

**Town of Pomfret
Selectboard Meeting Agenda
Town Offices
5218 Pomfret Road, North Pomfret
August 21, 2024, 6:30 pm**

Zoom instructions below

Business Items	
1. Call to Order	6:30 pm
2. Possible Executive Session – <i>Confidential Attorney-Client Communications; Employment of Public Employees</i>	
3. Agenda Review	7:00 pm
4. Public Comment	
5. Road Foreman’s Report	7:05 pm
6. Items for Discussion or Vote a. Employment of Public Employees b. Highway Access Permit Approval (Dinsmoor Road) c. Fuel Supply Agreements (2024-25 Season) d. Permit to Hold Event on Public Road (Artistree, September 21) e. Large Event Permit (Artistree, September 21) f. Large Event Permit (Artistree, August 23) g. Selectboard Communications h. Municipal Code of Ethics (Act 171) i. Settlement Agreement Confirmation (Broad Brook Road) j. Town Hall Front Porch Repair k. Town Buildings Routine Maintenance l. Warrants m. Approval of August 7, 2024 Minutes	7:30 pm
7. Meeting Wrap Up a. Correspondence b. Review of Assignments c. Agenda for Next Meeting	8:45 pm
8. Adjournment	
<i>Time frames are approximate. Members of the public wishing to attend for specific business items are encouraged to arrive before the time indicated.</i>	

Zoom Instructions

- Computer or Smartphone
<https://zoom.us/j/95395079923?pwd=ZjBEed3ZuZWgvWmx2M0tpOE8zbjg2dz09>
- Mobile Phone +19292056099,,95395079923#,,#,306922#
- Landline or Mobile Phone (301) 715 8592, then Meeting ID 953 9507 9923 and Passcode 306922



TOWN OF POMFRET, VERMONT

SELECTBOARD

November 29, 2023

VIA ELECTRONIC MAIL

Law Office of Jason R. Crance
65 Dartmouth College Highway
Lyme, New Hampshire 03768
Attention: Jason R. Crance, Esq.
jason@crancelaw.com

Meub Associates, PLC
65 Grove Street
Rutland, Vermont 05701
Attention: Andrew James Snow, Esq.
snow@yourvtlawyer.com

**Re: Request for Clarification
Decision re: Mann Town Highway Access Road Permit Application**

Dear Messrs. Crance and Snow:

Thank you for your email messages dated November 8, 2023 and November 13, 2023, respectively. This letter responds to requests for clarification presented in those messages. Capitalized terms used but not defined herein are defined in that certain Memorandum of Decision dated October 13, 2023 (the "Mann Decision"), with respect to the Application for Town Highway Access Road Permit dated July 17, 2023, by Andrew A. and Kathy J. Mann.

1. Deadline to Complete Work. Section V.A of the Mann Decision provides in part that "Applicant shall use best efforts to complete all work in the highway right-of-way by November 30, 2023."

We understand work in the highway right-of-way has not commenced and therefore is unlikely to be completed by November 30. We also understand the delay in commencement was due in part to representations made to the Superior Court by parties to the ongoing White-Mann Litigation.

For this reason, the Selectboard finds that the failure to complete work by November 30 is not for lack of Applicant's best efforts and that a new deadline of May 31, 2024 is appropriate under the circumstances; *provided* that work in the highway right-of-way shall not commence before April 15, 2024 without prior approval of the Pomfret Road Foreman.

2. Restoration for Safe Use. Section V.A of the Mann Decision also provides that "[i]f despite Applicant's best efforts all work in the highway right-of-way cannot be completed by November 30, 2023, Applicant shall by the same date remove (or cause to be removed) all objects,

fill or obstructions in the highway right-of-way interfering with normal use of the existing traveled way of Dinsmoor Road or maintenance of the highway right-of-way.”

The Selectboard intended this condition to achieve two goals, should the proposed modifications not be completed by November 30: first, to restore that portion of Dinsmore Road within the highway right-of-way to its condition prior to its recent modification (i.e., to its condition in early 2022). And second, to ensure adequate space to remove snow safely from Dinsmoor Road without plowing across or depositing material within the traveled way of Bartlett Brook Road.

The Selectboard expects the requirements of Section V.G of the Mann Decision to be met when the proposed modifications are completed. In the meantime, to promote the safety of the traveling public and protect the existing highway infrastructure, Applicant promptly must alter the existing berm such that it no longer interferes with maintenance of the highway right-of-way and allows snow to be safely removed from the driveway. In all other respects, Dinsmoor Road within the highway right-of-way must be returned to its pre-modification condition until the proposed modifications are complete.

3. Driveway Area Dimensions. The Selectboard understood the proposed modifications to include “a level graded, 20-foot wide by 16-foot deep area in which vehicles may enter onto and exit from Bartlett Brook Road.” See Section I.B of the Mann Decision. Any discrepancy revealed by overlaying the Revised Site Plan onto more precise CAD drawings should be resolved in favor of the Applicable Standards described in Sections III.A and III.B of the Mann Decision.

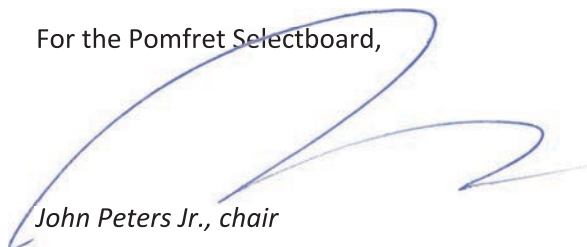
The Selectboard anticipates (but does not require) this will entail shifting the 20-foot wide by 16-foot deep area north to facilitate a 90-degree intersection, more moderate grade and wider turning radius. Enlarging this area up to the dimensions revealed on the CAD drawings also would be acceptable if doing so advances the Applicable Standards.

In either case, the existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road must be extended north as necessary to capture anticipated runoff from the modified driveway. In addition, the New Easement dimensions must encompass the entire portion of Dinsmoor Road (once the proposed modifications are complete) not already included in the Existing Easement.

* * * * *

It is the Selectboard’s intent that the approvals, conditions and limitations provided in the Mann Decision continue in full force and effect, except as the same may have been clarified by this letter.

For the Pomfret Selectboard,



John Peters Jr., chair

Cc: Alison Sander (via email to [REDACTED])
Richard Dalton (via email to [REDACTED])

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Andrew & Kathy Mann Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: PO Box 20 State: S.Pomfret Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or change the grade of the access road type indicated above.

Access Road Location: on the East side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5300' (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: Widen existing drive on the north side in order to acquire a Driveway Access Permit conforming to existing specifications re width, 90 degree intersection, 1' slope away from town road for first 20' in order to improve driveway safety.

See attached sketch.

Width of driveway will be between 17' and 19'. Driveway will enter town road at 90 degrees and pitch away from town road 1' over the first 20' from the town road. See green rectangle on sketch.

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards¹


1. *Intersection Angle.* Access roads shall be constructed at a 90 degree angle to the town highway.
2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Minimum Sight Distance

<i>Posted Speed (mph)</i>	<i>Minimum Sight Distance (feet)</i>
25	155
30	200
35	250
40	305
45	360

3. *Access Road Width.* Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. *Vegetation.* Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.


 Applicant Signature

Andrew Mann
 Applicant Printed Name

2023-07-17
 Date

(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

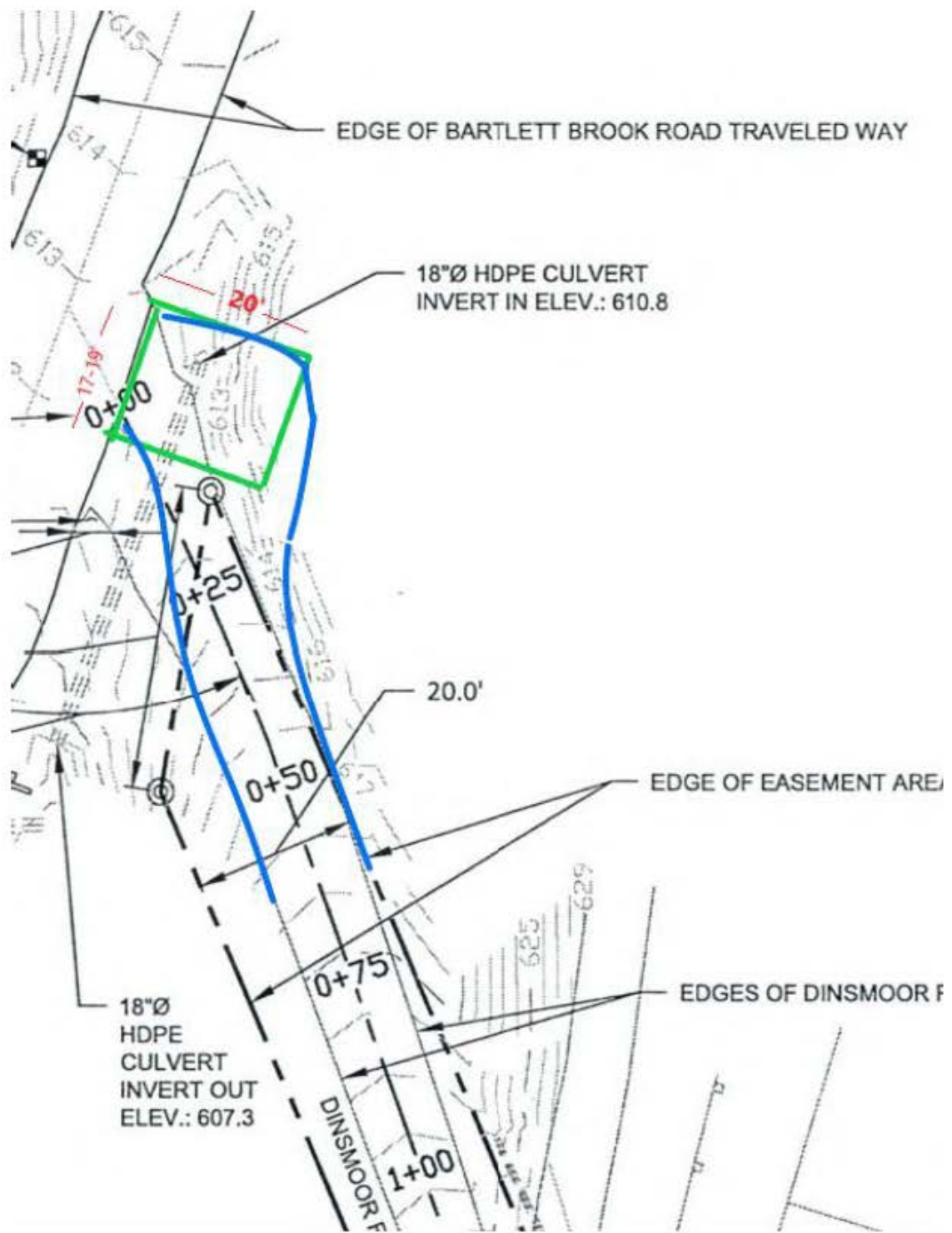
 Landowner Signature

 Landowner Printed Name

 Date

[Remainder of page intentionally blank. Application form continues on next page.]

