

TOWN OF POMFRET
ZONING BOARD OF ADJUSTMENT

Minutes of Meeting
March 27, 2024

MEMBERS PRESENT: Benjamin Brickner (Chair), Shaun Pickett, Susan Burgess, Kyle Hansen, Lyndsay Hyde, and Seth Westbrook

MEMBERS ABSENT: Jeffry White

OTHERS PRESENT: Karen Hewitt Osnoe (Zoning Administrator), Cy Benoit and Bob Crean

Hearings were held regarding the following applications:

Application #ZP24-02 by Bob Crean for a variance of setback on parcel #3302 at 90 Wild Apple Road, Pomfret.

Application #ZP24-04 by Joseph and Cara DeFoor for a new bridge constructed on parcel #010B at 1799 Pomfret Road, Pomfret.

CALL TO ORDER:

Chair Benjamin Brickner called the meeting to order at 6:34 pm.

HEARING ON APPLICATION #ZP24-02

Mr. Brickner opened the hearing on Application #ZP24-02 at 6:35 pm.

Mr. Brickner then asked if anyone on the Zoning Board of Adjustment wished to disclose any conflicts of interest ex parte communications relevant to the proceeding. No members disclosed a conflict of interest or ex parte communication.

The ZBA then afforded any persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to identify themselves. Bob Crean was sworn in.

The subject property is a 0.49± acre parcel located at 90 Wild Apple Road in the Town of Pomfret (parcel ID #3302).

During the hearing the following testimony was heard:

1. Bob Crean stated that the garage would be 24x28 and no closer than 37 feet from the centerline of the right-of-way of Wild Apple Road, a town highway.
2. The garage will be connected to the existing house via a breezeway.
3. Bob Crean stated that he would like a waiver to 37 feet at the northwest corner of the proposed garage and 49 feet at the southwest corner of the proposed garage (the minimum required setback from a public right-of-way in this location being 65 feet).

4. It was noted that there were two prior ZBA approvals for a garage at different locations on the property; those approvals have expired due to the garage not being built within the allotted time per the Zoning Ordinance.
5. Bob Crean stated he had obtained a LOMA for the house that he would provide to the ZBA.
6. Seth Westbrook observed that the site was limited as to where a garage could be placed.
7. Benjamin Brickner stated that to approve a waiver, the proposed development must be consistent with the Town Plan and meet one other criterion in Section 3.2 of the Zoning Ordinance, for example that the proposed development is consistent with existing development patterns of the zoning district or of neighboring properties.

Seth Westbrook moved, and Kyle Hansen seconded that the hearing be closed. Unanimous. The hearing was closed at 6:45 pm.

HEARING ON APPLICATION #ZP24-04

Chair Benjamin Brickner opened the hearing on Application #ZP24-04 at 6:46 pm.

Mr. Brickner then asked if anyone on the Zoning Board of Adjustment wished to disclose any conflicts of interest ex parte communications relevant to the proceeding. No members disclosed a conflict of interest or ex parte communication.

The ZBA then afforded any persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to identify themselves. Cyrus Benoit was sworn in.

The subject property is a 48.89± acre parcel located at 1799 Pomfret Road in the Town of Pomfret (parcel ID #010B).

During the hearing the following testimony was heard:

1. Cyrus Benoit stated that the existing covered bridge is the only vehicular access to the Applicant's residence and has deteriorated to the point where it cannot safely support some emergency vehicles.
2. Applicant would like to build a new bridge that can accommodate large vehicles such as emergency fire trucks. The proposed location of the new bridge requires re-routing a portion of the driveway through the Special Flood Hazard Area of Barnard Brook.
3. The base flood elevation (BFE) at the bridge crossing was determined to be 718.0 feet by a site plan (the Site Plan) dated March 19, 2024, and prepared by Harrington Civil Engineers, Inc. (project number 22-32).
4. The minimum elevation of the proposed bridge was determined to be 719.0 feet on the Site Plan. The minimum elevation of the relocated driveway was determined to be 716.5 feet on the Site Plan.
5. The relocated driveway has been designed as a net zero cubic yard flood volume. The existing driveway across the current bridge will be cordoned off with boulders to prevent

vehicular access to the covered bridge. Applicant would like to keep the covered bridge for its scenic and historical value. To restore the current bridge to its original state and to upgrade would be more of a higher cost than to build a new up to date bridge.

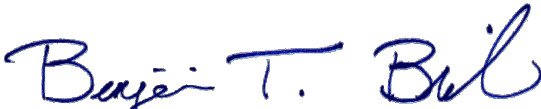
6. Cyrus Benoit stated that construction would take place during the driest month in the summer of 2024.
7. Bridge design would be standard concrete abutments, concrete over wood. Placement of abutments will be set out of the waterway. Construction that will be done on the bridge will place the abutments eight feet back from the stream bank. All construction will be done so not to disturb the waterflow or divert it.
8. Applicant obtained stream alteration permit (SR-3706) dated March 27, 2024, for "the construction of a new bridge to access an existing house".

Shaun Pickett moved and Seth Westbrook seconded that the hearing be closed. Unanimous. The hearing was closed at 6:59 pm.

ADJOURNMENT AND DELIBERATIVE SESSION

Benjamin Brickner moved and Seth Westbrook seconded that the meeting be adjourned and the ZBA enter a deliberative session pursuant to 1 V.S.A. 312(e). Unanimous. The meeting was adjourned and the ZBA entered a deliberative session at 7:00 pm.

These minutes approved at Pomfret, Vermont, this 23rd day of April, 2024.


Benjamin Brickner, Chair