

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

**Decision – August 1, 2022**  
**Permit Number ZP22-23**

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

PUBLIC HEARING DATE: July 18, 2022

APPLICANTS & OWNERS: Alden and Emily Anderson  
25 Holden St. #2517  
Providence, RI 02908

POMFRET PROPERTY ADDRESS: 535 Tom White Hill Road, South Pomfret

### **NATURE OF APPLICATION**

On Tuesday June 28, 2022, Karen Hewitt Osnoe, the Zoning Administrator, submitted an Application from Alden and Emily Anderson for a Ridgeline Hearing to the Pomfret Planning Commission for review. This application requested permission for a 24' x 20' addition to an existing barn and the Pomfret Planning Commission would schedule a hearing.

The application materials include:

1. the application form;
2. architectural drawings of the addition

### **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 July 18<sup>th</sup> 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 June 30<sup>th</sup>, 2022. Notices of the hearing were posted more than 15 days in advance at the Pomfret Town Clerk's Office and the North Pomfret Post Office.
3. The site visit was conducted on July 18<sup>th</sup> 2022. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Pomfret Planning Commission members: Nelson Lamson, Tim Reiter, John Moore and Cyrus Benoit. David Bloch (representative for Jason Schauble of Silver Birch Properties, Abutter), Alden Anderson (applicant), Emily Anderson (applicant) and Karen Hewitt Osnoe (Zoning Administrator).
  4. At the site visit, Alden and Emily Anderson advised that the addition to the existing barn would be 24ft x 20ft with the roof flowing with the existing barn roof.
  5. It was determined that there were no vantage point issues from any town road due to the remoteness of the building site within the Ridgeline and Hillside Conservation area.
  6. At the site visit it was noted that the slab foundation to the building addition was already poured prior to a permit being granted. Applicant advised that the slab was poured when the excavator was at the site to fix the rotten posts on the existing barn.
  7. The warned public hearing at the Pomfret Town Office was opened by Bill Emmons promptly at 8:08pm. Those attending were: Bill Emmons, Nelson Lamson, Cyrus Benoit, John Moore, Tim Reiter, Ben Halley, Alden Anderson, Emily Anderson, Karen Hewitt Osnoe.
  8. Jason Schauble, Mitchell Kase and Sara Lacy were present via Zoom.
  9. During the hearing, Jason Schauble asked if the construction started prior to permit. Alden Anderson answered that a concrete slab was poured when the original building was being renovated.
  10. It was stated during the hearing that no existing trees are to be cut so to maintain the present sufficient screening.
  11. The hearing closed promptly at 8:19pm.

### **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.

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.

### **Failure to Timely Obtain Permit**

In the Town of Pomfret, if a use, development or structure is not exempt from Pomfret Zoning Regulations Ridgeline and Hillside Conservation Areas, a permit must be obtained before any such use or development may commence, and before any such structure may be built. Failure to do so is a violation subject to the enforcement actions and penalties described in this ordinance.

Here the concrete slab was poured before permit was issued, in violation of the Ridgeline and Hillside Conservation Areas. As per the Pomfret Zoning and Land Use Permit Fee Schedule which was adopted June 2, 2021 a late fee of \$200.00 is to be assessed.

### **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 buildings footprint, must be approved by the Planning Commission prior to development.

3. The existing trees along the perimeter of the property that currently provides the screening from all public highways are not to be cut.
4. Any exterior lighting shall be shielded downward.
5. It has been determined by the Planning Commission that the proposed addition to an existing barn does not cause an undue adverse effect on the area.

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

Dated at Pomfret, Vermont, this 11<sup>th</sup> day of August 2022.



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 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.