¹ Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the travelling public.



TOWN OF POMFRET
Selectboard

Memorandum of Decision

Property Address: 19 Dinsmoor Road
Pomfret, Vermont

Parcel No.: 3918
Parcel Size: +/- 4.75 acres

Property Owner: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

Applicant: Andrew A. and Kathy J. Mann
P.O. Box 20
South Pomfret, Vermont 05067

This Memorandum of Decision (this “Decision”) is issued by the Selectboard of the Town of Pomfret (the “Selectboard”), in connection with the Application for Town Highway Access Road Permit dated July 17, 2023, by Andrew A. and Kathy J. Mann (“Applicant”) and attached hereto as Exhibit A (the “Mann Application”).

The Mann Application seeks to modify Dinsmoor Road (a private driveway) where it intersects Bartlett Brook Road (Town Highway No. 39), as more particularly described in Section I.B below.

I. Dinsmoor Road and Proposed Modifications

A. Dinsmoor Road

Dinsmoor Road serves three residential parcels: (1) No. 3918 owned and occupied by Applicant, (2) No. 3918-A owned by the Hillary D. White Revocable Trust and occupied by Hillary D. White and Philip Dechert (the “White Parcel”), and (3) No. 3918-B owned by Alison Sander and occupied by a lessee (the “Sander Parcel”).

While the area proposed to be modified by the Mann Application is located on Applicant’s property, the White Parcel and the Sander Parcel benefit from an easement and right-of-way to traverse Applicant’s property at and adjacent to this location (the “Existing Easement”).

Bartlett Brook Road begins at Pomfret Road (Town Highway No. 1) and runs north to the joint intersection of Totman Hill Road (Town Highway No. 38) and Legal Trail No. 3. Totman Hill Road then proceeds southwest to Legal Trail No. 4. In Pomfret, the operation of motor vehicles on

Legal Trails requires a permit that may be issued only under limited circumstances.¹ As a result, nearly all traffic utilizing Dinsmoor Road approaches from and departs to the south, in the direction of Pomfret Road.

The existing traveled way of Dinsmoor Road intersects Bartlett Brook Road at a skew angle requiring most users to make sharp turns when approaching from and departing to the south. Dinsmoor Road is also moderately graded uphill from the town highway. As a result, the driveway can be challenging to navigate, particularly in winter conditions.

B. Proposed Driveway Modifications

The Mann Application proposes to address these challenges by excavating the embankment north of the existing traveled way of Dinsmoor Road to create a level graded, 20-foot wide by 16-foot deep area in which vehicles may enter onto and exit from Bartlett Brook Road. This would result in an approximately 90-degree intersection between Dinsmoor Road and Bartlett Brook Road, versus the skew angle that now exists.

By comparison, the White Application (as defined below) proposes to establish a shared access apron south of the existing traveled way of Dinsmoor Road with the similar goal of improving intersection navigability, albeit without reducing the uphill grade.

II. Procedural History

A. The White Application and White-Mann Litigation

This Decision is made concurrently with a decision on an Application for Town Highway Access Road Permit dated August 7, 2023, by Hillary D. White and Philip Dechert (the “White Application”). Like the Mann Application, the White Application also seeks to modify Dinsmoor Road where it intersects Bartlett Brook Road. Each application has been evaluated on its own merits, but with consideration given to whether one or the other better meets the applicable standards described in Section III below.

Both applicants also are engaged in an ongoing dispute concerning their respective rights in the Existing Easement. The particulars of this dispute are beyond the scope of this Decision, but are subject to pending litigation (the “White-Mann Litigation”) to which the Town of Pomfret has been made a party by Applicant.² The Town’s status as a party to the White-Mann Litigation, and the involuntary means by which it became a party, were not considered by the Selectboard when reaching this Decision.

¹ Town of Pomfret, Ordinance Pertaining to Travel on Trails, adopted August 4, 2004, *available at* https://pomfretvt.us/files/1014/0068/3275/trails_ordinance__policy.pdf.

² See Hillary White et al. v. Andrew Mann et al., No. 23-CV-03473 (Vt. Super. Ct.).

B. The Mann Application

Applicant submitted the Application on July 17, 2023, via hard copy to the Town Clerk, and via email to the Selectboard, Ms. Sander and counsel to Dr. White and Mr. Dechert. The Selectboard conducted a site visit on August 16, 2023.³ On September 10, 2023, Applicant submitted the revised site plan attached hereto as Exhibit B (the “Revised Site Plan”).⁴

A hearing on the Mann Application was held on September 12, 2023, during a special meeting of the Selectboard at which a hearing on the White Application also was held. The events of the Mann Application hearing are more particularly described in Section 5 of the related Selectboard meeting minutes.⁵

The Selectboard closed the Mann Application hearing on September 12, 2023, held non-public deliberative sessions on September 20, 2023 and October 4, 2023, and thereafter reached this Decision.

III. Applicable Standards

A. Pomfret Highway Ordinance

Section 5.3(k) of the Town of Pomfret Highway Ordinance (the “Highway Ordinance”)⁶ requires that the first 20 feet of a driveway entering upon a town highway meet the following standards, unless the same are waived or varied:

- Intersection angle of 90 degrees to the town highway.
- Minimum sight distance in both directions (the required distance being determined by reference to the posted speed limit of the intersecting town highway).
- Sixteen foot minimum width.
- Grading and slope such that water from the driveway does not enter the town highway (it being recommended that the driveway have a grade dropping six inches in ten feet before extending either up or down slope).
- Culverts to be installed if necessary to prevent deterioration of the town highway.

³ The August 16, 2023, site visit was the latest of several visits made by the Selectboard. An earlier site visit was made on November 4, 2022, to review prior driveway modifications proposed by Applicant and the White Parcel occupants that ultimately were not implemented. Selectboard members and the Road Foreman made additional visits at various times during the eighteen months prior to this Decision.

⁴ The Revised Site Plan (and the original plan attached to the Application) is an altered excerpt of the MacKenzie Engineering and Construction plans included with the White Application.

⁵ Town of Pomfret Selectboard, Special Meeting Minutes, September 12, 2023, *available* at https://pomfretvt.us/index.php/download_file/view/2256/265/.

⁶ Town of Pomfret, Highway Ordinance, adopted June 21, 2023, *available* at https://pomfretvt.us/files/4016/8740/6683/Pomfret_Highway_Ordinance_as_adopted_2023-06-21.pdf.

- Vegetation and trees to be removed if necessary to provide for visibility and safety.

B. State Law

Relevant state law at 19 V.S.A. 1111 requires, among other things, that a permit be obtained by anyone wishing to use any part of a highway right-of-way, including to develop, construct, regrade or resurface any driveway, entrance or approach. State law further empowers Vermont municipalities to protect and promote the safety of the traveling public, maintain reasonable levels of service on the existing highway system, and protect the public investment in the existing highway infrastructure.

C. Application of Applicable Standards

Based on the Mann Application, Revised Site Plan and testimony of witnesses, the Selectboard finds that the proposed modifications to Dinsmoor Road meet the applicable standards set forth in the Highway Ordinance. In particular, the proposed modifications would create a 90-degree intersection with Bartlett Brook Road and level grading over the first 20 feet of the driveway. The minimum sight distance and width standards are met as well. The culvert requirement is addressed in Section V below.

The result is a material improvement relative to the existing driveway, which has a moderate grade uphill from the town highway and requires most users to make sharp turns when entering onto and exiting from Dinsmoor Road.

The level grading will reduce runoff entering the town highway and the risk that vehicles will overrun the traveled way of Dinsmoor Road or Bartlett Brook Road, particularly in winter conditions. The 90-degree intersection will improve visual sightlines and reduce potential vehicular conflicts.

By meeting the applicable Highway Ordinance standards, the Selectboard also finds that the proposed modifications adequately protect the interests articulated in 19 V.S.A. 1111(b).

While the Mann Application does not include original engineering or site plans, following multiple site visits, the Selectboard concludes the proposed driveway modifications are feasible and likely to achieve the outcome described by Applicant.

All Town Highway Access Road Permits are subject to final approval once construction is complete. Should the proposed modifications prove infeasible or otherwise not be made as approved herein, final approval will be withheld until corrective action is taken.

IV. Decision

Based on the Mann Application, Revised Site Plan, testimony of witnesses, the findings and conclusions described above, and **subject to the conditions and limitations specified in Section V below**, a permit to construct a residential driveway as depicted in the Revised Site Plan is **approved**.

V. Conditions and Limitations

The decision described in Section IV above is subject to the following conditions and limitations, which shall be binding on Applicant, its successors and assigns:

- A. The proposed modifications to Dinsmoor Road shall be made as soon as practicable, at Applicant's cost, and Applicant shall use best efforts to complete all work in the highway right-of-way by November 30, 2023.

