

**Town of Pomfret
Selectboard Meeting Agenda
Town Offices
5218 Pomfret Road, North Pomfret
September 3, 2025, 5:30 pm**

Zoom instructions below

Business Items	
1. Call to Order	5:30 pm
2. Proposed Executive Session (Employee Matters)	
3. Agenda Review	7:00 pm
4. Public Comment	
5. Road Foreman Report	7:05 pm
6. Items for Discussion or Vote a. ZA Request for Waiver of ZBA Hearing Fee (Abracadabra) b. Request-to-Cater Permit Application (Hewitt Hill Farm) c. Pomfret Town Line Road Sign Quotes d. Core Sampling of Highways e. Municipal Painting Quotes f. Fuel Supply Agreements (2025-26 Season) g. Tunbridge Legal Trails Amicus Brief h. Appointment of Public Officers i. Warrants j. Approval of August 20, 2025 Minutes	7:15 pm
7. Meeting Wrap Up a. Correspondence b. Review of Assignments c. Agenda for Next Meeting	8:45 pm
8. Proposed Executive Session (Employee Matters)	
9. 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

Select Board Agenda for September 3

Preston Bristow <zoning@pomfretvt.us>

Fri, Aug 22, 2025 at 11:39 AM

To: Benjamin Brickner <benjamin.brickner@pomfretvt.us>, Cynthia Hewitt
<cynthia.hewitt@pomfretvt.us>

I will be there to speak to my request. I am requesting that the Select Board waive the hearing fee and warning fee so the ZBA can hold a hearing and formally clarify the condition of the Abracadabra permit with regard to foods that can be served at special events. I am requesting this clarification to enable me to correctly carry out my duties. My request to the Select Board is only to waive the fee. Without a clarification from the ZBA, whatever decision I make as administrator will surely be appealed, with either the applicant or the appellant paying an appeal fee, and the appeal process likely accompanied by criticism of me (for picking one side or the other) and the ZBA (for previously issuing a less than clear decision), and with continued conflict between the applicant and appellant. An open hearing process before the ZBA where all parties can be heard and a clarification issued seems the least contentious path. The principals at Abracadabra have indicated they won't likely attend on September 3, although they will of course attend any ZBA hearing.

Preston Bristow

Zoning Administrator | Town of Pomfret

5218 Pomfret Road, North Pomfret, Vermont 05053

CELL 603-359-5243 | <http://www.pomfretvt.us/>

RECEIVED JUL 28 2025

Dear Preston,

We are writing in response to your June 27, 2025 Warning of Potential Violation and to explain our understanding that the event held on June 27, 2025 is within our permitted uses.

Throughout our permit process a distinction has been made between uses during "Normal Business Hours" and uses at "Special Events." The important consideration is to understand the definition of a "Special Event." Neither Permit #ZP22-35 nor Permit #ZP23-30 includes a definition of a Special Event or activities permitted at them. However, activities we planned to offer at the events was described and explained by us to the Board at the hearings, after which the Board granted the use for "Special Events." With that understanding, the granted permits for Special Events include serving food at them, and section VI.E. cannot be interpreted to mean that we cannot serve food at our Special Events.

Our application for Permit #ZP22-35 included a request to sell prepared coffee, baked goods, retail coffee and related merchandise to the public within the hours of 7 am and 5 pm and to have "limited outdoor and indoor events for private functions." The December 1, 2022 Decision granting that Application Provided: "B. The sale of prepared coffee, baked goods, retail coffee and related merchandise to the public is limited to the hours of 7 am to 5 pm, 7 days a week (special events excepted)." This acknowledges the distinction for "special events." The same distinction for special events was noted in paragraph C. for seating not to exceed 30 patrons during normal business hours "(special events excepted)." Paragraph D. limited patrons to 65 at Special Events. There is no condition or limitation that food cannot be served at the Special Events.

