

TOWN OF POMFRET, VERMONT
PLANNING COMMISSION
North Pomfret, VT 05053

Decision – May 12, 2019
Permit Number ZP19-06

**MINUTES AND DECISION ON APPLICATION FOR DEVELOPMENT IN THE
RIDGELINE AND HILLSIDE CONSERVATION AREA**

PUBLIC HEARING DATE: May 6, 2019

APPLICANTS & OWNERS: Jim Bauchiero
825 Wild Apple Road
South Pomfret, VT 05067

POMFRET PROPERTY ADDRESS: 825 Wild Apple Road, South Pomfret

NATURE OF APPLICATION

On Wednesday April 3rd, 2019, Karen Hewitt, the Zoning Administrator, received an Application from Jim Bauchiero for a Ridgeline Hearing. The Application was determined to be complete and was sent the application to the Pomfret Planning Commission for review. This application requested permission to build a two-story barn where an existing structure was previously.

The application materials include:

1. the application form;
2. Four architectural drawings of the barn

FINDINGS OF FACT

1. The request for approval of development in the Ridgeline and Hillside Conservation Area, as specified in the Pomfret Zoning Regulations, Section 15, requires a warned Public Hearing and Approval by the Planning Commission.
2. Legal Notice of the Public Hearing, held on May 6, 2019, was published in the Vermont Standard, a weekly newspaper and Pomfret's designated paper of record for public hearing notices, in the edition on April 18, 2019. Notices of the hearing were posted more than 15 days in advance at the Pomfret Town Clerk's Office, Teago Store, the North Pomfret Post Office

and at 825 Wild Apple Road visible to the public road as well as sent by postal service to the abutters of the property.

3. The site visit was conducted on May 6, 2019. Those attending were: John Moore, Orson St. John (Planning Commission Vice-Chair), Nelson Lamson, Cyrus Benoit, David Manning (contractor), Karen Hewitt (Zoning Administrator) and abutters to the parcel, Mavis Shaw, James Havill, Loie Havill and Carol Lamson.
4. At the site visit, David Manning advised that the barn which would include an additional 14 feet for an attached run-in shed, would be constructed on the existing concrete slab that was the base for the previous structure that was removed previously. The new barn would be 32x32ft and 33 feet in height to the peak with an added cupola to bring the height to 38 feet and that the structure would be an additional 14 feet for a run-in shed to make it longer off the rear of the building.
5. The nearest tree to the building site was measured at 28 feet to be used as a sight marker for visibility from the public road. It was noted during the hearing that as you come down Wild Apple Road, although the Shaw's barn blocks the majority of the view of the barn, at the bottom of the driveway looking southwest, even through the trees at the property line, the barn could still be visible based on the 28ft tree used as a marker.
6. The Critical Vantage Point was determined to be at the bottom of the driveway of 825 Wild Apple Road looking towards the southwest.
7. The warned public hearing at the Pomfret Town Office was opened by Orson St. John promptly at 4:32pm. Those attending were: Orson St. John, Nelson Lamson, Cyrus Benoit, John Moore, Karen Hewitt, David Manning, Mavis Shaw, Gerry Fields, and Jim Baucherio by conference call.
8. A question was posed regarding the lighting of the cupola. Gerry Fields asked if a light was necessary. Jim Baucherio stated that no one should be able to see the light as they would be flood lights with bottoms shielded down. The Barn was noted that it would be a red barn with a dark bronze roof which would produce low glare. Mavis Shaw asked if the lights would be on all the time. It was stated that they would be motion detection lights for security and visibility. Jim Baucherio noted that barn would not be taller than the house.
9. Orson St. John asked about screening from the trees at the property line near the stonewall. These trees are on Mavis Shaw's property. Jim Baucherio noted that adding trees for privacy and for shielding is something he would be agreeable to.
10. Power to the barn would be utilizing the power lines that were already there.
11. Gerry Field, Mavis Shaw, David Manning and Jim Baucherio were sworn in as interested party status.
12. The hearing closed promptly at 4:52pm

CONCLUSIONS OF LAW

Section 15.3.1 of the Ridgeline bylaws states to allow development in Pomfret's Ridgeline and Hillside Conservation Area primarily below the skylines so that no development shall break the skyline nor a ridgeline near the proposed development when viewed from Pomfret's Public Highways at any time of the year.

Section 15.6.13 of the Ridgeline bylaws refers to "Screening" Natural or newly planted trees or shrubs which at the time of approval or at the time of planting would have the effect of properly and adequately concealing from view as of the initial completion of the Proposed Land Development and at all times of the year any building or part thereof in a Ridgeline and Hillside Conservation Area as viewed from a Public Highway. Such screenings may allow views through it from the building being concealed.

Part 15.6.14 of the Ridgeline Amendment pertains to Critical Public Vantage Points which refers to a point or place located on or immediately adjacent to a Class 1,2, or 3 Public Highway from where the proposed development is visible.

Section 15.6.17 of the Ridgeline bylaws refer to "Undue Adverse Effect" There is a two-step process in determining whether or not the proposed Land Development constitutes an "undue adverse effect.

Section 15.15 requires that no Ridgeline development be allowed which has an undue adverse effect on the scenic and natural beauty of an area as seen from significant viewpoints along Pomfret's public highways, or fails to meet various local and State health and pollution regulations, or causes unreasonable soil erosion.

CONDITIONS

This decision is granted to the Applicants under the following Conditions:

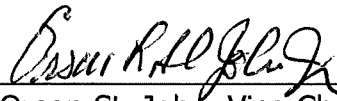
1. The Permit, with Conditions, shall be binding upon the Applicants, their Successors and Assigns.
2. The Project shall be completed specifically as submitted on the Application and architectural plans, and as described in the Findings of Fact, listed above. Subdued colors shall be used for exterior siding and roof

materials. No reflective materials shall be used. Any deviation from these plans, including renovations raising the building elevation or increasing the building's footprint, must be approved by the Planning Commission prior to development.

3. The trees along the perimeter of the stonewall that provides some of the screening from the public highway were determined to be on the neighboring property.
4. Applicant is to plant eight Norway Spruce Trees that are 10 foot in height along the perimeter of the stonewall on the Applicant's land spaced out accordingly to provide long term screening, as the stand of trees on the neighboring property currently provide the only screening of the Applicant's land. Screening needs to be maintained and trees replaced as needed.
5. Any exterior lighting and lighting in the cupola shall be shielded downwards so the light source is not visible from the Critical Public Vantage Point. The cupola needs to be louvered and lit with a low watt bulb.
6. It has been determined by the Planning Commission that the proposed barn does not cause an undue adverse effect on the area.

Members Orson St. John, John Moore, Nelson Lamson, and Cyrus Benoit all voted in the affirmative.

Dated at Pomfret, Vermont, this 12th day of May, 2019.



Orson St. John, Vice-Chairman
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.