If despite Applicant's best efforts all work in the highway right-of-way cannot be completed by November 30, 2023, Applicant shall by the same date remove (or cause to be removed) all objects, fill or obstructions in the highway right-of-way interfering with normal use of the existing traveled way of Dinsmoor Road or maintenance of the highway right-of-way.

- B. The first 20 feet of the driveway shall conform in all material respects to the materials included in the Mann Application, Revised Site Plan and testimony of witnesses, except as expressly modified herein. Any material change to the foregoing shall require further review and approval by the Selectboard under the regulations applicable at that time.

By way of example and not limitation, the inability to complete the excavation necessary to create a level graded, 20-foot by 16-foot area at the intersection of Dinsmoor Road and Bartlett Brook Road would constitute a material change subject to further review and approval by the Selectboard.

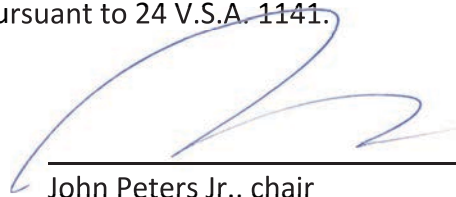
- C. The first 20 feet of the driveway shall conform to the standards set forth in Section 5.3(k) of the Highway Ordinance, except as expressly modified herein.
- D. The standards, restrictions and conditions set forth in the form of Application for Town Highway Right-of-Way Crossing Permit adopted July 6, 2022, and attached hereto as Exhibit C shall apply to all work performed in the highway right-of-way, including but not limited to rebuilding, repairing, restoring and making good all injuries or damage to any portion of the right-of-way caused by the permitted work.
- E. The proposed excavation shall be completed in accordance with applicable standards contained in Section 203 of the VTrans Standard Specifications for Construction, 2024 ed.⁷

⁷ State of Vermont, Agency of Transportation, Standard Specifications for Construction (2024 ed.), available at <https://vtrans.vermont.gov/highway/construct-material/construct-services/pre-contractspecifications/vermont/2024>.

- F. The existing culvert at the bottom of Dinsmoor Road and running parallel to Bartlett Brook Road shall be extended north as necessary to capture anticipated runoff from the modified driveway.
- G. The area south of Dinsmoor Road and within the highway right-of-way shall be restored to a permeable surface sufficient to absorb anticipated runoff from the modified driveway and kept open to allow for placement of snow removed from the driveway.
- H. Applicants shall grant to the record owners of the White Parcel and the Sander Parcel, and to their respective heirs and assigns (collectively, "Grantees"), an easement and right-of-way (the "New Easement") on terms no less favorable to Grantees as are granted in that certain Quit Claim Deed dated June 12, 1987, by and between Applicant, as grantor, and Hillary W. Dechert and Philip Dechert, Jr., as grantees, recorded June 12, 1987, in Book 36 Pages 137-139 of the Pomfret Land Records, and attached hereto as Exhibit D. The New Easement shall include all of the lands and premises within the red circles depicted on the Revised Site Plan (to the extent the same are not already included in the Existing Easement), shall not purport to extinguish any prior easements or rights-of-way of record, and shall be prepared at Applicant's sole cost and expense.
- I. Neither this Decision nor the permit approved herein shall be construed as a conveyance by the town of any interest in the town highway right-of-way, or a waiver or relinquishment of its authority therein and thereover, and the town shall continue to own, operate, control and maintain the town highway right-of-way consistent with its current practice and applicable federal, state and local laws, whether or not the same have been expressly referenced herein.
- J. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses, or activities with the Highway Ordinance or any other applicable federal, state and local laws was not considered and is not addressed in this Decision. Any prior decision of the Selectboard or other agent or tribunal of the town affecting the subject location shall continue in full force and effect, except as otherwise provided herein.

[Remainder of page intentionally blank. Signature page follows.]

This Decision approved at Pomfret, Vermont, this 13th day of October, 2023, and signed by the chair of the Pomfret Selectboard on its behalf pursuant to 24 V.S.A. 1141.



John Peters Jr., chair
Pomfret Selectboard

Selectboard members John Peters Jr., Benjamin Brickner, Steve Chamberlin, Meg Emmons and Emily Grube voted in the affirmative.

NOTICE: This Decision may be reviewed in the manner provided by law pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

EXHIBIT A

Mann Application

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY ACCESS ROAD PERMIT
(Application fee of \$100 payable to Town of Pomfret)

Access Road Type (check one): Private Drive* Agricultural Forestry

Applicant Name: Andrew & Kathy Mann Phone: [REDACTED] Email: [REDACTED]

Applicant Mailing Address: PO Box 20 State: S.Pomfret Zip: 05067

(Complete only if Applicant is not the Landowner)

Landowner Name: _____ Phone: _____ Email: _____

Landowner Mailing Address: _____ State: _____ Zip: _____

The undersigned Applicant requests permission to develop, construct, or change the grade of the access road type indicated above.

Access Road Location: on the East side (cardinal direction) of Bartlett Brook Road (town highway name)
at approximately 5300' (feet) from the intersection of Pomfret Road (nearest town highway intersection).

Please provide a brief description of the work to be done: Widen existing drive on the north side in order to acquire a Driveway Access Permit conforming to existing specifications re width, 90 degree intersection, 1' slope away from town road for first 20' in order to improve driveway safety.

See attached sketch.

Width of driveway will be between 17' and 19'. Driveway will enter town road at 90 degrees and pitch away from town road 1' over the first 20' from the town road. See green rectangle on sketch.

The remainder of the existing driveway will be available for plowed snow and sand.

Site distances are at least 155' in both directions. Sand pile will be moved during construction.

Culvert at bottom of driveway will be extended as necessary.

(PROVIDE DETAILED SKETCH OF ACCESS LOCATION AND LAYOUT ABOVE)

The following conditions, standards and restrictions shall apply to the first 20 feet of a newly developed, constructed, or grade changed access road (measured from the edge of the traveled way) unless waived herein:

General Conditions

1. *Application Fee.* A \$100 non-refundable application fee shall be submitted before an application will be considered.
2. *Site Visit.* The Selectboard and Road Commissioner shall make a site visit prior to approving a permit.
3. *Final Site Inspection.* Upon completion of work, the Applicant or its agent shall notify the Town within ten days to arrange a final site inspection.
4. *Noncompliance.* Any work deemed not in compliance with the permit shall be corrected and reinspected for approval.
5. *Final Approval.* Work shall be approved by the Selectboard or its designee before any use of the access may be started.

* Each residence is limited to one driveway access.

Design Standards¹


1. *Intersection Angle.* Access roads shall be constructed at a 90 degree angle to the town highway.
2. *Minimum Sight Distance.* Sight distances shall be at least as shown in the table below in both directions when viewed from a height of eye of 2.0 feet on the roadway to a height of eye of 3.5 feet on the drive at a point 15 feet back from edge of the traveled way (when entering upon paved portions of town highways) or 10 feet back from edge of the traveled way (when entering upon any other portion of a town highway). The "posted speed" shall be deemed to be 45 mph (when entering upon an unposted Class 2 highway) or 25 mph (when entering upon any other unposted highway).

Minimum Sight Distance

<i>Posted Speed (mph)</i>	<i>Minimum Sight Distance (feet)</i>
25	155
30	200
35	250
40	305
45	360

3. *Access Road Width.* Access roads shall be 16 feet wide and graded and sloped such that water from the access road does not enter the Town highway. It is recommended that the driveway or access road have a grade dropping six inches in 10 feet before extending either up or down slope.
4. *Culverts.* Culverts shall be installed if deemed necessary by the Selectboard or its designee and shall conform to standards described in Section 5.3(h) of the Pomfret Highway Ordinance.
5. *Vegetation.* Vegetation and trees shall be removed as necessary to provide for visibility and safety.

The undersigned Applicant agrees to adhere to the conditions, standards and restrictions forming a part of this permit, and understands that this permit, if issued, will be issued in accordance with 19 V.S.A. 1111 and the Pomfret Highway Ordinance and may be voided in the event of misrepresentation, substantial inaccuracy or failure to undertake development, construction, or changing the grade of the access road within one year of the date of approval. If Applicant is not the Landowner, Applicant has provided the Landowner with a copy of this completed Application and obtained the Landowner's signature below.


 Applicant Signature

Andrew Mann
 Applicant Printed Name

2023-07-17
 Date

(Complete only if Applicant is not the Landowner)

The undersigned Landowner acknowledges they have received a copy of this completed Application.

Landowner Signature

Landowner Printed Name

Date

[Remainder of page intentionally blank. Application form continues on next page.]

¹ Any of the standards listed herein may be waived or varied upon the Applicant's request and following consideration by the Selectboard and Road Commissioner of public and private interests, topography, adequacy of highway design, ease of snow removal, drainage, and maintenance of safe conditions in all seasons for the travelling public.

OFFICIAL USE ONLY

Application fee of \$100 received on _____, 20____ by _____.

Culvert Required (*min. 18-inch diameter*)? Yes No

Additional conditions, standards and restrictions; waivers of design standards (if any):

PERMIT APPROVED this _____ day of _____, 20____.

