

TOWN OF POMFRET
ZONING BOARD OF ADJUSTMENT

Minutes of Hearing with Findings and Decision
December 11, 2018

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

OTHERS PRESENT: Steven Horton, George Turner, Eleanor Pizzani, Frank Perron (Selectboard), James Havill, John Peters (Selectboard), Emily Grube (Selectboard), Carol Lamson, Sharlene Kelly, John Svagzdys, Kathleen Dolan, Mark van Gulden, Christine Cole, Karen Hewitt (Zoning Administrator)

A hearing was convened to consider the following:

Application #ZP18-24 by Purple Crayon Productions (ArtisTree) on parcel #0123, to modify use of the barn at the “Cast House” at 43 Stage Road (adjacent to the Teago Grange Theatre) for a remote orchestra playing to pipe music into the Teago Grange Theatre.

HEARING:

The hearing was opened at 6:07 PM by chair Alan Blackmer. The hearing was recorded. No conflicts of interest were disclosed. Eleanor Pizzani, Sharlene Kelly, Emily Grube (on behalf of the Selectboard), Jim Kelly by email request and Pam Pickett by email request were granted status as an interested person. Applicants Steven Horton, George Turner and Kathleen Dolan, as well as Mark van Gulden and interested persons Eleanor Pizzani, Sharlene Kelly and Emily Grube were sworn in.

The following documents were entered into the record:

- Completed Application #ZP18-24 dated 11/7/2018
- A letter to the Zoning Board of Adjustment from Sharlene and James Kelly dated December 11, 2018
- Zoning Board of Adjustment Minutes of Hearing with Findings and Decisions June 8, 2017 for Application ZP17-11

The reason for this application and review by the ZBA is a change in use of the permit and ZBA decision for Application ZP17-11.

Steven Horton presented the application, assisted by architect George Turner and Music Director & Instructor Mark van Gulden. The request for the orchestra to be housed in the barn and music electronically piped into The Teago Grange Theatre was presented to the ZBA.

The following statements were made in response to questions:

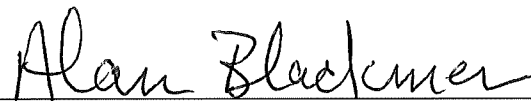
- The rear of the Barn is being renovated for prop building and a cast changing room.
- A performance at The Teago Grange Theatre may need an orchestra larger than can be housed in the theatre.
- The ArtisTree would do their best to contain the sound.
- The barn is insulated and repaired using panels in the roof and was built in the same construction standard as The Teago Grange Theatre.
- The barn could not be sound proofed in the 15'x20' foot area that would house the orchestra as it is a multipurpose use for prop construction and other uses.

By unanimous vote, the ZBA went into deliberation session at 8:28 PM.

FINDINGS AND DECISION:

Based on the application, testimony, exhibits and other evidence the Zoning Board of Adjustment **denies** application #ZP18-24 by Purple Crayon Productions (ArtisTree) as it does not meet the criteria in section 11.3.5 of the Pomfret Zoning Ordinance: “the proposed use will not create a public nuisance or adversely affect the character of the area as well as the comfort, convenience and general welfare of the community.”

These minutes, findings and decision approved at Pomfret, Vermont, this 19 day of December, 2018.



Alan Blackmer, Chair, Zoning Board of Adjustment

Voting in favor of these minutes, findings and decision were ZBA members, Alan Blackmer, Shaun Pickett, Michael Reese and Loie Havill.

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.