

TOWN OF POMFRET
ZONING BOARD OF ADJUSTMENT

Draft Meeting Minutes
May 11, 2023

MEMBERS PRESENT: Alan Blackmer (Chair), Susan Burgess, Seth Westbrook, and Benjamin Brickner (via Zoom)

MEMBERS ABSENT: Shaun Pickett

OTHERS PRESENT: Karen Hewitt Osnoe (Zoning Administrator), Michael Zube and Callie Brusegaard Zube (appellants), and John Moore.

This meeting of the Zoning Board of Adjustment (ZBA) is to hear an appeal by Michael and Callie Brusegaard Zube of the Notice of Violation (NOV) dated March 23, 2023, issued by Karen Hewitt Osnoe, Zoning Administrator (ZA), alleging violations of the Town of Pomfret Zoning Ordinance (Ordinance) and Flood Hazard Area Regulations (Flood Regulations).

The hearing was called to order by Alan Blackmer at 7:02 PM.

At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested person pursuant to 24 V.S.A. § 4465 an opportunity to demonstrate that the relevant criteria have been met. Abutters Sarabeth Hurst and Payton Hurst were granted interested person status based on their email request dated May 5, 2023.

Michael Zube, Callie Brusegaard Zube and Karen Hewitt Osnoe were sworn in.

ZBA Chair Blackmer explained that the NOV reflects the town's effort to enforce its land use regulations. The ZA described the Notice of Violation and the alleged violations of the Ordinance and Flood Regulations described therein.

The development in question is the conversion of a garage into an accessory dwelling unit, the structure of which is entirely within the Special Flood Hazard Area of Broad Brook and the setback required by the Ordinance, and partially within the town right-of-way along Broad Brook Road.

The appellants explained their understanding of the Ordinance and Flood Regulations, in particular that the prior Pomfret Zoning Ordinance was still in effect at the time the alleged violations occurred, and that the work constituting the alleged violations did not constitute a "substantial improvement" under the Flood Regulations. For these reasons, the appellants did not believe a zoning permit was necessary.

The ZBA asked the appellants to provide additional information regarding the timing and cost of the improvements that were made.

Alan Blackmer moved and Seth Westbrook seconded that the meeting be adjourned. The motion carried unanimously. The meeting was adjourned at 9:18 PM.