

TOWN OF POMFRET
Zoning Board of Adjustment

Conditional Use Review of Pond

Findings and Decision

In re: Matthew Maliszewski
Permit Application #ZP18-08

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves review of an application for conditional use review of a pond submitted by Matthew Maliszewski under the Pomfret Zoning Ordinance.
2. The application was received by the Administrative Officer on May 11, 2018.
3. On May 24, 2018, notice of a public hearing was published in the Vermont Standard.
4. On May 24, 2018, notice of a public hearing was posted at the following places:
 - Town Clerk's Office
 - North Pomfret Post Office
 - Teago General Store
5. A copy of the notice of a public hearing was mailed by certified return receipt to the following owners of properties adjoining the property subject to the application:
 - Dennis Clay
 - Hidden Hill LLC (McKenna)
 - Mary Cochran Trust
 - Monica Noether Trust

HEARING

6. Application #ZP18-08 by Matthew Maliszewski is for conditional use approval for a pond as constructed on parcel #3201-B at 1407 Joe Ranger Road.
7. The application was considered by the Zoning Board of Adjustment at a public hearing on June 12, 2018 at 6pm.
8. Present at the hearing were the following members of the Zoning Board of Adjustment: Alan Blackmer (Chair), Michael Reese, and Shaun Pickett.

9. At the outset of the hearing, the Zoning Board of Adjustment afforded those persons wishing to achieve status as an interested person an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. No interested party was present to request status as an interested person.
10. The subject property is a 14.3± acre parcel located at 1407 Joe Ranger Road in the Town of Pomfret (parcel ID #3201-B).
11. The application requires review under the section 7.1.1 of the Pomfret Zoning Ordinance.
12. During the course of the hearing the following testimony was heard from applicant's Excavator and Contractor Cyrus Benoit. Cyrus Benoit was sworn in.
 - The pond is located in a wet spot in a field that could only be mowed at certain times of the year, and in wet years could not be mowed at all.
 - The pond will be approximately 85x85 feet in size.
 - The pond will be approximately 10 feet deep at its deepest point.
 - The pond will be situated approximately 20 feet below the public road and the ravine next to the pond would contain any overflow.
 - Pond will be lined with clay and/or Bentonite Clay for Pond sealing.
 - A general spring and drain run off from the neighboring property owned by Hidden Hill LLC (McKenna)
 - A small silt pond approximately 25x15 feet will be constructed to contain run off from the culvert on the Town Road and it will be cleaned out periodically as needed.

FINDINGS

Based on the application, testimony, site visit, and other evidence the Zoning Board of Adjustment makes the following findings with regard to application #ZP18-08 under section 7.1.1 of the Pomfret Zoning Ordinance:

13. The Zoning Board of Adjustment finds this pond as proposed conforms to the requirements of section 7.1.1 of the Pomfret Zoning Ordinance.

DECISION AND CONDITIONS

Based upon these findings, the Zoning Board of Adjustment grants conditional use approval for permit application #ZP18-08 by Matthew Maliszewski for a pond on parcel #3201-B at 1407 Joe Ranger Road.

Applicant's proposed uses shall conform to its submissions, plans and representations, including

those described in the Minutes and these Findings and Decision, except as modified by the conditions provided for in this Decision.

This decision of the Zoning Board of Adjustment regards only the application for the activities referenced herein on the subject parcel. The conformity of any other uses or activities on Applicant's property was not considered or addressed in this decision.

Members Alan Blackmer, Michael Reese and Shaun Pickett voted in the affirmative.

Dated at Pomfret, Vermont, this 3rd day of JULY, 2018.



Alan Blackmer, Chair, Zoning Board of Adjustment

NOTICE: This decision may be appealed to the Vermont Environmental Court by an interested person who participated in the proceeding(s) 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.