

TOWN OF POMFRET
ZONING BOARD OF ADJUSTMENT

DRAFT Minutes of Hearing
December 5, 2017

MEMBERS PRESIDING: Alan Blackmer (Chair), Shaun Pickett, Michael Reese, Loie Havill

OTHERS PRESENT: Tim Reiter (Mountain Manager of Suicide Six), Nick Mahood, Craig Jewett (Otter Creek Engineering), Bob Crean, Bill Emmons (Planning Commission), Orson St. John (Planning Commission), Jim Havill, Karen Hewitt (Zoning Administrator)

The minutes of November 9, 2017 contain a full discussion of the Woodstock Resort Corporation application as presented at that meeting.

A hearing was reconvened from November 9, 2017 to consider the following:

Application #ZP17-25 by Woodstock Resort Corp to construct new mountain biking trails for seasonal use. The project also includes a request to have an event tent site which would be accessed by the public via the existing chair lift and accessed for event setup purposes via private drive south of the ski area. Events will be for up to 140 people once a month (May through October) between the hours of 8:00 a.m. and 11:00 p.m. (Parcel #0210).

HEARING:

The hearing was opened at 5:04 PM by chair Alan Blackmer. Michael Reese repeated, originally stated at the prior hearing, about two potential conflicts of interest. First, he has recused himself from the Selectboard's role in the Selectboard's interest, position and ultimate discussion in the Act 250 application. Second, he noted a personal relationship with an employee of the Applicant that he did not believe was a conflict of interest. No objections were made. Interested persons were listed by Alan Blackmer as Leigh Pops, Dean Merrill, Ellie Pizzani, Hank Paine, Jim and Sharlene Kelly (email request to the Zoning Administrator). No swearing in process was done. The hearing was recorded.

Alan Blackmer spoke about the open questions the ZBA had. Whether they were at a point to adjourn and make a ruling or reconvene at a later date, waiting for all items that the Act 250 Commission had requested which are listed as the emergency (Lift Evacuation) protocol, updated site plan with the accurate tent site depicted as well as the deer wintering areas and the wetland areas clearly shown, Vermont Base Plan, and Riparian Management plan with the Agency of Natural Resources.

A letter from Ryan and Allison Longfield to the Pomfret ZBA stating that they give permission to the Woodstock Resort Corporation/Suicide Six to use their driveway on Austin Road to access the tent site and that their driveway can provide another access point for emergency service vehicles was submitted into evidence.

There was a request made from Craig Jewett to have the permit approved for the 7 days that was requested on the Act 250 Application and for business purposes they would start with Friday-Saturday-Sunday of operation. Bill Emmons, the Planning Commission Chair, suggested and highly recommended that the ZBA approve the original asked for 7 days of operation. Alan Blackmer asked if roping off areas and signage could be posted to keep riders on the trails and off restricted areas. Craig Jewett and Tim Reiter each responded that roping off areas would not be safe for the Mountain Bikers. They are prepared to place signage at the base of the trails.

Alan Blackmer read Jim and Sharlene Kelly's email to the Zoning Administrator into evidence. Their comments concerned the Suicide Six parking lot regarding possible lighting changes and present visible clutter.

Bill Emmons (Planning Commission chair) read a letter from the Planning Commission to the Zoning Board of Adjustment. The letter is as follows:

William B. Emmons, III

Pomfret Planning Commission

870 Cloudland Road

Woodstock, VT 05091

Alan Blackmer
Chair, Pomfret Zoning Board of Adjustment
Pomfret Town Offices
North Pomfret, VT 05053

December 5, 2017

Dear Mr. Blackmer,

The Pomfret Planning Commission (PPC) recently met and now wishes to share with the Pomfret Zoning Board of Adjustment our concerns regarding the recently filed Act 250 permit application (3W0223-5) by the Woodstock Resort Corporation (WRC). The project is "generally described as constructing approximately 6.6 miles of new mountain biking trails for seasonal use at Suicide Six (S6)" and the use of "an event tent at the top of the ski lift to be used once a month, May to October."

Several members of the PPC attended the Act 250 site visit and consequent hearing at the S6 lodge on October 31, 2017 and are very familiar with the project and the applicant's requests to date.

The PPC is unanimous in their support for the continued success of Suicide Six and agree that the Town of Pomfret and surrounding towns will benefit from the resort's continued success and growth. The PPC is only concerned with the area that lies within the Pomfret Ridgeline Conservation Area and is satisfied with the applicants plans for the change of use (to one event per month from May

to October) in this area. It may be appropriate for the ZBA to obtain a clear definition of the term "event".

The inclusion into the application of the "Suicide Six Ski Area Life Evacuation Protocols" and the assurance that all emergency medical evacuation needs will take place on the ski area's handicap accessible chairlift and/or ski trails by motorized emergency vehicles has satisfied the PPC regarding public health requirements for emergency medical evacuation. The use of any other emergency evacuation needs should and must be met without reservation by the WRC's staff, including the Dart helicopter service and/or the use of the neighboring Longfield driveway.

The newly revised map showing the siting of the event tent has corrected the error on the originally submitted map and is acceptable to the PPC.

The use of the neighboring Longfield driveway for "set-up" and event staff **only** is entirely acceptable and the agreement between both the Longfields and the WRC for this use is not an issue affecting the Ridgeline Conservation Area.

The notification of upcoming event dates should be a courtesy afforded to abutters but is entirely a choice that should be made by the WRC. This is their protocol regarding weddings and other events held at the Woodstock Inn and would be helpful to local abutting Pomfret residents. It should be a requirement, however, that event date notifications should be directed to Pomfret's Zoning Administrator, Ms. Karen Hewitt.

The PPC, as has been pointed out, finds the proposed WRC project to be acceptable and potentially beneficial to our community. Our concern is "project creep". This is the phenomenon of a successful entrepreneurial venture growing and creating a business model larger than what was originally asked for and permitted. Therefore, a Zoning Administrator must oversee a project's growth to allow for future success that is compatible with a town's plan and its vision for its future. The future use of the Suicide Six ski area needs to be discussed to assure the WRC's future success is compatible to Pomfret's town plan and the needs of its citizens.

Thank you for allowing the PPC to comment on this project.

Respectfully,

William B. Emmons, III

Chair, Pomfret Planning Commission

Michael Reese and Shaun Pickett want to consider the missing Riparian Management Plan into their decision. Loie Havill and Alan Blackmer feel that they have all the evidence pertaining to the permit for the Mountain Biking trails.

There was a discussion on the effects of the Riparian Management Plan and whether the ZBA should wait to rule until all items requested by the Act 250 Commission were present to make an informed ruling.

By unanimous vote, the ZBA recessed the hearing into Open Meeting status at 6:41 PM, to be reconvened at a later date with Time to Be Determined.

The Zoning Administrator will contact all interested parties with the new date and time once it has been set.

These minutes approved at Pomfret, Vermont, this 11 day of December, 2017.

A handwritten signature in cursive script that reads "Alan Blackmer". The signature is written in black ink and is positioned above a horizontal line.

Alan Blackmer, Chair, Zoning Board of Adjustment