (ECFiber, Tree Warden), Joanna Long, Marge Wakefield (Trustee of Public Funds), Ben Brickner (Auditor, Zoning), Cynthia Hewitt (Selectboard Assistant)

1. The meeting was called to order at 7 pm
2. No public comment
3. No change to agenda
4. Items for Discussion or Vote
  - a. Extend Pomfret Road closure for another month. Teago is not yet finished and requested a 30-day extension on road closure. The barricades need to be removed, striping needs to be done, as well as landscaping, parking, signage, crosswalk, etc. Chuck, Jon, Jim, and Emily did a site visit this week. John moved for approval, Steve seconded. C. The board voted unanimously in a roll-call vote to extend for 30 days. Another site visit will be necessary before approving opening of the road.
5. Meeting Wrap-up
  - a. No correspondence
  - b. Agenda for next meeting  
Zoning Permit Fee changes, Library Trustee, Library Parking, Herbie Hill, Silo Catering, Veterans Memorial, Labounty Fund Trustee
  - c. Steve moved Chuck seconded adjournment at 7:10 pm



# TOWN OF POMFRET, VERMONT

ZONING BOARD OF ADJUSTMENT

April 28, 2021

VIA ELECTRONIC MAIL

Selectboard  
Town of Pomfret  
5218 Pomfret Road  
North Pomfret, Vermont 05053  
Attention: Emily Grube, chair [emily.grube@pomfretvt.us](mailto:emily.grube@pomfretvt.us)

**ZONING AND LAND USE PERMIT FEES UPDATE**

Dear Emily:

On behalf of the Zoning Board of Adjustment (ZBA), I am pleased to submit for the Selectboard's consideration the enclosed memorandum and recommendations to revise the current schedule of zoning and land use permit fees for the Town of Pomfret.

The enclosure is the culmination of a multistep process undertaken by the ZBA, including development of cost estimates for administering Pomfret's current zoning and land use ordinances, review of other Vermont towns' permit fees, and internal deliberations informed by our collective experience as ZBA members.

Thank you for your time and consideration. We would be pleased to answer any questions the Selectboard may have.

For the Zoning Board of Adjustment,

*Alan Blackmer, chair*

Enclosure (1)

Cc: Becky Fielder, Town Clerk, [clerk@pomfretvt.us](mailto:clerk@pomfretvt.us)  
William B. Emmons III, Chair, Planning Commission, [wbemmons3@gmail.com](mailto:wbemmons3@gmail.com)

Karen Hewitt Osnoe, Zoning Administrator, *karen.hewitt@pomfretvt.us*

To:	Selectboard
From:	Zoning Board of Adjustment
Date: April	28, 2021
Subject:	Zoning and Land Use Permit Fees Update

### **SUMMARY**

The Zoning Board of Adjustment (ZBA) has reviewed the Pomfret Zoning Permit Fee Schedule adopted August 19, 2010. As explained below, the ZBA recommends revising the current schedule by adopting the new schedule attached to this memorandum. The attachment reflects three types of changes:

- Addition/removal of fee types that are/are not relevant under Pomfret's current zoning and land use ordinances;
- Updates in fee levels generally to cover a greater proportion of the actual cost to administer Pomfret's zoning and land use ordinances; and
- Addition of a late fee to incentivize land owners to obtain permits before beginning work that requires one.

The recommended changes and updates are discussed further below.

### **GENERAL FEE UPDATES**

Zoning permit fees in Pomfret have not been updated in more than ten years. In the meantime, Pomfret's zoning and land use ordinances have changed substantially and the cost to administer them has increased significantly.

For example, the cost to review and consider a typical permit application for a conditional use is roughly \$550, while the fee for such permit is only \$135.

Conditional use applications are among the most common. Costs include publication of the ZBA hearing warning, land records recording, abutter mailings, and review by the Zoning Administrator (ZA) at the applicable hourly rate (members of the ZBA are unpaid volunteers).

