

Notice of Appeal

The Town of Pomfret appeals to the Pomfret Zoning Board of Adjustment the Administrative Officer/Zoning Administrator's determination letter dated April 28, 2017 (hereinafter the "Determination"), granting a request submitted in a letter from Peter DesMeules on behalf of Chippers (hereinafter the "Applicant") dated April 14, 2017, for the property located at 1241 Pomfret Road. Copies of the Determination and the letter dated April 14, 2017, are attached. The subject property consists of a 7.7-acre parcel of land on the westerly side of Pomfret Road.

Pursuant to 24 V.S.A. section 4465(b)(2), the Town of Pomfret is an interested person with standing to appeal because the Pomfret Zoning Ordinance is at issue and because the Administrative Officer exceeded his authority by making and issuing the Determination.

The Town of Pomfret requests that the Zoning Board of Adjustment grant it the following relief:

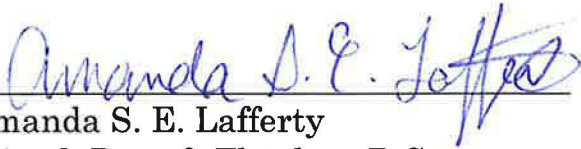
1. Declare the following:
 - A. The Administrative Officer lacked authority to issue the Determination and to make the determinations therein, without first referring an application for the proposed location of the uses, the storage and processing of wood, on the subject property to the Zoning Board of Adjustment for review under Part 7 and Section 11.3 of the Pomfret Zoning Ordinance, as required by Sections 7.1 and 10.2.3 of the Pomfret Zoning Ordinance, and
 - B. The Zoning Board of Adjustment's Findings and Decision dated May 19, 2016, in Application #ZP16-05, which incorrectly states that the uses proposed in Application #ZP16-05 are "grandfathered," does not grant the Administrative Officer any authority to issue the Determination, or to make the determinations therein, without first referring to the Zoning Board of Adjustment an application for the proposed location of the uses on the subject property for review under Part 7 and Section 11.3 of the Pomfret Zoning Ordinance, and

2. Deem the Determination void and without effect, and
3. Deny the Applicant's request in the letter dated April 14, 2017.

DATED at Burlington, Vermont this 12th day of May 2017.

TOWN OF POMFRET,
by and through its attorneys,
Stitzel, Page & Fletcher, P.C.

By:


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