

**TOWN OF POMFRET**  
**Zoning Board of Adjustment**

Minutes

Permit Application: #ZP20-01

Property Address: 2035 Pomfret Road, South Pomfret  
Applicant: The Pomfret Road General Store, LLC

1. Permit Application #ZP20-01 was considered by the Zoning Board of Adjustment at a public hearing on January 28, 2020 at following a site visit.
2. Present at the site visit were the following members of the Zoning Board of Adjustment (ZBA): Alan Blackmer (Chair), Michael Reese, Shaun Pickett, and Benjamin Brickner. Also present were Karen Hewitt (Administrative Officer), Ingrid Nichols, Kevin Worden, Betsy Rhodes, Anne Bower, Kevin Rice, Carol Lamson, Alan Graham, David Beilman, Christine Cole, Steven Horton, Kathleen Dolan, Seth Westbrook, and Jordana Jusidman.
3. Present at the hearing were the following members of the ZBA: Alan Blackmer (Chair), Michael Reese, Shaun Pickett, and Benjamin Brickner. Also present were Karen Hewitt (Administrative Officer and Clerk for the ZBA), Ingrid Nichols, Kevin Worden, Betsy Rhodes, Anne Bower, Kevin Rice, Carol Lamson, Alan Graham, David Beilman, Christine Cole, Steven Horton, Kathleen Dolan, Seth Westbrook, and Jordana Jusidman.
4. Hearing opened at 5:08 PM.
5. At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4461(b) to demonstrate that the criteria set forth in 24 V.S.A. § 4465(b) could be met. Anne Bower and Kevin Rice were sworn in as interested persons. Doris Roberts and Pam Pickett were granted interested persons status by their prior phone call and email request to the Administrative Officer.
6. The subject property is a single parcel (ID #0121) located at 2035 Pomfret Road in the Town of Pomfret and consisting of two lots: Lot 1 (Store) consisting of 0.33 ± acres (0.13 ± acres outside the right-of-way) and Lot 2 (Parking) consisting of 0.33 ± acres (0.23 ± acres outside the right-of-way) pursuant to survey entitled "Clover Corporation, Garage and Store Property in South Pomfret" by Michael Engineering Company dated November 13, 1975 and recorded in the Pomfret Land Records.
7. The application requires review under the sections 7.1 and 7.4 of the Pomfret Zoning Ordinance and Part IV.C under the Pomfret Flood Hazard Area Regulations. Pursuant to 24 V.S.A. 4449(d), the application is also subject to review under Section 2.2.1.5 of the

proposed revised Pomfret Zoning Ordinance for which notice of a public hearing to be held by the Pomfret Selectboard was given on December 12, 2019.

8. During the course of the hearing the following testimony was heard from Kevin Worden, Ingrid Nichols, Anne Bower, Christine Cole, Kathleen Dolan and Kevin Rice.
- Kevin Worden, civil engineer, presented pictures of the store. He stated that the project includes substantial renovations of the store from the basement to the roof, including:
    - A covered front porch with dark sky compliant lighting.
    - An asphalt shingle roofing to control water runoff to the Pomfret Road.
    - An ice cream window to replace the existing bay window in front.
    - A cantilevered deck extending over the Pomfret Brook towards the Abbott Memorial Library. The deck would extend about 8 feet from the side of the building and be about 20 feet wide. The deck would have no structure extending into the brook itself.
    - A bay window extending over the Pomfret Brook behind the deck.
    - A paved parking area with 14 striped parking spaces to replace the existing gravel area across Stage Road. The existing curb cuts would be narrowed.
    - A crosswalk across Stage Road in the front of the store.
    - Granite curbing, lawn and sidewalks in the front of the store.
    - An ADA accessible parallel parking space on Pomfret Road adjacent to the post office.
    - A lawn/hardscape strip between the store and Pomfret Road.
    - A grease trap to be buried under the new front lawn.
    - Mechanical equipment to be relocated from basement to rear of 2nd floor.
  - Kevin Worden stated that the building extends over the right-of-way and does not meet setbacks.
  - Ingrid Nichols spoke about the bay window being a little higher with a bench seat that would extend about two and a half feet over Pomfret Brook.
  - Anne Bower asked whether the crosswalk on the pavement would include signs. Kevin Worden noted two pedestrian warning signs would be placed on either side of crosswalk. He also stated the possibility of moving the stop sign from its current location to in front of the store.
  - There was a question posed why paving the parking area as opposed to gravel. Kevin Worden answered that you have more silt runoff with gravel and painted lines encourage more orderly parking, effectively increasing the parking area capacity.