Road Commissioner

Selectboard Chair

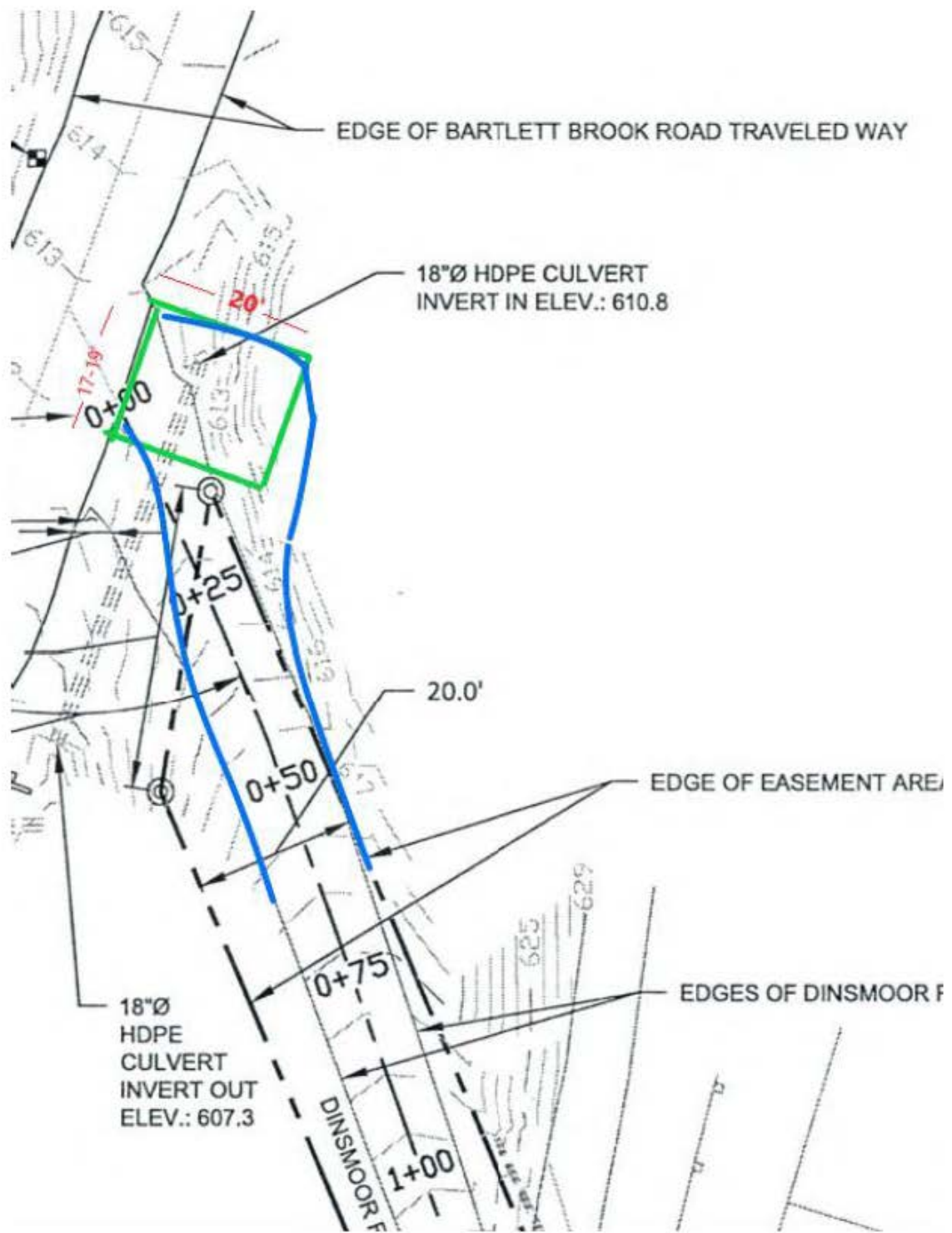
FINAL APPROVAL. The work described in this permit has been constructed in accordance with the above conditions, standards and restrictions and is acceptable under State and local regulations.

Road Commissioner

Selectboard Chair

Date

Form adopted by the Pomfret Selectboard June 21, 2023. Supersedes all prior dated forms.



EDGE OF BARTLETT BROOK ROAD TRAVELED WAY

18"Ø HDPE CULVERT
INVERT IN ELEV.: 610.8

0+00

0+25

0+50

0+75

1+00

20.0'

EDGE OF EASEMENT AREA

18"Ø
HDPE
CULVERT
INVERT OUT
ELEV.: 607.3

EDGES OF DINSMORE F

DINSMORE F

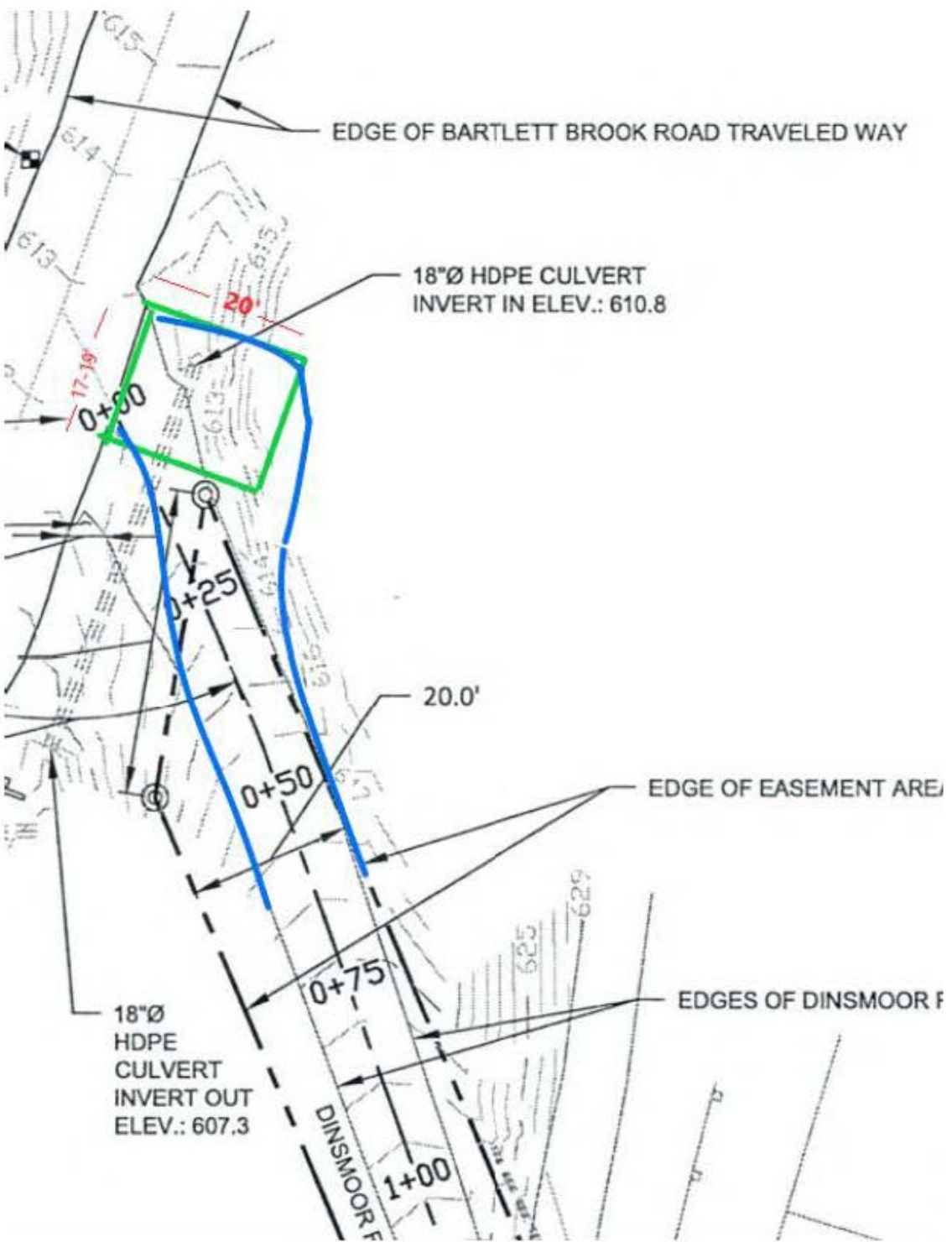


EXHIBIT B

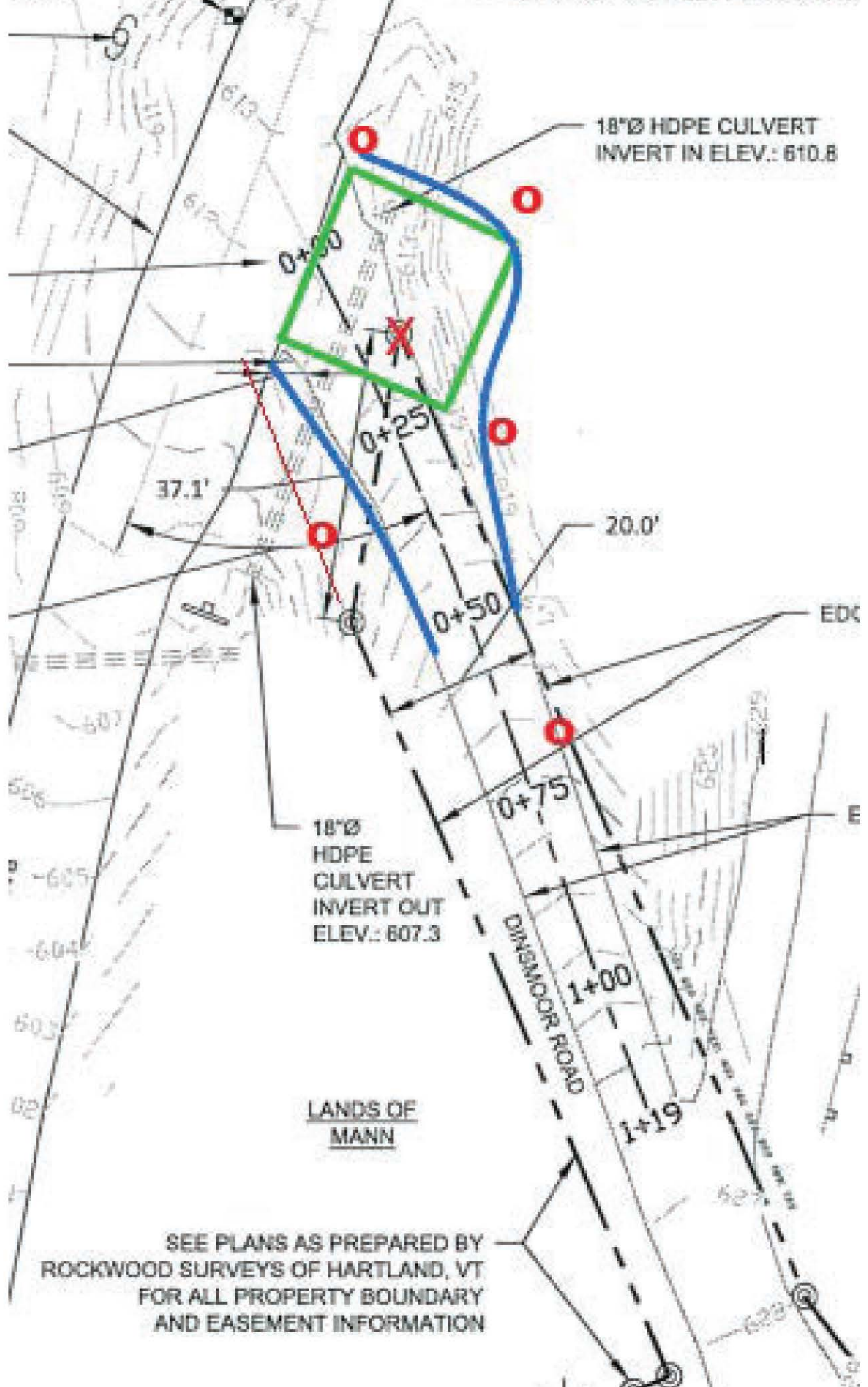
Revised Site Plan

Attached.