At the November 14, 2022 hearing for Permit #ZP22-35, we described the activities for a Special Event. The recording of that hearing is not available online, but, if you have access to it, the description of a "Special Event" at that hearing is very similar to the description given by Antoinette at the January 9, 2024 hearing for Permit #ZP23-30. The recording for that hearing is available online. Between approximately 15:20 and 16:20 of the hearing, Antoinette describes the activities for the Special Events to include music, beer and wine, food (which had included a pizza vendor and a taco vendor at the first year of the events), and that it is mostly for families and kids to enjoy the green space behind the building. We know some of the former and current Board Members had attended the first year of events and fully understood the activities we had at the Special Events, so they had full knowledge of those activities when approval was given for Permit #ZP23-30.

It also is likely that Board Members understood that the Vermont Festival Permits we had obtained for the first year of Special Events required that we offer food at the Special Events. Serving food has always been included for the Special Events.

The use for Special Events had been granted in Permit #ZP22-35, so the change included in Permit #ZP23-30 was the number of patrons allowed and the addition of the sale of spirits if we obtained a license to do so. There is no condition or limitation that food cannot be served at the Special Events. Section VI.E., noted in your letter, clearly relates to normal

business hours and not to Special Events. That section specifies that its limitation does not apply to "the coffee or baked goods approved by the Second Decision." As recited above, the limitation for coffee and baked goods in the Second Decision (section V.B.), did not apply to Special Events ("special events excepted"). The reference to the Second Decision acknowledges that Special Events are excepted from the limitation for the sale and service of food and beverages to the hours of 7 am to 2 pm. in section VI.E. of Permit #ZP23-30.

In summary, serving food at the Special Events has always been within the definition of a "Special Event" granted by Permits #ZP22-35 and #ZP23-30. With the full knowledge that food had been part of activities at our first year of Special Events, and the reaffirmation of those activities described at the January 9, 2024 hearing, Permit #ZP23-30 was granted without any limitation of serving food at the Special Events.

For these reasons, we believe serving food at Special Events has been approved in Permit #ZP22-35 and Permit #ZP23-30, so the event held on June 27 is within our permitted uses.

If you believe there is any ambiguity on this issue, the ambiguity should be fully resolved by understanding the definition of Special Events as described by us to include serving food. If you believe that does not resolve any ambiguity, it seems to us that the issue is most expeditiously resolved by asking the Board to clarify it approved our use for Special Events with the knowledge and understanding that we would serve food at those events. This would avoid the cost to us, and the use of the Board's time, which would be required to make another application to serve food.

If necessary, is there a process for the Board to resolve this issue without another application?

We appreciate your review of this issue and look forward to your thoughts.

Thank you.

Abracadabra Coffee Company
Antoninette Hunt
Clint Hunt
Sarah Yetter
Jack Willey



Application ID: DLL - Application - 64298
Application for: Request to Cater Permit
Category of Business: Caterer

Business/ Entity Information

Business/ Entity Name:

BABBs LLC

Business ID:

0418857

Business Address:

17 Whitney Street,
Winooski, Vermont 05404

Entity Type:

Limited Liability Corporation

Phone:

802-399-2661

Management Type if LLC:

Member-managed

Email:

babbsllc126@gmail.com

Foundational License (if applicable)

License Type:

Caterer

License Number:

LP-028258

Licensee Name:

The 126

License Status:

License issued-new application

Licensee Address:

126 College Street Suites 130 &140,
Burlington, Vermont 05401

License Start Date:

2025-04-03

License End Date:

2026-04-02

Event Contact/s

Person:

Karyn Jacobs

Business Role:

Business Principal

Phone:

[REDACTED]

Business Address:

17 Whitney St.,
Winooski, Vermont, 05404

Email:

babbsllc126@gmail.com

Violations:

Violation ID	Court/Traffic Bureau	Offense	Date of Offense
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Event Premises Details**Location Name:**

Hewitt Hill Farm

Start date and time of event September 5 2025 16:00

End date and time of event September 6 2025 23:00

Location Address:

1007 Johnson Road,
Pomfret, Vermont 05053

Approximate Number of Persons Expected

100

Local Jurisdiction/ Town Clerk:

Pomfret

Describe the type of event/ OCP Area:

The wedding of Elizabeth Kenney and Jason Fund taking place on the property. Friday evening will be a 6ft bar inside of the barn onsite serving beer & wine only for 3 hours. Saturday will have 2 different 8ft bar areas, one inside of a tent onsite and one outside the tented area. Saturday's bars will serve full offerings for 5 hours.

