

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

Decision – May 18, 2022
Permit Number ZP22-06

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

PUBLIC HEARING DATE: May 9, 2022

APPLICANTS & OWNERS: Silver Birch Properties, LLC
David Beilman, Architect
P.O. Box 157
South Pomfret, VT 05067

POMFRET PROPERTY ADDRESS: 679 Tom White Hill Farm, South
Pomfret

NATURE OF APPLICATION

On Monday April 18, 2022, Karen Hewitt Osnoe, the Zoning Administrator, submitted an Informal Application from David Beilman, representing applicant, Silver Birch Properties, LLC, for a Ridgeline Hearing to the Pomfret Planning Commission for review. This application requested permission for renovations and additions on the "upper core" to the existing residence which consists of porches, mud room and den. Replacing doors and windows. Adding a barn with future enclosed pool. Adding 15KW solar array. Adding a greenhouse. On the "lower core" adding a new 3 bedroom single family home with a 2 car garage. Addition of a 10 stall barn and a gate house. The Pomfret Planning Commission scheduled a hearing on May 9th, 2022 upon request for an expedited hearing from the applicant.

The application materials include:

1. The application form;
2. A photo by David Beilman notating the view of Tom White Hill Farm from Cloudland Road vantage point.
3. A rendition of Google Earth showing the neighboring roads.
4. A proposed site improvements drawing dated 03-10-2022.
5. Architectural drawings of the addition titled Barn 3- Plan View, Barn 3- East Elevation, Barn 3- West Elevation, Barn 3-North Elevation, Barn 3- South Elevation, 1st Floor Plan R-3, Proposed Site Plan- Upper Core, Lower Core, Lower Core- Perspective, Lower Core Gate House, 2nd Floor Plan R-3, all dated 3/10/2022 and 3/11/2022.
6. A copy of the wastewater permit WW-3-3300
7. A copy of the State permit case number 21-3874-NMR for the solar array

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 9, 2022, 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 21st, 2022. Notices of the hearing were posted more than 15 days in advance at the Pomfret Town Clerk's Office, The Teago General Store, and The Pomfret VT. Website.
3. The site visit was conducted on May 9th 2022. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Pomfret Planning Commission members: Nelson Lamson, John Moore, Tyler Haire and Cyrus Benoit. David Beilman (applicant), Karen Hewitt Osnoe (Zoning Administrator), Emily Anderson (Abutter) and Alden Anderson (Abutter).
4. At the site visit, David Beilman advised the barn as indicated in the accompanying site plans is deemed in the "upper core",

- there will be a porch on the top floor and a porch on the bottom floor.
5. The barn (Barn 3) that would house the pool is indicated to be below grade and can't be seen from the vantage points on Cloudland Road or Webster Hill Road.
 6. It was noted that the current storage boxes on site are temporary.
 7. It was noted that all structures would be dark green in color with asphalt shingle roofing material to blend into the surrounding area.
 8. The addition of the porch on the existing building would be 8'6" x 40'. Dormers will be added on existing building.
 9. The "lower core" new single-family dwelling will be placed approximately where the original, circa 1800, farm house was sited.
 10. The existing driveway will be moved to where the proposed gate house (20'x36') would be placed. The new driveway will pass through the gate house.
 11. All outside lights will be downward facing and not visible from the surrounding area.
 12. Roofing on the proposed buildings will be asphalt shingles, with the exception of flat matte black standing seam for the garage. Clapboard or barn plank siding of an evergreen color for the stall barn.
 13. It was determined that there was a minimal vantage point from the "pink house" on Cloudland Road on the area deemed "upper core" as since it is approximately 1.3 miles away.
 14. It was determined that there was a vantage point at the confluence of Webster Hill and the Pomfret Road regarding the "lower core" area.
 15. The warned public hearing at the Pomfret Town Office was opened by Bill Emmons promptly at 7:10 pm. Those attending were Pomfret Planning Commission members: Bill Emmons (PPC Chair), Nelson Lamson, Cyrus Benoit, John Moore, Tyler Haire, Karen Hewitt Osnoe (ZA), David Beilman (applicant), Emily Anderson (abutter), Alden Anderson (abutter), Libbie Anderson. Present via Zoom meeting were Sara Lacy (abutter), Mitchell

Kase (abutter), Stephen Hamilton (abutter), Edna Hamilton (abutter), and Jason Schauble (applicant).