With the ZA's help, the ZBA performed similar calculations for other permit application types. Under the current fee schedule, we estimate that applicants on average shoulder about 25% of the cost to consider these applications, with taxpayers picking up the remaining 75%. The ZBA believes this cost-sharing should be rebalanced such that applicants and taxpayers share this burden equally. The attached fee schedule reflects the ZBA's best estimate for doing so. While these changes represent a substantial increase in zoning permit fees in Pomfret, this is in part because current fees have not been updated in more than a decade. Moreover, the attached is comparable to fees imposed by other Vermont towns reviewed by the ZBA. The ZBA also considered other cost-sharing arrangements. However, we believe it would be unfair to ask taxpayers to shoulder most (as they do now) or all such costs. Conversely, we also believe would be inappropriate to ask applicants to do so, for two reasons:

- A larger increase could create a hardship and encourage land owners to proceed with land use or development without first obtaining required permits; and
- Pomfret's zoning and land use ordinances benefit all residents and it is appropriate that the cost to administer them be shared at least in part by the taxpayers.

#### **NEW LATE APPLICATION FEE**

In the last eighteen months, Pomfret has seen a tremendous increase in land use and development activity. At the same time, the ZA and the ZBA have seen an increase in the number of permits applied for after work requiring a permit had already begun, and in some cases after work was already complete.

Late permit applications impede the ZA and the ZBA's ability to review and consider land use as required by our zoning and land use ordinances. Once work has commenced, what might have been a minor condition (screening, for example) may become a big headache for applicants. In practice, the ZA and the ZBA are reluctant to impose conditions that severely burden applicants.

Late permit applications therefore harm the town by limiting how our zoning and land use ordinances are enforced. They deprive neighboring landowners from prior review of nearby land uses that may affect their quality of life. And they create perverse incentives to seek forgiveness rather than permission to develop land.

For these reasons, the ZBA believes a late fee should be added to the schedule. While this will not solve every problem described above, it will incentivize applicants to approach zoning and land use the correct way: by obtaining permits before beginning work that requires them. Woodstock recently adopted this approach and added a late fee to its schedule of fees. So as not to delay urgent work from commencing, the late fee proposed in the attached would be waived upon an applicant's showing that an emergency existed.

**ATTACHMENT TO**

Memo re: Zoning and Land Use Permit Fees Update

**POMFRET ZONING AND LAND USE PERMIT FEE SCHEDULE**

*adopted [ \_\_\_\_\_ ], 2021*

**Permit Fees:**

<b>Type of Permit</b>	<b>Description</b>	<b>Fee</b>
New Home <sup>1</sup>	<i>all</i>	\$300 + 0.20/sq. ft.
Accessory Dwelling Unit <sup>1</sup>	<i>all</i>	\$300 + 0.20/sq. ft.
Accessory Building <sup>2</sup>	over 24x24x15 ft.	\$150 + 0.20/sq. ft.
Addition – Major	over 500 sq. ft.	\$100 + 0.20/sq. ft.
Addition – Minor	up to 500 sq. ft.	\$100
Home Business	<i>all</i>	\$100
Driveway Access Road <sup>3</sup>	<i>all</i>	\$100
Pond	<i>all</i>	\$100
Subdivision – Minor	fewer than 4 lots in 15 yrs.	\$100
Boundary Line Adjustment	no new lot created	\$50
Other Permits <sup>4</sup>	<i>all</i>	\$100
<b>LATE FEE<sup>5</sup></b>		<b><i>all</i> \$200</b>

**Notes:**

1. Septic permits are now processed by the Vermont Department of Environmental Conservation. See <https://dec.vermont.gov/water/programs/ww-systems/programeducation>.
2. No fee is required for accessory buildings under the size described above; however, permit applications must be submitted to ensure the structure meets required setbacks.
3. No fee is required for agricultural and forestry access roads; however, permit applications must be submitted to ensure the access road complies with Pomfret’s Highway Ordinance.



4. Farm buildings are exempt by state law; however, permit applications must be submitted to ensure the structure qualifies for the farm exemption and meets required setbacks.
5. The late fee applies when any work requiring a permit begins before the required permit is obtained. The late fee will be waived upon a showing by the applicant that the work was necessary to address imminent personal harm, property damage or a threat to public safety.