Documents Attached

Name	Document Type	Assosicated With
D-01552	Articles of Organization	BABBs LLC
D-01553	Lease or proof of ownership	BABBs LLC
D-01554	Meals & Rooms Tax Certificate	BABBs LLC
D-01555	Sales and Use tax documents	BABBs LLC
D-01556	Federal Employee Identification #	BABBs LLC
D-01557	Health License	BABBs LLC
D-02284	Operating Agreement	BABBs LLC
D-02285	Other	BABBs LLC
D-03687	Proof of Worker Compensation Insurance	BABBs LLC
D-03688	Lease or proof of ownership	BABBs LLC
D-13087	Other	BABBs LLC

Payment and Acknowledgement**Signed by:**

Karyn Jacobs

State of Vermont / DLL Application Fee:

20.00

Date and time of Submission:

2025-08-27 14:56:13

State of Vermont / DLL Payment Status:**Local Control Payment Status:**

false

Local Application Fee:

0

Town of Pomfret Selectboard
DRAFT Meeting Minutes
August 20, 2025

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

Public: Frank Rogers, Eric Jahn, Bob Crean, Marie Cross, Michelle Bui, Marge Wakefield, Bill Emmons, Betsy Rhodes, Cynthia Hewitt

1. **Call to Order** – Ben called the meeting to order at 7:00 pm.
2. **Agenda Review** – Ben moved and Meg seconded deletion of Item 5I (Fuel Supply Agreements (2025-26 Season)), which will be taken up at the September 3 meeting instead. Unanimous. The Selectboard may also discuss legal matters in the proposed executive session following a recent decision in Hillary White et al. v. Town of Pomfret Selectboard et al. (25-CV-00595).
3. **Public Comment** – None.
4. **Road Foreman Report** – Frank reported that both VTrans Grant-in-Aid Program projects are complete. He will finalize paperwork with Rita Seto next week. Blaktop is scheduled to complete the town office parking lot and Wayside Road bridge paving during the first week of September. This schedule was delayed by a week due to night work elsewhere. Steve suggested securing the sand contract soon and having Pike Industries deliver some 3/8 inch stone for mixing. Roadside mowing has begun at the south end of town, working north, with the goal of finishing before school starts. The mowing is approximately two to three weeks behind schedule due to other project priorities. Frank suggested adding STOP signs to some tributary roads that currently lack them; Meg Emmons will compile a list of such roads. Emily suggested the Selectboard begin planning now for next year's paving project(s). Frank suggested the initial step would be to obtain core samples of the intended areas to assess the subbase, and he will arrange this.
5. **Items for Discussion or Vote**
 - a. **Large Event Permit (Artistree ArtFest, September 21)** – Michelle Bui and Marie Cross presented an application for a Large Event Permit for Artistree's ArtFest event, scheduled for Sunday, September 21, from 11:00 am to 3:00 pm. This year's event is similar to last year's but was moved to a Sunday to avoid interfering with library operations and parking. John moved and Meg seconded approval of the Large Event Permit without conditions. Unanimous. Artistree will also submit a necessary application for a Permit to Hold an Event on Public Streets. As this application will be substantially identical to last year's, the Selectboard agreed to consider it before the paperwork is filed. John moved and Meg seconded approval of the same, with the following conditions: (1) permittee to provide personnel for traffic control at either end of closure and (2) permittee to install barricades, signage, etc. provided by the town to alert traveling public of closure. Unanimous. Michelle Bui will PDF the completed application to Ben.
 - b. **Highway Access Permit Application (538 Skyline Drive)** – Landowner Eric Jahn joined the meeting via Zoom. He explained that he and his wife purchased the land in January 2025 and are currently using one existing curb cut, which has crushed gravel, for camping purposes, with plans to build a home in the future. Following a site visit, the Selectboard determined that while the sightline looking north towards Allen Hill Road was adequate (several hundred feet), the sightline looking south was

insufficient (approx. 115 feet versus the required 155 feet). The Selectboard concluded that removing two specifically flagged trees would extend the sightline to approx. 150 feet, which was deemed acceptable. Mr. Jahn acknowledged the condition and indicated he would arrange for the trees to be removed and would not maintain the other two existing cuts on the property for highway access. The Selectboard noted that the permit applies to the current usage, and a new application would be required for residential use, or if a different access plan is pursued. Steve moved and Meg seconded approval of the Highway Access Permit for 538 Skyline Drive, conditioned upon the removal of the two flagged trees. Unanimous.

