

TOWN OF POMFRET, VERMONT
PLANNING COMMISSION
North Pomfret, VT 05053

Decision – September 1, 2023
Permit Number ZP23-20

**MINUTES AND DECISION ON APPLICATION FOR DEVELOPMENT IN THE
RIDGELINE AND HILLSIDE CONSERVATION AREA**

PUBLIC HEARING DATE: August 7th, 2023

APPLICANTS & OWNERS: Brendan Moore
Barrett Phillips
3 Howe Ln
Tunbridge, VT 05077

POMFRET PROPERTY ADDRESS: 0 Windy Hill Lane, Pomfret

NATURE OF APPLICATION

On Thursday July 20th, 2023, Karen Hewitt Osnoe, the Zoning Administrator, submitted an Application from Brendan Moore and Barrett Phillips, a Ridgeline Hearing to the Pomfret Planning Commission for review. This application requested permission for a construction of a single-family dwelling (2,300 sq ft) with an attached garage (24'x24') and a barn (24'x48') and the Pomfret Planning Commission would schedule a hearing.

The application materials include:

1. the application form;
2. A copy of the application for a driveway or approach road dated May 29, 2023
3. A map of the E9-1-1 Viewer indicating area of the house site
4. A copy of the survey entitled "Subdivision For: Moore Family Partnership Webster Hill Road & Windy Lane Pomfret Vermont by Farnsworth Surveys drawing number 18-2441-A and dated October 30th, 2018"
5. Wastewater permit number WW-3-3475 which included the site plan and diagrams
6. The Moore/Phillips Site Plan map which indicates the sites of the septic and buildings

FINDINGS OF FACT

1. The request for approval of development in the Ridgeline and Hillside Conservation Area, as specified in the Pomfret Zoning Regulations, Section 15, requires a warned Public Hearing and Approval by the Planning Commission.
2. Legal Notice of the Public Hearing, held on August 7th 2023, was published in the Valley News, a daily newspaper and Pomfret's additional designated paper of record for public hearing notices, in the edition on July 23rd, 2023. Notices of the hearing were posted at the Pomfret Town Clerk's Office, Teago General Store and the North Pomfret Post Office.
3. The site visit was conducted on August 7th 2023 at 6:00pm. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Pomfret Planning Commission members: Doug Tuthill, John Moore, and Cyrus Benoit. Brendan Moore(applicant), Barrett Phillips (applicant), and Karen Hewitt Osnoe (Zoning Administrator).
4. At the site visit, Brendan Moore advised that the plowing and maintenance of the Class 4 road of Windy Lane would be shared with the abutting neighbor, Matt St. Cyr.
5. It was determined that there was no vantage point from any Class 1, 2 or 3 road, and 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.
6. The warned public hearing at the Pomfret Town Office was opened by Bill Emmons promptly at 7:00pm. Those attending were: Bill Emmons, Doug Tuthill, Cyrus Benoit, John Moore, Tyler Haire, Brendan Moore, Barrett Phillips and Karen Hewitt Osnoe. Missing from the Pomfret Planning Commission were Jack Pearsons and Nelson Lamson.
7. It was stated during the hearing that the Town of Pomfret does not maintain a Class 4 Road so it was up to the property owners to maintain to a condition sufficient for any emergency vehicles.
8. It was stated that there were no public vantage points at all and the property owner does not own the tree line.
9. The hearing closed promptly at 7:08pm.

CONCLUSIONS OF LAW

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.

CONDITIONS


This decision is granted to the Applicants under the following Conditions:

1. The Permit, with Conditions, shall be binding upon the Applicants, their Successors and Assigns.
2. 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 building's footprint, must be approved by the Planning Commission prior to development.
3. Any exterior lighting shall be shielded downward.

4. It has been determined by the Pomfret Planning Commission that the proposed construction of a single-family dwelling (2,300 sq ft) with an attached garage (24'x24') and a barn (24'x48') does not cause an undue adverse effect on the area.

Members Bill Emmons, Doug Tuthill, Tyler Haire and Cyrus Benoit all voted in the affirmative. John Moore recused himself from the hearing deliberation and subsequent vote due to a family conflict with the applicants.

Dated at Pomfret, Vermont, this 4th day of September, 2023 and signed by the chair of the Pomfret Planning Commission on its behalf pursuant to 24 V.S.A. 1141.



Williams Emmons III, Chairman
Pomfret Planning Commission

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.