**Hearing Fees:**<sup>1</sup>

Type of Application	Fee	Warning	Compliance Certificate	Total
Conditional Uses <sup>2</sup>				
Kennel	\$300	\$150	\$50	\$500
Wind Energy Systems	\$300	\$150	\$50	\$500
Telecommunications Towers and Facilities	\$300	\$150	\$50	\$500
Mobile Home Parks	\$300	\$150	\$50	\$500
Other Conditional Uses	\$150	\$150	\$50	\$350
Subdivision – Major	\$350	\$150	–	\$500
Visual Impact Approval ( <i>Ridgeline and Hillside</i> )	\$150	\$150	–	\$300
Variance and Appeal	\$150	\$150	–	\$300

**Notes:**

1. Hearing fees are in addition to the permit fees listed above and the cost of any additional information the Zoning Board of Adjustment may request in order to review an application.
2. A certificate of compliance is required for all permits obtained upon conditional use approval before occupancy of the approved structure or commencement of the approved use is authorized.

**Send Completed Applications to:**  
Town of Pomfret  
5218 Pomfret Road  
North Pomfret, Vermont 05053  
Attention: Zoning Administrator

### Questions?

Visit our website to contact the Zoning Administrator  
<http://pomfretvt.us/index.php/dep/planning-zoning/zo1/>

## **POMFRET HAS ZONING!**

### ***Are you:***

- Building a home, bridge or other structure?
- Changing the footprint or elevation of an existing home, bridge or other structure?
- Building, filling, grading or performing other work in a flood zone?
- Building, filling, grading or performing other work within 750' of a ridgeline?

### ***If so, you may need a development permit!***

As a landowner, you are responsible for obtaining all required permits before beginning work. Failure to do so could result in monetary penalties. You may also be required to correct any violation, including removal of unpermitted homes, structures or other development.

Please help us keep Pomfret beautiful and safe by following the Zoning Ordinance and Flood Hazard Area Regulations, which are available on the Town website.

When in doubt, ask! Visit our website to contact the Zoning Administrator:  
<http://pomfretvt.us/index.php/dep/planning-zoning/zo1/>.

### **REMEMBER**

***You must obtain all state and local permits  
before beginning work***



Request to Cater Malt, Vinous and/or Spifimous I.ips

\$20.00 Fee (must be included)

License Number: # 8039-003-CATR-001

Licensee Name: American Crafted Spirits, Inc.

Doing Business as: SILO Distillery

Street: 3 Artisans Way Town/City Windsor, VT 05089

Contact Name & Phone: Mary Shappell 910-265-7788

Email or Fax: Mary@silodistillery.com

license Numbe:

BE SURE TO READ NSTRUC'IONS BLOW, BEFORE COMPLETING APPLICATION

- 1) Describe type of event: Artistree gallery event
- 2) Location of event: Artistree 2095 Pamfret Rd. So. Pamfret,
- 3) Date of event: May 21, 2021 Friday
- 4) Hours of operation from beginning to end: 5:30pm - 7:30pm
- 5) Approximate number of persons expected:

Signed: Mary Shappell Date: 4/27/2021

Each catered event must have approval from the Town/City before submitting this application to Liquor Control.

- 3)
- 4)
- 5)

mese check

Appmved

Disprovd

---

Town/City Cle&s SWnue (Catered location) Town/City

Da

te stJBMrr THIS APPLICATION TO DLC AT LEAST 5 DAYS PRIOR TO  
Evm•rr

**DIRECTIONS:**

- 1) Submit to Town/City Cle\* fot approval govn/City Cle&will DLO.
- 2) FÜwaUlprconeol lavs and t.ladons (vhatappües to a **end. to** first and Bense dass  
applies åe eerr's **ist or**
- 3) Must Inv'; defined are for serving and consumpdon desipted
- 4) Must have sqamte tonet and lavatory avanable for bodi men and woman.
- 5) Provide suffdent numbe ofemployees for cmrol puposes.

Rev.

Scanned with CamScanner