

**TOWN OF POMFRET
ZONING BOARD OF ADJUSTMENT**

**DRAFT
Meeting Minutes
September 24, 2026**

[Note: Application #ZP26-13 was renumbered and issued as Permit #ZP26-17
due to a clerical error.]

MEMBERS PRESENT: Shaun Pickett, Kyle Hansen, Lindsay Hyde (via Zoom), Michael Schmell, Casey Carmichael, and Charles Lucot.

MEMBERS ABSENT: Benjamin Brickner

OTHERS PRESENT: Eric Sandy and Mathew Bull (for the applicant), Bailey Markwell (abutter), and Dana Pape (owner)

A hearing was held regarding the following matter:

Application #ZP26-13 by Birdseye Building Company to convert the farmstand/store at 49 VT Route 12 into a professional office.

CALL TO ORDER

Vice Chair Shaun Pickett called the meeting to order at 6:33 pm. The hearing was recorded.

PUBLIC COMMENT

There was no public comment.

HEARING ON APPLICATION #ZP26-13

Shaun Pickett announced the hearing and described the matter to be heard.

Shaun Pickett then asked if anyone on the ZBA wished to disclose any conflicts of interest or ex parte communications relevant to the proceeding. None were disclosed.

Eric Sandy and Mathew Bull (for the applicant), Bailey Markwell (abutter), and Dana Pape (owner) were sworn in.

The subject property is a 0.86-acre parcel located at 49 VT Route 12 in the Town of Pomfret (Parcel No. 1250) owned by William and Dana Pape.

Applicant Birdseye Building Company of Richmond, Vermont, seeks to purchase the subject property and convert the farmstand/store into a satellite office.

The following exhibits were received by the ZBA:

- A. Zoning Permit Application #ZP26-13 dated August 12, 2026.
- B. Undated photograph of existing farmstand/store provided by Applicant.
- C. Undated photograph of Birdseye sign mockup provided by Applicant.
- D. Photocopy from Vermont Wastewater Permit site plan provided by Applicant.
- E. Annotated image from the Vermont Natural Resources Atlas showing structures on Owner's property provided by Applicant.
- F. Image from the Vermont Natural Resources Atlas depicting the farmstead/store and residence are outside of regulated Flood Hazard Zones.
- G. Pomfret ZBA Hearing of Notice as published in the Vermont Standard newspaper on August 27, 2026.
- H. Relevant Permits, One the Edge Farm, William & Dana Pape, 49 VT Route 12.
- I. Certificate of Service dated August 21, 2026.

During the hearing the following testimony was heard by the ZBA:

- 1. The initial use of the property was as a residence and an exempt farmstand.
- 2. Conditional use approval was granted by the ZBA as a retail store to sell home and garden items in addition to exempt farmstand items on July 6, 2005 (decision #05-15).
- 3. State wastewater permit #WW-3-1181 for the retail store/farmstead and dwelling was issued on August 11, 2006, which superseded previous town septic approval.
- 4. The property is in the Rural District (RD).
- 5. Professional Office is not listed as a permitted use in the RD and therefore is a conditional use requiring conditional use approval prior to a permit.
- 6. Article 2.2.2.1 (Purpose of the Rural District) states, "Service businesses (including those with an ancillary retail component), home businesses, professional offices, and inns are appropriate land uses for the RD provided that such uses are in keeping with surrounding development, do not unduly conflict with existing or planned residential, forestry or agricultural uses, and do not unduly affect rural character."

7. The intent of owners William and Dana Pape is to sell the property to applicant Birdseye Building Company prior to the change of use to a professional office.
8. The existing residence is currently rented for residential use and will remain rented for residential use after sale of the property.
9. The property has 10 parking spaces, 2 for the residence and 8 for employees and customers.
10. Eric Sandy and Matthew Bull for Birdseye Building Company made the following representations about the intended professional office use:
 - a. Interior renovations will be made to convert the retail store space into three professional offices.
 - b. There will be no expansion to the exterior or footprint of the existing retail/office building and existing residence.
 - c. The walk-in basement will be used for small tool storage.
 - d. Larger equipment such as staging will be stored behind the building and out of sight.
 - e. A job trailer may be parked behind the building and out of sight.
 - f. The office space may be used for client meetings, subcontractor meetings, and architect meetings
 - g. Carpenters will report directly to the job site.
 - h. There will be no workshop space or assembly or fabrication work on the property.
 - i. There will be no construction debris placed or stored on the property.
 - j. There will be no change in exterior lighting.
 - k. Business hours will be from 7 a.m. to 5:30 p.m. Monday-Thursday, but project managers may work after hours and on Fridays and weekends.
 - l. Work vehicles will not idle for longer than 5 minutes in a 60-minute period per Vermont law.
11. Applicant Birdseye Development Company will apply for and be granted a sign permit from the ZA before installing a new sign.

Michael Schmell moved, and Charles Lucot seconded, that the hearing be closed. By unanimous vote, the hearing was closed at 6:55 pm.

APPROVAL OF MINUTES

Michael Schmell moved, and Kyle Hansen seconded, approval of the June 24, 2025, meeting minutes. The minutes were unanimously approved as presented.

APPOINTMENT OF VICE CHAIR

Shaun Pickett asked to be relieved of the position of Vice Chair. Casey Carmichael moved, and Michael Schmell seconded, that Kyle Hansen be appointed Vice Chair. The motion passed unanimously.

ADJOURNMENT AND DELIBERATIVE SESSION

Michael Schmell moved, and Charles Lucot seconded, that the meeting be adjourned. The meeting was adjourned by unanimous vote at 7:20 pm.

The Board then entered into a non-public deliberative session pursuant to 1 V.S.A. § 312(e).

These minutes approved at Pomfret, Vermont, this ____ day of _____, 20____, and signed by the chair of the Pomfret Zoning Board of Adjustment on its behalf pursuant to 24 V.S.A. § 1141.

Benjamin Brickner, Chair