

**TOWN OF POMFRET
Planning Commission
Findings and Decision**

Application #ZP18-04 by Duncan C. Tenney Real Estate Trust for a major subdivision at Twin Pond Road (Parcel ID#5711)

PROCEDURAL HISTORY:

1. The above referenced application was considered by the Pomfret Planning Commission (PPC) at a public hearing on March 5, 2018, which was adjourned to Open Meeting status. Minutes of this hearing is available in a separate document.
2. Participating at the hearing were the following PPC members: Bill Emmons (Chair), Orson St. John (Vice-Chair), Cyrus Benoit, Nelson Lamson, Ann Reynolds (by conference call)
3. Participants in the hearing included other Pomfret town officials, the Applicant, and abutters.
4. At the outset of the hearing on March 5, 2018, the PPC afforded an opportunity for persons wishing to achieve status as an interested person under 24 V.S.A. § 4461(b) and 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in the subsection are met. John Moore (abutter), Karen Fogel (abutter), Richard Wright (by written request) (abutter), Lynn Rauch (by written request) (abutter), and Philip Rauch (by written request) (abutter) were granted status as interested persons.
5. During the course of the hearing on March 5, 2018, the Applicant submitted the following exhibits to the PPC:
 - Major Subdivision Application submitted by Duncan C. Tenney dated 1/21/18.
 - Driveway Access Permit for lots 1,2 and 3 as part of the original Minor Subdivision that was incomplete as it is missing Final Approval dated May 15, 2013.
 - The Minor Subdivision permit for lots 1,2, and 3 approved by former Zoning Administrator Preston Bristow dated February 4, 2013.
 - Email to Karen Hewitt, Zoning Administrator, requesting interested party status as an abutter from Lynn and Philip Rauch dated February 5, 2018.
 - Email to Karen Hewitt, Zoning Administrator, requesting interested party status as an abutter from Robert Wright and Karen Fogel dated February 5, 2018.
 - A large map depicting the 4 lots for major subdivision titled Final Subdivision Approval Town of Pomfret Permit #ZP13-02. Also titled Subdivision Plan, D.C. Tenney Real Estate Trust project no. 12-1023B by Gary Rapanotti L.S. dated September 11, 2015

FINDINGS, CONCLUSIONS, DECISION AND CONDITIONS:

The application #ZP18-04 is a major subdivision under Section 1.9 of the Town of Pomfret Subdivision Regulations. As required by Section 4.7 of the Subdivision Regulations, approval of a major subdivision shall be based on the broad considerations as laid out in subsections 4.7.1 thru 8.

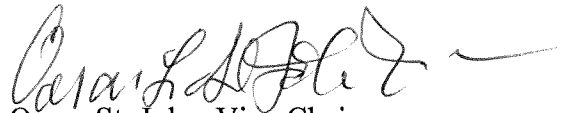
- In preparation for the hearing on March 5, 2018: two abutters were neglected to be given notice per the statute 24 V.S.A. § 4464 on Hearing and notice requirements; decisions and conditions; administrative review; role of advisory commissions in development review.
- In closing the hearing on March 5, 2018: a date for reopening the hearing was not given per

the statute 1 V.S.A. § 312 on Right to attend meetings of public agencies. Subsection (c)(4) Any adjourned meeting shall be considered a new meeting, unless the time and place for the adjourned meeting is announced before the meeting adjourns.

Based on the application, testimony, exhibits and other evidence the Pomfret Planning Commission **denies** the application ZP#18-04 by Duncan C. Tenney Real Estate Trust for a major subdivision at Twin Pond Road (Parcel ID #5711) for failure of notice requirements and right to attend meetings of public agencies. This decision by the Pomfret Planning Commission is not based on the merits of the Applicant.

Members Bill Emmons, Orson St. John, Cyrus Benoit, Nelson Lamson, and Ann Reynolds voted in the affirmative.

Dated at Pomfret, Vermont, this 19 day of March 2018.


Orson St. John, Vice-Chair
Pomfret 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.