16. David Beilman, Emily Anderson, Alden Anderson, Sara Lacy, Mitchell Kase, Stephen Hamilton, Edna Hamilton and Jason Schauble were sworn in by Bill Emmons as interested party status.
17. Stephen Hamilton expressed concern about the property in regards to the 3 "barns" with lots of porches and lots of construction. He asked if there are any floor plans for the pool barn and if it will be used as a residence?
18. Jason Schauble stated that there are no intentions of turning the barn in question into a residence.
19. David Beilman stated that plans are to be a sustainable farm going off grid eventually. The bathroom in the pool house would be connected to the existing permitted septic for the main house. A gym/pool and gathering place with recreational facilities would be housed in barn 3.
20. Alden Anderson asked "Could the PPC restrict if the applicants wanted to eventually turn into a residence?"
21. As previously stated by Jason Schauble, there are no intentions of turning the barn in question into a residence.
22. Mitchell Kase commented about the enlargement of the existing house. It was stated that renovations on the existing house are currently in progress and applicants are waiting for Ridgeline approval to start any additions.
23. It was deemed by Karen Hewitt Osnoe (ZA) that no unpermitted construction has occurred. The current construction of the shed roof addition was previously permitted. There was dirt work done and a new driveway being installed.
24. Mitchell Kase gave great concerns of work being done to change the top of the hill with mass construction. He is concerned about lighting, concerned about the 20'x36' gate house, concerned about water/wastewater issues. David Beilman stated all lights would be dark sky lighting and downward facing. Lighting would be low voltage LED. Gate house lighting will not come on until a car passes through it.
25. Alden Anderson stated that on Webster Hill all was highly visible on the lower core area.

26. Sara Lacy stated that they had an easement on the property on the lower core for septic. Jason Schauble stated that he was aware if the easement.
27. Sara Lacy stated that she was concerned about water and water quality issues.
28. Alden Anderson stated that previous remarks to solar being State regulated and was working on a plan to address solar placement since it is an issue with the abutters.
29. Edna Hamilton asked if solar panels can be roof placed as opposed to the field. It was deemed that it was the applicant's choice to have field or roof mounted solar panels. The Town plan encourages rooftop solar placement.
30. Emily Anderson stated that a lot of houses- 5 if not 6 structures in the Ridgeline. Will this set a precedent? Do they need that many structures? Does the gate house need to be where the proposed area is?
31. Mitchell Kase asked if Article 4.2 of the Zoning Ordinance applied to this application or if only the Ridgeline Ordinance was concerned. ZA Karen Hewitt Osnoe stated that section 4.1 was the ordinance in concern because this is a single-family residence and does not fall under a conditional use.
32. The hearing was adjourned at 8:13pm followed by deliberation on the permit.

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 15.6.13 of the Ridgeline bylaws refers to "Screening" natural or newly planted trees or shrubs which at the time of approval or at

the time of planting would have the effect of properly and adequately concealing from view as of the initial completion of the Proposed Land Development and at all times of the year any building or part thereof in a Ridgeline and Hillside Conservation Area as viewed from a Public Highway. Such screenings may allow views through it from the building being concealed.

Part 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. (a) Duration of the view. (b) Frequency of the view (c) The degree of obstruction. (d) Contributing or detracting background (e) the distance to the view and (f) the number of cars traveling

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 the Planning Commission before granting Visual Impact Approval that the proposed Land Development shall satisfy the following general criteria (a) the proposed Land Development will not have an undue adverse effect on the scenic and natural beauty of the land proposed to be developed as viewed from Significant Viewpoints on Pomfret's public Highways and b) the proposed Land Development will not cause unreasonable soil erosion so that a dangerous or unhealthy condition may result.

CONDITIONS

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

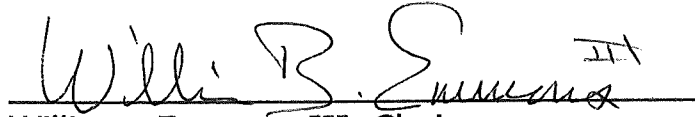
1. The Permit, with Conditions, shall be binding upon the Applicants, their Successors and Assigns.
2. The Project shall be completed specifically as submitted on the Application and architectural plans, and as described in the

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 construction.

3. The existing trees along the perimeter of the property that currently provides the screening from the public highway are not to be cut.
4. The applicant will comply with the screening plan (5/13/2022) as submitted allowing for the use of all deciduous trees be a minimum of 3" caliper and all evergreen trees (Norway Spruce) be a minimum of 10'. The screening will be maintained and existing trees noted in the screening plan will be replaced as needed.
5. Any exterior lighting shall be shielded downward.
6. The Cloudland Road Vantage Point to the proposed development site is 1.3 miles away. There is a mountain to the west of the development thus the proposed development is in the plateau below. The view to the development is a right angle to the view looking ahead on the road.
7. There is a second vantage point located at the intersection of the Pomfret Road and Webster Hill Road. The distance to the site is more than .5 mile. There are trees and houses to the South on Webster Hill Road that obscure the view to the Proposed Development
8. It has been determined by the Planning Commission that the development as proposed in Permit Number ZP22-06 does not have an undue adverse effect as detailed in Section 15.15.

Members Bill Emmons, John Moore, Nelson Lamson, Tyler Haire and Cyrus Benoit all voted in the affirmative.

Dated at Pomfret, Vermont, this 20th day of May 2022.

A handwritten signature in cursive script that reads "Williams Emmons III". The signature is written in black ink and is positioned above a horizontal line.

Williams Emmons III, 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 Pomfret Planning Commission. 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.