UND
113.21

EDGE OF BARTLETT BROOK RD.

18"Ø HDPE CULVERT
INVERT IN ELEV.: 610.8



18"Ø
HDPE
CULVERT
INVERT OUT
ELEV.: 607.3

LANDS OF
MANN

SEE PLANS AS PREPARED BY
ROCKWOOD SURVEYS OF HARTLAND, VT
FOR ALL PROPERTY BOUNDARY
AND EASEMENT INFORMATION

EXHIBIT C

Form of Application for Town
Highway Right-of-Way Crossing Permit

Attached.

TOWN OF POMFRET

APPLICATION FOR TOWN HIGHWAY RIGHT-OF-WAY CROSSING PERMIT

(Application fee of \$100 payable to Town of Pomfret)

Landowner Name: _____ Phone: _____ Email: _____

Street Address: _____ State: _____ Zip: _____

The undersigned requests permission to cross over / under (circle one) the right-of-way of _____ (road name)

at _____ (describe precise location)

for the purpose of _____ (describe specific purpose).

The crossing will be approximately _____ (feet) from the intersection of _____ (nearest intersection).

(PROVIDE DETAILED SKETCH OF CROSSING LOCATION ABOVE)

The following standards, restrictions and conditions shall apply to all crossings of a town right-of-way unless waived in writing:

1. Applicant shall contact Dig Safe at 811 at least 48 hours before, but not more than 30 days before, starting excavation activities at any location.
2. All work in the right-of-way shall be performed during daylight hours and shall cease on weekends, holidays, during severe weather events, and between December 1 and April 15, maintenance and emergency repairs excepted.
3. Applicant shall be responsible for all damages to persons, public or private utilities and property resulting from any work done under this permit, even if the Applicant's contractor performs the work.
4. Applicant must comply with all federal and state statutes or regulations and all local ordinances controlling occupancy of public highways. In the event of a conflict, the more restrictive provision shall apply.
5. All excavation and backfilling shall be done under the supervision and to the specification of the town's designated agent.
6. Applicant shall erect and maintain barriers needed to protect the traveling public. The barriers shall be properly lighted at night and must be MUTCD (Manual on Uniform Traffic Control Devices) compliant.
7. Applicant shall do no work nor place any structures or obstacles in the right-of-way, except as authorized by this permit.
8. Applicant shall be responsible to rebuild, repair, restore and make good all injuries or damage to any portion of the right-of-way caused by the permitted work, for a minimum of eighteen (18) months after final inspection by the Town.

EXHIBIT D

1987 Quit Claim Deed
(Pomfret Land Records Book 36 Pages 137-139)

Attached.



Know all Men by these Presents

That We, Andrew A. Mann and Kathy Jean Mann

of Pomfret in the County of Windsor
and State of Vermont Grantors, in the consideration of
One dollar and Other Good and Valuable Consideration Dollars
paid to our full satisfaction by
Philip Dechert, Jr. and Hillary W. Dechert

of Pomfret in the County of Windsor
and State of Vermont Grantees, have REMISED, RELEASED,
AND FOREVER QUITCLAIMED unto the said
Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs or assigns,
all right and title which
we the said Andrew A. Mann and Kathy Jean Mann

easement and right-of-way or our heirs have in, and to a
certain piece of land in Pomfret in the
County of Windsor and State of Vermont, described as
follows, viz:

Being an easement and right of way in common with grantors, their heirs and assigns, for ingress and egress to the land and premises of grantees, across land and premises conveyed to the grantors by the following deeds:

1. Warranty deed of Raymond L. Collamore and Alice G. Collamore dated November 26, 1984 and recorded in Book 34 at Page 281 of the Town of Pomfret Land Records, and
2. Warranty deed of Kurt A. Vreeland and Patricia A. Vreeland dated November 12, 1984 and recorded in Book 34 at page 282 of the Town of Pomfret Land Records.

The location of this right of way is shown on a plan prepared by Bruno Associates, Inc. P.C. entitled "Proposed Right-of-way across lands of Andrew and Kathy Mann in Pomfret, Vermont" dated December 1986, scale 1" = 40', and is described thereon as follows:

Commencing at a 5/8" rebar set in the ground near the intersection of Town Highway #39 and an existing drive, and running S 22 degrees 10' E 132.4' to a rebar set in the ground; thence proceeding S 36 degrees 12' E 67.8' to a rebar set in the ground; thence turning an angle to the left and proceeding N 58 degrees 43' E 10.0' to a point; thence turning an angle to the right and proceeding S 28 degrees 37' E 246.4' to a 1/2" iron pipe; thence turning an angle to the right and proceeding N 86 degrees 27' W 41.3' to a point; thence turning an angle to the right and proceeding N 28 degrees 37' W 223.0' to a point; thence proceeding N 36 degrees 12' W 68.2' to a point; thence turning an angle to the right and proceeding N 67 degrees 50' E 5.0' to a point; thence turning an angle to the left and proceeding N 22 degrees 10' W 103.6' to a point; thence turning an angle to the right and proceeding N 10 degrees 27' E 37.1' to a 5/8" rebar, being the point and place of beginning.

Also conveyed herein is an easement in common with Grantors, their heirs and assigns, for electric and telephone utility purposes, to be established and located identically to the utility easement being conveyed by instrument of these grantors dated December 12, 1986 to Central Vermont Public Service Corporation and New England Telephone and Telegraph Company.

continued....

Both grantors and grantees intend by delivery and acceptance of this deed to extinguish all other and prior easements and rights-of-way of record and in fact which may cross the grantors' land for the benefit of grantees' land, including, without limitation, those rights-of-way created by deeds of Ehrick J. Wood and Blanche R. Wood to William H. Maynes and Shannon H. Maynes dated July 8, 1966 and recorded in Book 29 at page 225 of the Town of Pomfret Land Records, and dated September 24, 1965 and recorded in Book 29 at page 110 of the Town of Pomfret Land Records.

The rights and interests conveyed herein are subject to rights of mortgages under now existing mortgages.

Grantees, their heirs and assigns, shall notify grantors in advance of any cutting of trees within the herein conveyed easement area, except in case of emergency.

Grantees, for themselves and their heirs and assigns, waive any claim for contribution in the event that grantors or their family members wish to connect to the utility lines established within this easement. Grantors reserve that right to connect to said utility lines for themselves and their family members, but not for other assigns.

Reference may be had to the above-mentioned deeds and plan and to all prior deeds in the Town of Pomfret Land Records for a more particular description of the rights herein conveyed.

Grantees, their heirs and assigns, are further conveyed a reasonable right if necessary, to repair and maintain their driveway, and for such specific purpose may exceed the bounds of the herein-conveyed easement only with Grantor's permission, such permission, not to be unreasonably withheld. It is specifically agreed and understood between the parties hereto, their heirs and assigns and successors, that such right shall be limited to the necessity of repair in the event of washout, substantial deterioration and the like, necessitating substantial repairs or reinstallation of the subject driveway. If this right is exercised, Grantees, their heirs and assigns shall repair at their expense any damage thereby caused to Grantor's premises, and shall restore Grantor's premises to as near its original condition as possible.

continued....

TO HAVE AND TO HOLD all right and title in and to said quit-claimed premises, with the appurtenances thereof, to the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns forever.

AND FURTHERMORE we the said Andrew A. Mann and Kathy Jean Mann

do for ourselves and our heirs, executors and administrators, covenant with the said Philip Dechert, Jr. and Hillary W. Dechert, and their

heirs and assigns, that from and after the ensembling of these presents the said

Andrew A. Mann and Kathy Jean Mann

will have and claim no right, in, or to the said quit-claimed premises. except as set forth herein

IN WITNESS WHEREOF, we hereunto set our hand and seal this day of A.D. 19

In Presence of

Witness signatures: Andrew A. Mann, Kathy Jean Mann, Heidi S. Kenison, Norma Martin, Philip Dechert, Jr., Hillary W. Dechert by Philip Dechert, Jr. her attorney in fact. Each signature is accompanied by a circular notary seal.

STATE OF VERMONT, Windsor County ss. At 12th day of June A. D. 1987 this

Andrew A. Mann and Kathy Jean Mann

personally appeared, and they acknowledged this instrument, by them sealed and subscribed, to be their free act and deed.

