

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

Decision – August 25, 2022
Permit Number ZP22-13

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

PUBLIC HEARING DATE: July 18, 2022

APPLICANTS: H+H Custom Builders, Ben Halley
667 Dunham Hill Rd
Woodstock, VT 05091

OWNERS: Mitchell Kase & Sara Lacy
581 Tom White Hill Rd
South Pomfret, VT 05067

POMFRET PROPERTY ADDRESS: 581 Tom White Hill Road, South Pomfret

NATURE OF APPLICATION

On Monday May 2, 2022, Karen Hewitt Osnoe, the Zoning Administrator, submitted an Application from H+H Custom Builders, contractor for the property owners Mitchell Kase and Sara Lacy for a Ridgeline Hearing to the Pomfret Planning Commission for review. This application requested permission for construction of a 22' x 44' handicapped accessible garage with a bedroom attached to the existing house as well as an addition of a 14' x 14.5' living area and the Pomfret Planning Commission would schedule a hearing.

The application materials include:

1. the application form;
2. architectural drawings of the addition
3. architectural site plan
4. letter from Terry Shearer of the Department of Environmental Conservation
5. vantage point areas on public roads

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 23rd 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 May 5th, 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 May 23rd 2022. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Pomfret Planning Commission members: Nelson Lamson, Tim Reiter, John Moore and Cyrus Benoit. David Beilman (representative for Jason Schauble of Silver Birch Properties, Abutter), Alden Anderson (abutter), Emily Anderson (abutter), Sara Lacy (applicant), Mitchell Kase (applicant), Ben Halley and Karen Hewitt Osnoe (Zoning Administrator).
4. At the site visit, Sara Lacy and Mitchell Kase advised that the addition to the existing house would be use the existing driveway and the addition of the sunroom on the front of the building would have the same roof.
5. The warned public hearing at the Pomfret Town Office was opened by Bill Emmons promptly at 7:00pm. Those attending were: Bill Emmons (Pomfret Planning Commission chair), Nelson Lamson, Cyrus Benoit, John Moore, Tim Reiter, Ben Halley, Mitchell Kase, Sara Lacy, David Beilman, and Karen Hewitt Osnoe (Zoning Administrator).
6. Jason Schauble was present via Zoom.
7. David Bielman, Jason Schauble, Mitchell Kase, Sara Lacy, Alden Anderson, Emily Anderson and Ben Halley were all sworn in and granted Interested Party Status.
8. During the hearing, David Beilman stated that at Galaxy Hill intersection you can visually see the Kase/Lacy property. It was also noted that there was a vantage point in Cloudland Road.
9. The hearing closed at 7:30pm.
10. During deliberation it was determined that the application was incomplete and additional information was needed for the permit in regards to the Ridgeline and Hillside Conservation Area bylaws and the Pomfret Zoning bylaws.
11. The Pomfret Planning Commission tasked Karen Hewitt Osnoe, Zoning Administrator, to gather additional information from the applicant. Once all information was submitted a new hearing would be scheduled to finalize the application for permit ZP22-13.

12. Legal Notice of the Public Hearing, held on July 18th 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 30th, 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.
13. No site visit was conducted as a previous site visit was done on May 23rd, 2022.
14. The warned public hearing at the Pomfret Town Office was opened by Bill Emmons promptly at 8:00pm. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Nelson Lamson, Cyrus Benoit, John Moore, Tim Reiter, Ben Halley, Mitchell Kase, Sara Lacy, Alden Anderson, Emily Anderson, and Karen Hewitt Osnoe (Zoning Administrator).
15. Jason Schauble was present via Zoom.
16. The hearing was recorded.
17. Jason Schauble, Mitchell Kase, Sara Lacy, Alden Anderson, Emily Anderson and Ben Halley were all sworn in and granted Interested Party Status.
18. During the hearing, Jason Schauble asked if the existing septic system was rated for an additional bedroom. A letter of approval by Terry Shearer of the Department of Environmental Conservation was submitted into evidence.
19. The hearing closed at 8:05pm.

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.

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. Property owner is to replace any trees as needed to maintain the current screening.
4. In the future, should any existing trees that are off property no longer provide any screening from the building site to all public highways, property owner must provide a screening plan to the Pomfret Planning Commission at that time.
5. Any exterior lighting shall be shielded downward.
6. It has been determined by the Planning Commission that the proposed addition to an existing house which consists of a 22' x 44' handicapped accessible garage with a bedroom attached to the existing house as well as an addition of a 14' x 14.5' living area 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 29th day of August 2022.

A handwritten signature in cursive script that reads "William B. Emmons III". The signature is written in dark 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 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.