- c. **Labounty Trust CD Proceeds** – Trustee of Public Funds Marge Wakefield presented a recommendation regarding the proceeds of a matured Labounty Fund certificate of deposit (CD). These funds are now in the town’s operating account. The Trustees recommended moving the proceeds into Vanguard’s Balanced Index Fund (VBIAX), which is 60% stocks and 40% bonds, primarily domestic, noting its strong performance over the last 10 years and consistency with other town investments. Ben moved and Meg seconded that the Trustees of the Henry T. Labounty Trust (the five Selectboard members and Marge Wakefield as resident trustee) authorize and direct Ellen to deposit the proceeds of the Labounty Fund CD into the town’s Vanguard account, to be invested in VBIAX. Unanimous.
- d. **Schedule Road Crew Member Application Interviews** – Frank reported that Applicant C has withdrawn from consideration, leaving only Applicants A and B. Frank will schedule interviews with them on September 3, at 5:30 pm and 6:15 pm, prior to the next regular Selectboard meeting.
- e. **Town Garage Roof Painting** – Bob Crean reported that Peak Painting’s schedule is full. Greg Olmstead has agreed to complete the painting project for the town garage. Steve will additionally ask Greg to include painting the recent interior addition to the town garage. Discussion to continue at the September 3 meeting.
- f. **Old Equipment Trailer Sale** – One bid of \$500 was received, from Randall Road Farm LLC. John moved and Meg seconded approval of the sale of the used equipment trailer to Randall Road Farm LLC for \$500. Unanimous (Steve recused). Ben will prepare a basic bill of sale and Frank will coordinate the collection of payment and transfer of the trailer.
- g. **Fall Foliage Traffic Management** – The Woodstock Selectboard approved closing their section of Cloudland Road, similar to last year, mirroring Pomfret’s closure approved at the August 6 meeting. The closure dates are Saturday, October 4 through Sunday, October 19 (a 15-day period). Frank will inventory the road signs and, with resident assistance, put them up around October 1, with the road formally reopening on October 20. Ben was interviewed by Vermont Public about this issue.^[1] Cynthia will assist with community communications regarding the closure.
- h. **Pomfret Town Line Road Signs** – One bid was received from Advanced Creations for the town line road signs. Jackson Wood declined the project due to being too busy and referred the town to Jake Lapan, who has not yet submitted a bid. The Selectboard discussed options for refurbishing or making new signs and the possibility of offering winter work to secure a better price, with the plan to take them

^[1] **Editor’s Note:** See <https://www.vermontpublic.org/local-news/2025-08-22/pomfret-restricts-foliage-season-traffic-once-again>.

down in the fall and reinstall in the spring. The signs are estimated to be 20–25 years old. Discussion to continue at the September 3 meeting.

- i. **Ambulance Service Agreements** – The Woodstock Selectboard approved revisions to the ambulance service contract following Pomfret’s proposal of the same. As a result, in the coming weeks ambulance service for the northeast corner of Pomfret will be transitioned to Hartford. This will include areas like Sessions Meadow, High Pastures Road, Howe Hill Road and a portion of Pomfret Road, which have faster response times from Hartford’s newly expanded Station No. 2 in Quechee. This represents approximately one-third of Pomfret’s population.^[2] Contracts have been received from both providers. Key changes to the Woodstock contract include a revised service territory, deletion of a minimum base fee, and a cap on the per capita rate to be equal to other towns served. The Hartford agreement is for one year, continuing indefinitely with a 90-day renewal notice period. John will work with Becky (Pomfret’s E911 coordinator) to coordinate adjusting emergency service zones to reflect these changes. Meg moved and Steve seconded approval of both the Woodstock and Hartford ambulance service agreements, and authorized Ben to sign the Hartford agreement on the Selectboard’s behalf. Unanimous.

