

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

**Permit Number ZP24-12  
October 12, 2024**

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

PUBLIC HEARING DATE: August 27<sup>th</sup>, 2024

APPLICANTS & OWNERS: John Moore  
421 Hewitt Hill Road  
North Pomfret, VT 05053

POMFRET PROPERTY ADDRESS: 0 Blackmer Road, Pomfret

**NATURE OF APPLICATION**

On Tuesday August 6<sup>th</sup>, 2024, Karen Hewitt Osnoe, the Zoning Administrator, submitted an Application from John Moore, a Ridgeline Hearing to the Pomfret Planning Commission for review. This application requested for a Ridgeline Approval of a building site. The building will be for a residence not to exceed 8 persons, 4-bedroom home, less than 35 feet high, with subdued colors, and all lighting shielded. The Pomfret Planning Commission would schedule a hearing.

The application materials include:

1. the application form;
2. Wastewater permit number WW-3-3651 on file book 87 pages 528-530
3. A map which indicates the building sites.

**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 27<sup>th</sup> 2024, was published in the Vermont Standard; a daily newspaper and Pomfret's

designated paper of record for public hearing notices, in the edition on August 8<sup>th</sup>, 2024. 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 27<sup>th</sup> 2024 at 6:00pm. Those attending were: Bill Emmons (Pomfret Planning Commission Chair), Pomfret Planning Commission members: Doug Tuthill, and Cyrus Benoit. John Moore(applicant), Mary Blackmer (abutter), Katie Blackmer, David Deiss and Karen Hewitt Osnoe (Zoning Administrator).
4. At the site visit, John Moore advised that the land was landlocked and access to lot would be on the Moore Family Partnership. Power would be underground to the potential building site. The only critical vantage point is small area from Blackmer Road only. There is existing screening on the side of the road.
5. At the site visit, the site for the potential build was clearly marked with a 176-foot radius for the potential building site.
6. The warned public hearing at the Pomfret Town Office was opened by Doug Tuthill promptly at 7:37pm. Those attending via Zoom were: Bill Emmons and Nelson Lamson. Doug Tuthill, Cyrus Benoit, John Moore (recused from Planning Commission), and Karen Hewitt Osnoe were present at the Town Office. Missing from the Pomfret Planning Commission were Jack Pearsons and Tyler Haire.
7. Interested party status was granted for Mary Blackmer, David Doolittle and Arthur Berndt. Arthur submitted an email to the Zoning Administrator due to being out of town and unable to attend.
8. It was stated during the hearing that there was no critical vantage point with the exception of a small window on Blackmer Road. The proposed building site location was depicted on the submitted map with the permit application. The proposed future residence was not to exceed 8 persons and would be built with subdued colors. A septic approval from the State of Vermont was submitted.
9. The hearing closed promptly at 7:48pm.

### **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

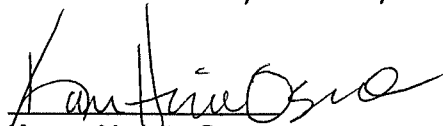
This decision is granted to the Applicants under the following Conditions:

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 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 building site does not cause an undue adverse effect on the area.

5. Due to the Zoning Administrator and the Pomfret Planning Commission's Administrative Assistant, Karen Hewitt Osnoe, under 24 V.S.A § 4464 (b) Decisions. Part (1) The appropriate municipal panel may recess the proceedings on any application pending submission of additional information. The panel should close the evidence promptly after all parties have submitted the requested information. The panel shall adjourn the hearing and issue a decision within 45 days after the adjournment of the hearing, and failure of the panel to issue a decision within this period shall be deemed approval and shall be effective on the 46th day. The applicant was not notified within 45 days therefore on October 12th the application is deemed approved. Decisions shall be issued in writing and shall include a statement of the factual bases on which the appropriate municipal panel has made its conclusions and a statement of the conclusions. The minutes of the meeting may suffice, provided the factual bases and conclusions relating to the review standards are provided in conformance with this subsection.

Members Bill Emmons, Doug Tuthill, Nelson Lamson and Cyrus Benoit all voted in the affirmative.

Dated at Pomfret, Vermont, this 26<sup>th</sup> day of November, 2024.



Karen Hewitt Osnoe  
Zoning Administrator  
Assistant to the 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.