Before me Muriel Norman Notary Public (Title)

STATE OF VERMONT WINDSOR COUNTY, SS At Budswater this 10 day of June 1987 PHILIP DECHERT, JR. and HILLARY W. DECHERT personally appeared, and they acknowledged this instrument by them sealed and subscribed, to be their free act and deed. Before me Norma Martin Town Clerk Notary Public

Pomfret Town Clerk's Office: Received for record on June 12, A.D. 1987 at 12:40 P.M. A true copy. Attest: Hazel B. Harrington Town Clerk

Vermont Property Transfer Tax 32 V.S.A., Chap. 231 ACKNOWLEDGMENT Return Rec'd... Tax Paid... Board of Health Cert, Rec'd, Vt. Land Use & Development Plans Act Cert, Rec'd, Return No. 1782902 Signed Hazel Harrington, Clerk Date June 12, 1987

TOWN OF POMFRET
5218 POMFRET ROAD
NORTH POMFRET, VT 05053

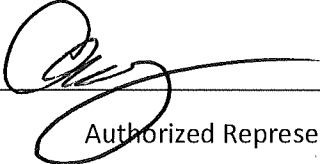
PHONE (802) 457-3861
FAX (802) 457-8180

APPLICATION FOR A PERMIT TO HOLD AN EVENT
ON PUBLIC STREET(S) OR HIGHWAY(S)

Pursuant to Title 24 V.S.A. Section 2291 (5) the Legislative Body of the Town herewith regulate the use of public highways for events.

APPLICANT / ORGANIZATION Artistree (Emma Murray)
PHONE 802 457 3500
ADDRESS 2095 Pomfret Road Pomfret, VT 05067
CONTACT PERSON Emma Murray PHONE 802 457 3500 x112
LOCATION OF ASSEMBLY AND BEGINNING OF EVENT Library Street (9/21, 12-4pm)
ROUTE ON PUBLIC HIGHWAYS (attach map showing route) _____

TRAFFIC CONTROL (if any) property director / signs / barriers
EVENT DATE(S) 9/21 HOUR (start) 12:00 (end) 4:00
ESTIMATED NUMBER OF PARTICIPANTS 50-75



Authorized Representative

8/15/2024

Date

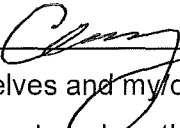
CONDITIONS:

Approved Denied Town Representative Date

Town of Pomfret
5218 Pomfret Road
North Pomfret, VT 05053

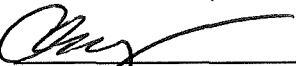
Phone: (802) 457-3861
Fax: (802) 457-8180

LIABILITY HOLD-HARMLESS AGREEMENT
for use with
Outside Special Events within the Municipality

In consideration of the agreement of the **Town of Pomfret** to allow my organization access to town roads and highways,  (organization) and I agree, and for myself/ourselves and my/our heirs, executors and administrators agree to indemnify, defend and hold forever harmless the **Town of Pomfret**, its officers, agents and employees from and against any and all claims, demands, liabilities, actions, judgments, settlements, damages, costs and expenses (including attorney's fees and disbursements) for injury to or death of any person, including myself, or damage to property arising out of or resulting from any material, product, equipment, vehicle or service supplied by the organization or by me, or the agents, servants or employees of either, or from any action or failure to act on the part of myself or the organization, or the agents, servants or employees of either, while performing services for, at the behest of, under contract with or on the premises of the **Town of Pomfret**.

Date: 8/16/2024

Print Name: Emma Murray

Sign Name: 

Witness: 

TOWN OF POMFRET

APPLICATION FOR LARGE EVENT PERMIT

Pursuant to 24 V.S.A. 2291(14), in order to prevent and abate public nuisances, organizers of events having one hundred (100) or more anticipated attendees must first obtain a Large Event Permit from the Town of Pomfret. A completed application must be submitted no less than thirty (30) days before the proposed event begins.

Applicant Name: Artistree Phone: 8024573500 Email: events@artistreevt.org
Mailing Address: 2095 Pomfret Rd. So. Pomfret State: VT Zip: 05067
PO Box 158

Event Name: Artfest (Community Open House)

Event Date(s): 9/21/2024

Event Hours: 12:00 - 4:00 pm Anticipated Attendees: 75

Event Contact Name: Emma Murray Phone: [Redacted] Email: events@artistreevt.org

Has the event been held in Pomfret before? [] Yes [X] No If yes, when?

Please provide a brief description of your event and its location: As an important community hub in the upper valley, we are hosting a free event as a thank you to our community members, as well as a way to showcase what we offer at Artistree.

Will your event involve any of the following?

- Use of a Town Highway or Right of Way [X] Yes [] No
Use of other Town Property [] Yes [X] No
Catering of Alcoholic Beverages [] Yes [X] No

Additional Requirements

- Zoning: Some zoning requirements may still apply to events that otherwise do not require a zoning permit.
Sanitation: Sufficient sanitation facilities and waste removal must be provided.
Parking: Sufficient off-street parking must be provided.
Safety: Upon request, organizers may be required to have a medic on site and/or provide traffic control.
Nuisance: Organizers are responsible for preventing public nuisances that create dangerous, injurious or noxious conditions.

Applicant agrees to adhere to the specifications, requirements and conditions forming a part of this permit. Applicant acknowledges that this permit is issued in accordance with 24 V.S.A. 2291(14) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to hold the event in accordance with the specifications, requirements and conditions indicated herein.



Applicant Signature

Emma Murray
Applicant Printed Name

8/15/2024
Date

Please mail or email completed application to: Town of Pomfret
5218 Pomfret Road
North Pomfret, Vermont 05053
Attention: Town Clerk, clerk@pomfretvt.us

OFFICIAL USE ONLY

Date Received: _____ By: _____

Zoning Permit Required? Yes No Unknown If yes or unknown, referred to Zoning Administrator on: _____

Condition(s) of Approval: _____

PERMIT APPROVED this _____ day of _____, 20____.

Selectboard Chair

Copies of approved permits to:
Chief, Pomfret-Teago Volunteer Fire Department
Head of Service, Pomfret FAST Squad

TOWN OF POMFRET

APPLICATION FOR LARGE EVENT PERMIT

Pursuant to 24 V.S.A. 2291(14), in order to prevent and abate public nuisances, organizers of events having one hundred (100) or more anticipated attendees must first obtain a Large Event Permit from the Town of Pomfret. A completed application must be submitted no less than thirty (30) days before the proposed event begins.

Applicant Name: Artistree Phone: 8024573500 Email: events@artistreevt.org
Mailing Address: 2095 Pomfret Rd, So. Pomfret, State: VT Zip: 05067
PO Box 158 * * * * *

Event Name: 2024 "Starry Night Soirée" Fundraising Gala

Event Date(s): 8/23/2024

Event Hours: 4:30-10:00 Anticipated Attendees: 90

Event Contact Name: Emma Murray Phone: [REDACTED] Email: events@artistreevt.org

Has the event been held in Pomfret before? Yes No If yes, when? Aug. 2023

Please provide a brief description of your event and its location: Artistree's continued success as a community hub relies heavily on its donors. The soiree acts as both a "thank you" to donors, as well as our biggest fundraiser during the year. Location - behind The Grange on Artistree's private property.

Will your event involve any of the following?
Use of a Town Highway or Right of Way Yes No If yes, a Permit to Hold an Event on Public Street(s) may be required. Please contact clerk@pomfretvt.us.
Use of other Town Property Yes No If yes, general liability insurance in the amount of \$1,000,000 per occurrence and naming the "Town of Pomfret" as additional insured may be required. Please contact clerk@pomfretvt.us.
Catering of Alcoholic Beverages Yes No If yes, a Request-to-Cater Permit may be required. Please visit www.liquorcontrol.vermont.gov.

Silo has been cured this
Additional Requirements

- Zoning: Some zoning requirements may still apply to events that otherwise do not require a zoning permit. Please contact the Zoning Administrator at karen.hewitt@pomfretvt.us.
- Sanitation: Sufficient sanitation facilities and waste removal must be provided. Compliance with the Vermont Universal Recycling Law is required.
- Parking: Sufficient off-street parking must be provided. No parking is permitted that interferes with ordinary roadway maintenance (including winter plowing) or otherwise reduces the usable travelled way to less than twelve (12) feet.
- Safety: Upon request, organizers may be required to have a medic on site and/or provide traffic control. Adequate emergency vehicle access must be maintained for the event duration.
- Nuisance: Organizers are responsible for preventing public nuisances that create dangerous, injurious or noxious conditions that adversely affect the reasonable use of adjoining or nearby properties.

Applicant agrees to adhere to the specifications, requirements and conditions forming a part of this permit. Applicant acknowledges that this permit is issued in accordance with 24 V.S.A. 2291(14) and may be voided in the event of misrepresentation, substantial inaccuracy or failure to hold the event in accordance with the specifications, requirements and conditions indicated herein.


Applicant Signature

Emma Murray
Applicant Printed Name

8/15/2024
Date

Please mail or email completed application to: Town of Pomfret
5218 Pomfret Road
North Pomfret, Vermont 05053
Attention: Town Clerk, clerk@pomfretvt.us

OFFICIAL USE ONLY

Date Received: _____ By: _____

Zoning Permit Required? Yes No Unknown If yes or unknown, referred to Zoning Administrator on: _____

Condition(s) of Approval: _____

PERMIT APPROVED this _____ day of _____, 20____.

Selectboard Chair

Copies of approved permits to:
Chief, Pomfret-Teago Volunteer Fire Department
Head of Service, Pomfret FAST Squad

Ethics and Conflicts of Interest

2024 Ethics and Conflicts of Interest Changes: The Statewide Municipal Code of Ethics - Act 171

The recent passage of Act 171 of 2024 has drastically changed the ethical regulatory landscape for municipalities. The Act removes municipal authority to enact conflict of interest prohibitions tailored to address the specific needs, concerns, size, and values of their municipalities and replaces that authority with a new, top-down, one size fits all, statewide Municipal Code of Ethics.

Deadlines:

All provisions of Act 171 take effect January 1, 2025 with two exceptions:

1. The repeal of existing municipal ethics statutes (24 V.S.A. §§ 1984 and 2291(20)) took effect upon passage June 10, 2024.
2. New ethics training requirements take effect September 30, 2025

New Contact: Vermont State Ethics Commission

Since the Legislature gave the State Ethics Commission the authority to provide guidance and advice (including advisory opinions) to municipalities, we are directing all municipal officers to contact the State Ethics Commission regarding any ethics questions they may have. The State Ethics Commission can be reached at 802-828-7187 or ethicscommission@vermont.gov

New Municipal Ethics Requirements

Please review the following new ethics requirements carefully and direct questions and comments to the Vermont State Ethics Commission.

