

TOWN OF POMFRET
Pomfret Planning Commission

Memorandum of Decision

Permit Application: ZP24-03
Property Address: 830 Austin Road, Pomfret
Parcel No.: 5401-L
Parcel Size: 97.15 +/- acres

Property Owner: Allison and Ryan Longfield
830 Austin Road
Pomfret, Vermont

Applicant: Dylan Keith, Representing
Allison and Ryan Longfield
830 Austin Road
Pomfret, Vermont

This Memorandum of Decision (this "Decision") is issued by the Pomfret Planning Commission (the "PPC"), in connection with Zoning Permit Application ZP24-03 (the "Application") by Allison and Ryan Longfield ("Applicant").

The Application requested permission for constructing a new 4 car garage with a bathroom and upstairs office within the Ridgeline and Hillside Conservation Area. The garage will be connected to the existing previously permitted ice rink barn. The garage is to be 32 feet wide, 40 feet long and 28 feet tall. The first floor is 1400 square feet with the second-floor office at 780 square feet.

For the reasons discussed below, and subject to the conditions and limitations specified below, the PPC approves the Application and directs the Zoning Administrator (the "ZA") to issue a zoning permit consistent with this Decision.

I. Procedural History

A. Application

Applicant seeks to construct a new garage (the "Garage") that will be connected to an existing accessory structure which houses an ice rink via a shared wall. The Garage footprint will be 32' x 40'. The Property is located in the Ridgeline and Hillside Conservation Area.

The Application, dated February 25, 2024, was referred by the ZA to the PPC on March 5, 2024, for Ridgeline and Hillside Area review. The Application and all supporting documents are on file with the ZA.

On March 7, 2024, notice of a public hearing was posted at the Town Office, North Pomfret Post Office, and Teago General Store. On March 7, 2024, notice of the same was published in *The*

Vermont Standard, a newspaper of general circulation in Pomfret. The ZA also timely notified the Property abutters of the site visit and hearing as required by 24 V.S.A. 4464.

B. Site Visit and Public Hearing

Following a site visit at the Property on April 1st, 2024 at 6:00 pm, the PPC considered the Application at a public hearing on April 1, 2024 at 7:00 pm at the Town Office. Present at the site visit were PPC members Bill Emmons, Nelson Lamson, Cy Benoit, Doug Tuthill, and Tyler Haire. Also present were Karen Hewitt Osnoe (ZA), and Dylan Keith [Representing the Applicant].

- At the site visit, Dylan Keith advised that the 4-car garage would be connected to the existing building on a poured foundation. The planned bathroom would be connected to the current approved septic system. Dormers would be placed on both the front and back of the building with a height of 28 feet.
- It was determined that there were no vantage point issues from any town road due to the remoteness of the building site within the Ridgeline and Hillside Conservation area.
- The warned public hearing at the Pomfret Town Office was opened by Bill Emmons at 7:07pm. Those attending were: Bill Emmons, Nelson Lamson, Cyrus Benoit, Tyler Haire, Doug Tuthill, Dylan Keith, and Karen Hewitt Osnoe.
- John Moore was present via Zoom.
- The hearing closed promptly at 7:09 pm.

II. Applicable Regulations

A. Pomfret Zoning Regulations Ridgeline and Hillside Conservation Areas

- 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.

III. Findings and Conclusions

A. Pomfret Zoning Regulations Ridgeline and Hillside Conservation Areas

Subject to the conditions and limitations provided in Section V below, the Garage will meet the applicable standards in Part 15 of the Zoning Ordinance for Ridgeline and Hillside Conservation Areas.

- Section 15.3.1 of the Zoning Ordinance has been met. The Garage has no Critical Public Vantage Points from any public road.
- Section 15.6.13 of the Zoning Ordinance has also been met. There is screening already in place at the property.

IV. Decision

Based on information presented to the PPC, the findings and conclusions described above, and subject to the conditions and limitations specified in Section V below, conditional use approval for construction of the Garage is **granted**. The ZA is directed to issue a permit consistent with this Decision.

V. Conditions and Limitations

This Decision is subject to the following conditions and limitations:

- A. The development approved by this Decision shall conform in all material respects with the Application materials including Applicant’s submissions, plans, written representations to the PPC and testimony, except as expressly modified herein. Any change to the foregoing shall require further review and approval by the PPC under the then-applicable regulations.
- B. The Permit, with Conditions, shall be binding upon the Applicants, their Successors and Assigns.

- C. 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.
- D. The existing trees along the perimeter of the property that currently provides the screening from all public highways are not to be cut.
- E. Any exterior lighting shall be shielded downward.
- F. It has been determined by the Planning Commission that the proposed addition to an existing structure does not cause an undue adverse effect on the area.
- G. The Garage shall conform to all applicable federal, state, and local laws, ordinances, and regulations, whether or not the same have been expressly referenced herein.
- H. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses, or activities with applicable zoning bylaws was not considered by the PPC and is not addressed by this Decision.
- I. By acceptance of this Decision and the permit authorized herein, Applicant for itself, its successors, assigns and affiliates agree to be bound by this Decision and the conditions and limitations described herein.

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This Decision approved at Pomfret, Vermont, as of this 14th day of May, 2024, and signed by the chair of the Pomfret Planning Commission on its behalf pursuant to 24 V.S.A. 1141.

William B. Emmons III
 William Emmons III, chairman
 Pomfret Planning Commission

PPC Members Bill Emmons, Nelson Lamson, Cy Benoit, Tyler Haire, Doug Tuthill, and John Moore voted in the affirmative. PPC member Jack Pearsons did not participate in this Decision.

NOTICE: 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.

Pomfret
 planning
 Commission
 (K.O.)