- Ingrid Nichols spoke about the lights being full cutoff fixtures and would be dark sky compliant. By fire code-, egress lights are needed near all doors but the lights won't trespass beyond the property line.
- Ingrid Nichols spoke about the deck would need a guard railing, but stated there were no plans for lights on the deck.
- Kathleen Dolan stated there was no plan to change the store hours. Ms. Dolan also stated that there was no plan for lights in the parking area across Stage Road.
- Anne Bower commented that store patrons often park along Pomfret Brook, which is actually on property owned by the Abbott Memorial Library. However, Abbott and the store have an informal agreement and there generally is no conflict for space. Christine Cole said that she did not foresee an increase in traffic flow after the renovation. Kevin Worden stated that the proposed changes to the parking lot across the road will have sufficient capacity to accommodate all patrons to the store.
- Kevin Worden stated that the existing front deck extends over the property line by about two feet. The proposed front porch that will replace the front deck will extend only to the property line.
- Kevin Worden stated that the parking was designed with through circulation to accommodate large vehicles and vehicles with trailers.
- Christine Cole stated there would be a yield sign on either side of the crosswalk.
- Several options are being considered for storm water runoff, in order to limit material from going into the brook. Converting the paved/gravel area in front into a lawn could help. Kevin Worden stated that it would be reasonable to add a deep sump catch basin (to be cleaned out on a regular basis), and hooded outlet in an effort to prevent sediment, oils, road salt, etc. from being discharged into the brook.
- Kevin Rice stated the culvert in the back of the building no longer works as designed. He suggested installing a 12-inch poly pipe instead. Mr. Rice expressed several concerns as fire chief: issues with past high-water ice jams; limited means of egress from upper level apartments; mechanical equipment in the flood-prone basement; and overhead power lines that pose a hazard to fire fighters accessing the upper levels in an emergency. Mr. Rice suggested an underground electric service entrance instead.
- The applicant's representatives was stated that sprinkler systems are not required (except for the cooktop hood).
- Parking spaces in the rear will not change. These will be reserved for residents. There is space for 2-3 cars and a Dumpster.
- There was discussion about moving the accessible parking space closer to the front door and farther from the travelled right-of-way. Applicant prefers not to relocate the accessible space to the paved parking area as this would require crossing Stage Road.

- Kevin Worden said the site was in the floodplain so there are FEMA requirements. Basement is to be stone and concrete. Mechanical and electrical equipment will be relocated to the rear of 2nd floor. Per regulations, Kevin Worden would prepare certificate for FEMA for Town review.
- Christine Cole stated the project is an amazing opportunity for the town. But time is of the essence because the store is not code compliant. The state health officer has extended the deadline for compliance several times, but may not continue to do so if renovations take longer than planned.
- Applicant would like to begin work this spring and finish work by the end of the year. The store would be closed approximately eight months while the work is completed.

9. Pursuant to 24 V.S.A. 4464(b)(1), Alan Blackmer proposed that the proceedings be recessed pending submission of additional information by the applicant. The ZBA will review the prior submissions and send requests to Applicant for additional information in the next several days. Benjamin Brickner so moved. Michael Reese seconded the motion. Following a vote, the ZBA approved the motion. The hearing was recessed at 6:54 PM.

These Minutes approved at Pomfret, Vermont, this 3<sup>RD</sup> day of February, 2020.



Alan Blackmer, chair  
Zoning Board of Adjustment