Disclaimer: This resource is only intended to provide information and it does **NOT** constitute legal advice. Readers with specific legal questions are encouraged to contact an attorney. The use or downloading of this resource does **NOT** create an attorney-client relationship and will not be treated in a confidential manner.

If you have additional questions please use the ask a question button to submit them.

[Ask a Question](#)

[Municipal Ethics Code Posting](#)

Municipalities must post the Municipal Code of Ethics and their means of enforcing the code on their website and provide it to all municipal officers.

[Staff & Officer Designees](#)

Required designees:

1. Assign staff member as ethics liaison to the State Ethics Commission (within 30 days of January 1, 2025)
2. Assign a municipal officer or board to receive complaints of ethics violations

[Municipal Officer & Board Training](#)

- Requires current specified* officers to complete State Ethics Commission approved training by September 30, 2025.
- Requires new officers* to complete State Ethics Commission approved training within 120 days of their election or appointment
- Requires all specified* officers to retake training every three years after their initial training

List of Officers Required to Take Training:

Chief Administrative Officers, Town or City Managers, Mayors, all members of legislative bodies, and members of quasi-judicial bodies (Boards of Civil Authority, Boards of Abatement,

Development Review Boards, etc.).

Records & Retention

1. Record and retain complaints received and the disposition of each complaint made against an active municipal officer for the duration of their service (plus five years after service has ended)
2. Provide the State Ethics Commission with a summary of complaints received and the outcome of each **upon request**. (redaction of personally identifiable information PII is permitted)
3. Create and maintain records of municipal officers who have taken ethics training.

Create Investigation & Enforcement Process

Requires every municipality to create processes for investigation and enforcement of alleged violations by ordinance, policy, or rule.

Ethics Commission Authority & Whistleblower Protections

- Authorizes the Executive Director of the State Ethics Commission to provide advisory opinions and guidance, upon written request, to municipal officers related to governmental ethics.
- Requires the Executive Director of the State Ethics Commission to refer any ethics complaints received about municipal officers to the municipality's ethical liaison for investigation and enforcement by the municipality.
- Creates a new whistleblower protection for municipal employees that is nearly identical to that which protects state employees.

Note on Conflicts in Municipal Purchasing & Contracting

Federal regulations require that real or apparent conflicts of interest which may arise in the context of municipal purchases and contracting are addressed.

If the municipality does not already have a separate conflict of interest policy, it should be addressed in the body of a purchasing policy. See the VLCT model purchasing policy (upper left).

SETTLEMENT AGREEMENT

NOW COME [REDACTED] (“Defendants”) and the Town of Pomfret (the “Town”) (collectively, the “Parties”) and agree as follows:

WHEREAS Defendants own property within the Town of Pomfret located at [REDACTED], Pomfret, Vermont (the “Property”); and

WHEREAS on March 23, 2023, the Town issued to the Defendants a Notice of Violation (“NOV”) stating that they had commenced land development on the Property without first obtaining all necessary zoning permits in violation of the Pomfret Zoning Ordinance (“Zoning Ordinance”) and Pomfret Flood Hazard Area Regulations (“Regulations” and together with the Zoning Ordinance: the “Ordinances”); and

WHEREAS the NOV specifically cited two violations: (1) failure to obtain a permit for a change in use of a non-conforming garage, and (2) failure to obtain a permit for development in a special flood hazard area; and

WHEREAS Defendants timely appealed the NOV to the Town’s Zoning Board of Adjustment (“ZBA”); and

WHEREAS the ZBA held a duly warned public hearing on the Defendants’ appeal on May 11, 2023, and issued a written decision upholding the NOV on June 16, 2023, which the Defendants did not appeal; and

WHEREAS the Town filed an action in the Environmental Division of the Vermont Superior Court to enforce the ZBA’s decision against the Defendants; and

WHEREAS the Town and the Defendants wish to bring the Property into compliance with the Ordinances and to avoid the uncertainty, expense and inconvenience of a hearing;

NOW THEREFORE in exchange for the mutual promises contained herein and other good and valuable consideration, the Parties agree as follows:

1. The Defendants shall pay the Town four thousand dollars (\$4,000) with a check from their attorney’s trust account, by certified bank check, or cashier’s check.
 - a. This payment shall be made in full within ten days of the date the Parties sign this Agreement.
 - b. Failure to comply with this Section 1 constitutes a material breach of this Agreement.

2. The Defendants shall agree to and sign—in conjunction with this Agreement—a Stipulated Judgment Order for Docket No. 23-ENV-00092 in the Environmental Division of the Vermont Superior Court (attached hereto and incorporated herein by reference as “Exhibit A”), which will order the following remedies against the Defendants, if issued pursuant to the terms set forth herein:
 - a. Defendants shall vacate the non-conforming garage, cause any person residing in the non-conforming garage to vacate the non-conforming garage, and cease to use the non-conforming garage as a dwelling unit until the Defendants secure all necessary permits for the use of the non-conforming garage as a dwelling unit.
 - b. The Defendants shall pay the Town Five Thousand Dollars (\$5,000) in civil penalties.
 - c. The Town shall be entitled to interest on the judgment principal of Five Thousand Dollars (\$5,000) at the judgment rate of twelve percent (12%) per annum which shall accrue daily on the unpaid principal amount from and after the date of judgment.
3. The Stipulated Judgment Order shall not be valid unless and until the Defendants breach any material term of this Agreement. The Town shall not file the Stipulated Judgment Order with the Court unless and until the Defendants materially breach any term of this Agreement. During the period covered by this Agreement, the Town shall stay any pending litigation, and extend all deadlines and schedules accordingly.
4. By no later than sixty (60) days from the date of this agreement, the Defendants shall have retained and contracted with a qualified surveyor or engineering firm to identify the Base Flood Elevation (“BFE”) for the Property to demonstrate that the proposed development will comply with Pomfret’s Regulations, and otherwise comply with the Ordinances governing the existing structure and its use on Defendants’ property.
5. By no later than sixty-five (65) days from the date of this Agreement, the Defendants shall provide the Town’s Zoning Administrator with a copy of the contract between the Defendants and the qualified surveyor or engineering firm hired to identify the Property’s BFE to demonstrate that the proposed development will comply with Pomfret’s Regulations, and otherwise comply with the Ordinances for the existing structure and its use on Defendants’ property.
6. Within 244 days of signing this Agreement, the Defendants shall either:

- a. apply to the Town ZBA for a zoning permit and flood hazard area permit to develop the non-conforming garage into an accessory dwelling unit and submit with such application all necessary state permits and demonstrate that the proposed development will comply with Pomfret's Regulations and otherwise comply with the Ordinances for the existing structure and its use on Defendants' property; or
 - b. apply for a zoning permit and (if applicable) a flood hazard area permit for an accessory dwelling unit that complies with the Ordinances along with proof of all necessary state permits, and such application shall propose development that brings the Property into compliance with the Ordinances within 300 days of signing this Agreement; or
 - c. Cease the use of the non-conforming garage as an accessory dwelling unit and cause any resident to vacate the non-conforming garage on the Property until the Defendants have secured a permit to use the non-conforming garage as an accessory dwelling unit.
7. The Town shall review any application, and provide Defendants any feedback, and responses, promptly, and without unreasonable delays.
 8. If the Defendants fail to bring the Property into compliance with the Ordinances within 300 days of signing this Agreement, the Defendants shall be in material breach of this Agreement and the Town may file the Stipulated Judgment Order with the Court in Docket No. 23-ENV-00092.
 9. The Town may, in its sole discretion, grant extensions beyond the time established in this Agreement for the Defendants to meet the requirements of this Agreement upon a written request from the Defendants sent to the Zoning Administrator prior to the expiration of the time to meet the specific requirement. Said request shall provide the reasons why Defendants cannot meet the deadlines established in this Agreement. Properly requested extensions due to circumstances completely outside of the Defendants control shall not be unreasonably withheld. Time is of the essence regarding this agreement and if the Defendants miss any of the specified deadlines in this Agreement without securing an extension, it shall be a material breach of this Agreement and the Town may file the Stipulated Judgment Order with the Court in Docket No. 23-ENV-00092.
 10. Nothing in this Agreement shall constitute a waiver by the Town of its right and obligation to enforce any statute, regulation or ordinance that it is, by law, charged with enforcing, including the Ordinances, in connection with any other aspect of Defendants' Property.

11. This Agreement may be amended only by mutual written agreement of the Parties.

12. This Agreement sets forth the exclusive and complete expression of the intent of the Parties and the entire understanding of the Parties related to the matters herein. This Agreement supersedes any prior agreements of any kind between the parties related to the matters described herein.

By:



Date: 11/21, 2023

By:

Date: 11/21, 2023

By:

A handwritten signature in black ink, appearing to read "Robert Scharf".

Date: 11/22, 2023

Robert Scharf for the Town of Pomfret

Approved as to form:

Beriah Cushman Smith, Esq. for the Town of Pomfret

Robert Scharf, Esq. for the Defendants

EXHIBIT A

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET NO. 23-ENV-00092

TOWN OF POMFRET,)
Plaintiff,)
)
v.)
)
)
)
)
Defendant.)

STIPULATED JUDGMENT AND ORDER

Plaintiff, Town of Pomfret (the "Town"), and Defendants, [REDACTED] ("Defendants"), hereby stipulate and agree, and request the Court enter a final judgment order as follows:

The Defendants violated the Town of Pomfret Zoning Ordinance by commencing land development without a permit and, more specifically, changing the use of a non-conforming garage to a dwelling unit without a permit. Said violation was determined by the Town Zoning Administrator and she issued a Notice of Violation. The Defendants appealed the Zoning Administrator's Notice of Violation to the Town's Zoning Board of Adjustment ("ZBA"). The ZBA concurred with the Zoning Administrator's Notice of Violation and found the Defendants change in use of the non-conforming garage to be a violation of the Town Zoning Ordinance. The Defendants did not appeal the ZBA's decision within 30 days and the decision is now final and the violation is definitively established.