j. **Appointment of Public Officers and Committee Members**

- i. *Town Fire Warden* – Following Frank Perron’s resignation after 20 years of service, the Agency of Natural Resources (ANR) appointed Jake Astbury as Fire Warden for a term expiring June 30, 2030. Jake is currently chief of the Pomfret-Teago Volunteer Fire Department. John moved and Meg seconded approval of Jake’s appointment as Fire Warden as required by 10 V.S.A. § 2641. Unanimous. Frank was thanked for his long service.
- ii. *Town Hall Revitalization Committee* – Two members have resigned and Heather Durkel has volunteered to serve. Ben moved and Meg seconded appointment of Heather Durkel to be a member of the Town Hall Revitalization Committee with an indefinite term. Unanimous. Ben will send a listserv message calling for additional volunteers on this committee and for other town vacancies.

- k. **Warrants** – Meg moved and Emily seconded approval for payment of the following warrants:

26015	\$	9,337.75	Payroll
26016		20,043.28	A/P
26017		20,843.80	A/P

Unanimous.

- l. **Approval of August 6, 2025 Minutes** – Meg moved and Emily seconded approval of the August 6 meeting minutes as presented. Unanimous.

6. **Meeting Wrap Up**

- a. **Correspondence** – Ben received an email from Sheriff Ryan Palmer concerning a resident who was uncomfortable with the frequent presence of a sheriff patrol car at the intersection of Howe Hill Road and Pomfret Road. Ben suggested Sheriff Palmer explain that the patrols are for speed and traffic enforcement, in response to town concerns. Frank initiated a discussion about the lack of STOP signs on many tributary roads entering Pomfret Road (e.g., Kenyon Hill, Handy, Capen, Bunker Hill),

^[2] **Editor’s Note:** A map of Hartford’s *approximate* coverage area is available at <https://www.google.com/maps/d/u/1/edit?mid=101Ag16UiREOvgnSeqwWtTzUcaj3kboxE&usp=sharing>. For emergencies, fire or ambulance, dial 911.

highlighting potential safety issues. Meg will create a list of these roads for further discussion. Discussion also included inappropriate parking by an out-of-state vehicle at the end of Allen Hill Road. Frank will place a “no parking” sign in that location for a few weeks. Ben will work with Frank Rogers to correctly locate speed limit signs in South Pomfret and on Howe Hill Road to reflect the town’s revised traffic ordinance.

- b. **Review of Assignments** – Ben to send Michelle Bui a PDF of the Road Way Permit; notify Ellen of the LaBounty Vanguard instructions; send Frank Rogers a Bill of Sale for the used trailer; sign and return Ambulance Service Agreements; post committee vacancies to the listserv; follow up with Frank on correct speed limit sign locations. John to coordinate with Becky re: change in ambulance service coverage. Steve to notify Greg Olmstead of the need to paint the garage interior addition. Meg to create a list of roads needing STOP signs; contact Heather Durkel re: committee appointment. Frank to find foliage traffic signs for Cloudland Road; arrange transfer of the used trailer; work on the sand contract; deliver barricades to Artistree; schedule Road Crew applicant interviews; place a “no parking” sign at the foot of Allen Hill Road; make calls to obtain quotes for core samples for highways. All town officials to complete municipal code of ethics training by September 30.
- c. **Agenda for Next Meeting** – Municipal painting, town line road signs, fuel contracts, core samples for highways.

7. **Executive Session**

- a. Ben moved and Steve seconded that the Selectboard enter executive session pursuant to 1 V.S.A. 313(a)(1)(A) and (E) to discuss contracts and pending civil litigation to which the public body is a party, the premature general public knowledge of which would clearly place the Selectboard at a substantial disadvantage, and pursuant to 1 V.S.A. 313(a)(3) to discuss the employment of public employees. The Selectboard entered executive session at 8:52 pm.
- b. John moved and Meg seconded exiting executive session. The Selectboard exited executive session at 10:21 pm, with no decisions having been made therein.

8. **Adjournment** – John moved and Emily seconded that the meeting be adjourned. Unanimous. The meeting was adjourned at 10:21 pm.