

TOWN OF POMFRET
Zoning Board of Adjustment

Minutes and Memorandum of Decision

Permit Application: #ZP22-04
Property Address: 1377 Pomfret Road, Pomfret
Parcel No.: 0107
Parcel Size: 12.95 +/- acres

Property Owner: Carl and Christine Bulgini
1377 Pomfret Road
Pomfret, Vermont

Applicant: Carl and Christine Bulgini
1377 Pomfret Road
Woodstock, Vermont 05091

I. Introduction and Procedural History

A. Application

Carl and Christine Bulgini are seeking to convert an existing detached shed to a two-bedroom, single family home.

The Zoning Permit Application ZP22-04 (the Application) dated April 4, 2022 was referred to the Zoning Board of Adjustment (ZBA) for conditional use review by the Zoning Administrator (ZA) on April 4, 2022. The Application and all supporting documents are on file with the ZA.

On April 5, 2022, notice of a public hearing was posted at the Town Clerk's Office, Teago General Store and on the Pomfret Vermont website (pomfretvt.us). On April 7, 2022, notice was published in *The Vermont Standard*. The ZA notified the property abutters of the site visit and hearing.

B. Site Visit and Public Hearing

Following a site visit at the property on April 26th, 2022 at 5:00 pm, the ZBA considered the Application at a public hearing on April 26th, 2022 at 6:30pm.

- Present at the site visit were all members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Phil Dechert, Shaun Pickett, Seth Westbrook. Also present were Karen Hewitt Osnoe (ZA), Carl Bulgini (Applicant), Christine Bulgini (Applicant), Brad Ruderman (Engineer for the Applicant), Jason Eaton (abutter) and Jody Eaton (abutter).

- Present at the hearing were the all members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Phil Dechert, Shaun Pickett, Seth Westbrook. Also present were Karen Hewitt Osnoe (ZA), Carl Bulgini (Applicant) and Christine Bulgini (Applicant).
- The meeting was opened at 6:56 pm by ZBA chair Alan Blackmer after the previous hearing concluded.
- At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. Carl Bulgini and Christine Bulgini were sworn in by Alan Blackmer (ZBA chair). Jason Eaton, Jody Eaton and Peter Gebhardt (abutter) were granted interested party status via an email request to Karen Hewitt Osnoe (ZA).
- During the hearing the following testimony was heard from the Bulginis:
 - The existing residence and detached shed will share a driveway, water well and wastewater system. No study has been made to determine if separate public right-of-way access, water or wastewater facilities for the shed are feasible.
 - Electric and other utilities for the shed will be via the existing residence.
 - During the hearing, the Bulginis elected to withdraw their request for conditional use approval of a two-bedroom, single family home. The Bulginis stated their intent was to instead amend their Application to seek approval of a one-bedroom Accessory Dwelling Unit (ADU).

II. Applicable Regulations

- Under the Pomfret Zoning Ordinance (the Zoning Ordinance), any land use that is not exempt, permitted, or prohibited is a conditional use.
- Conversion of the existing shed to a two-bedroom, single family home is neither exempt from the Zoning Ordinance nor eligible for an administrative permit from ZA. Therefore, conditional use approval by the ZBA is required.
- Conditional uses must meet the general standards in Section 4.1, the general conditional use standards in Section 4.2 and any applicable special standards in Article 5 of the Zoning Ordinance. Additional limitations in Section 4.4 apply to “Non-Conforming Structures” that do not conform to the Zoning Ordinance but are otherwise lawfully existing.
- Section 4.6 of the Zoning Ordinance prohibits construction of more than one principal building (not including an accessory dwelling unit or accessory structure) on an undivided lot unless any additional principal buildings (and any accessory

buildings) are positioned such that the lot can be subdivided in accordance with all applicable Town and State regulations.

III. Findings and Conclusions

- No findings or conclusions were made by the ZBA as the Applicant has withdrawn their request for conditional use approval of a two-bedroom, single family home.

IV. Decision

Based on information presented to the ZBA, the findings and conclusions described above, the ZBA makes the following decision:

- A. Based on the pending application being withdrawn, the Zoning Board of Adjustment upon deliberation **dismisses, without prejudice**, application #ZP22-04 for conversion of an existing detached shed to a two-bedroom, single family home. A new or amended permit application may be resubmitted at a later date should the Applicant choose to do so.

V. Conditions and Limitations

- No conditions or limitations were imposed by the ZBA as the Applicant has withdrawn their request for conditional use approval of a two-bedroom, single family home.

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This Decision approved at Pomfret, Vermont, as of this 5th day of May, 2022.



Alan Blackmer, chair
Zoning Board of Adjustment

ZBA members Alan Blackmer, Benjamin Brickner, Phil Dechert, Shaun Pickett and Seth Westbrook voted in the affirmative.

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.