Having established a violation of its Zoning Ordinance, the Town is entitled to a remedy.

Therefore the Court orders the following remedies in favor of the Town, effective upon the issuance of this Stipulated Judgment and Order:

1. Defendants shall vacate the non-conforming garage, cause any person residing in the non-conforming garage to vacate the non-conforming garage, and cease to use the non-conforming garage as a dwelling unit until the Defendants secure all necessary permits for the use of the non-conforming garage as a dwelling unit.
2. The Defendants shall pay the Town Five Thousand Dollars (\$5,000) in civil penalties.
3. The Town shall be entitled to interest on the judgment principle of Five Thousand Dollars (\$5,000) at the judgment rate of twelve percent (12%) per annum which shall accrue daily on the unpaid principal amount from and after the date of judgment.

DATED at Newport, Vermont this 21 day of Nov. 2023.

DEFENDANTS

By:

By:



DATED at Newport, Vermont this 22 day of November 2023.

TOWN OF POMFRET

By:

John R. Perdes SA

SO ORDERED:

_____ Dated: _____

Thomas Hasson
D/B/A Hasson Construction
2968 VT Rte. 12
Woodstock, VT 05091

Cynthia Hewitt
RE: Pomfret Town Hall steps
Estimate Only – 8/7/24

Project: Remove existing ramp, main entry deck and steps and rebuild with new entryway and steps.

Dumpster fees for disposal of old material: \$ [REDACTED]

Material: New pressure treated framing lumber for porch and steps,
5/4" decking, screws, nails and supplies: \$ [REDACTED]
6% VT sales tax: \$ [REDACTED]

Labor: Tear out existing entry porch, steps and ramp, remove all debris.
Re-frame with new pressure treated perimeter joist and floor joists.
Re-frame entry steps. Install new decking and treads on porch and
steps: \$ [REDACTED]

Estimate total: \$ [REDACTED]

Cynthia: Please note that at this point I am scheduled through the winter and this would have to be scheduled for the spring of 2025. With that in mind, this is 2024 materials pricing and may be subject to change. If you find another contractor who can move on it more quickly, I will understand.

Best regards,
Tom Hasson



Hillside Builders, LLC

Job Cost Estimate

Appendix A to Client Engagement Agreement

Date: 7/19/2024
Job ID # Town Of Pomfret
Estimate # 2
Valid until: 8/19/2024

Summary: Town Hall Entry Porch- Remove Ramp, Add Stairs and Replace Decking

Total Materials	\$	
Total Labor	\$	
Total Miscellaneous	\$	
Total SubContractors	\$	
<hr/>		
Sub Total	\$	
Taxes	\$	
Total Markup	\$	
Contingency	\$	
TOTAL	\$	

NOTES:

This estimate is created in good faith and all information is accurate to the best of our knowledge
Costs may fluctuate from this estimate. Actual costs will be billed
Costs may exceed estimate if the scope of work is altered

Estimate Breakdown of Costs Worksheet

Quantity	Unit Price	Materials - Description	Amount
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█	█	Materials	\$
█	█	Fasteners	\$

Total Materials

Hours	Rate	Labor - Description	Amount
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█	█	Carpenter	\$
█	█	Laborer	\$
█	█	Supervisory	\$

Total Labor

Quantity	Unit Price	Miscellaneous - Description	Amount
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█	█	Dump Fees	\$
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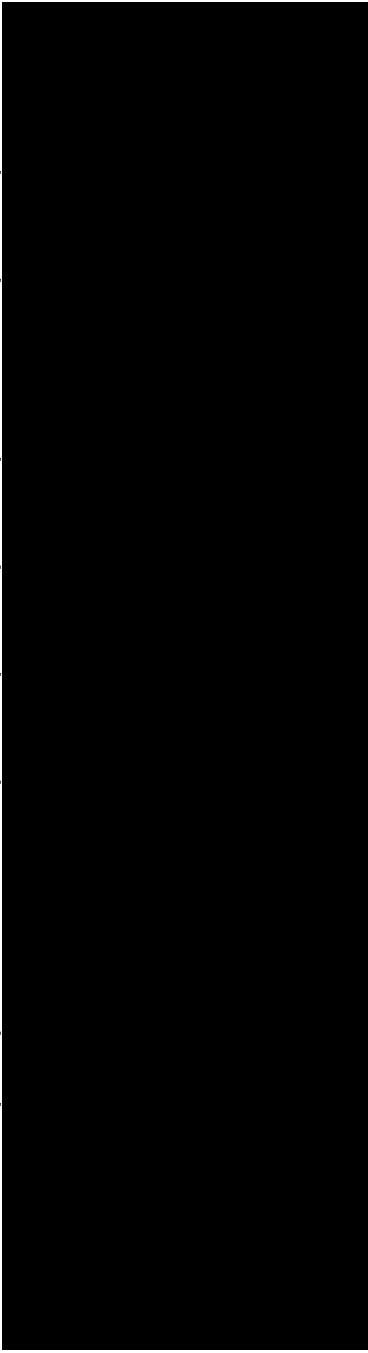
Total Miscellaneous

Quantity	Unit Price	Sub Contractors - Description	Amount
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Total SubContractors

Sub Total
Taxes
Markup
10% Contingency

PROJECT TOTAL



Town of Pomfret Selectboard
Draft Meeting Minutes
August 7, 2024

Present: Benjamin Brickner, John Peters, Steve Chamberlin, Meg Emmons, Emily Grube

Public: Betsy Rhodes, Alan Graham, Neil Lamson, Jim Potter, Cynthia Hewitt

1. Ben called the meeting to order at 6:02 pm.
2. Executive Session
 - a. Ben moved and Meg seconded that the Selectboard enter executive session pursuant to 1 V.S.A. 313(a)(1)(F) and (a)(3) to discuss confidential attorney-client communications, the employment of public employees, and the appointment of public officials. Unanimous. The Selectboard entered executive session at 6:04 pm.
 - b. The Selectboard exited executive session at 7:24 pm, with no decisions having been made therein.
3. Agenda Review – None.
4. Public Comment – Betsy Rhodes followed up with Jim re: invasive plant disposal; More Waste Solutions has the best rate for a dumpster and already provide a dumpster at the Town Garage. Betsy will post to the listserv about collection and disposal of the detritus.
5. Road Foreman’s Report – The cost of gravel to complete the Stage Road paving came in higher than expected due to the need for additional tonnage above the estimate. The tractor is repaired and Art has resumed roadside mowing.
6. Items for Discussion or Vote
 - a. Employment of Public Employees – No decisions to be made at this time. Neil Lamson commented on the potential conflict of interest should a Selectboard member apply for a position on the Road Crew.
 - b. Better Roads Grant Agreement – Emily moved and Meg seconded that Ben be authorized to sign and return the Grant Agreement #BR1156. Unanimous.
 - c. Class 2 Highway Speed Limits – Following numerous complaints about excessing speeding on town roads, the Selectboard will explore reducing speed limits on all Class 2 highways. Ben will confer with Jim and Jim may contact Two Rivers or the Agency of Transportation for more information.
 - d. Emerald Ash Borer Management – Alan Graham reports that the emerald ash borer is present in Pomfret. He estimates as many as 2,000 trees will need to be removed from the town right-of-way over the next 10 years. GMP will handle trees that pose a risk to power lines, but it is difficult to know when GMP will act and if they will remove entire trees or only branches near the lines when they do (leaving the rest for the town to take care of). Alan suggests establishing a reserve fund for the associated costs so that funds may be accumulated and rolled over from year to year. This will be addressed during FY 2026 budging and preparation of the 2025 annual meeting warning.
 - e. Appointment of Public Officers (Zoning Board of Adjustment) – Michael Schmell has volunteered to fill the vacancy on the Zoning Board of Adjustment. Steve moved and Emily seconded that Mr. Schmell be appointed to the ZBA to complete the term expiring March 2026. Unanimous.

- f. Labounty Trust Summary of Account – Emily moved and Steve seconded the Summary of Account and Motion to Allow Account be approved and submitted to the Windsor County Probate Court. Unanimous.
 - g. Town Hall Front Porch Repair – Hillside Builders previously submitted an estimate. An estimate from Hasson Construction is expected shortly. Both will be considered at the August 21 meeting.
 - h. Town Buildings Routine Maintenance – The Selectboard will solicit proposals from local contractors. Discussion to be continued at the August 21 meeting.
 - i. Large Event Permit (August 17, Cloudland Road) – John moved and Emily seconded approval of a Large Event Permit for an August 17 wedding on Cloudland Road with the condition that all parking be off-street. Unanimous (Meg recused).
 - j. Local Economic Recovery Grant (DR-4720) – Steve moved and Emily seconded that Neil’s prior acceptance of the Local Economic Impact Grant funding be approved. Unanimous. Neil noted that these funds may be used for any purpose, other than projects which are eligible for reimbursement by FEMA. As such, Neil recommended not using these funds for anything town highway related.
 - k. Warrants – Steve moved and Emily seconded approval for payment of the following warrants:

25007	\$ 8,259.58	Payroll
25008	13.62	AP (Disability Insurance Premium)
25011	8,623.99	Payroll
25012	26,501.62	AP

 Unanimous.
 - l. Approval of July 17, 2024 Minutes – Emily moved and John seconded approval of the July 17, 2024 meeting minutes as presented. Unanimous.
7. Meeting Wrap Up
- a. Correspondence – None.
 - b. Review of Assignments – Emily and Cynthia will review the personnel policy regarding benefits for parttime employees and Emily will prepare a revised job description for Jim. Ben will follow up with Jim regarding Class 2 speed limit changes and will inform Mr. Schmell of his appointment to the ZBA. Emily will solicit fuel quotes for approval on August 21.
 - c. Agenda for Next Meeting – Highway Access Permit (Dinsmoor Road), Settlement Agreement (Broad Brook Road), fuel contracts, employment of public employees.
8. Adjournment – Steve moved and Meg seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 8:37 pm.