

TOWN OF POMFRET
Zoning Board of Adjustment

Minutes and Memorandum of Decision

Permit Application: #ZP20-36
Property Address: 247 Stage Road, South Pomfret
Parcel No.: 0210
Parcel Size: 189.08 acres

Property Owner: The Woodstock Resort Corporation
247 Stage Road
South Pomfret, Vermont 05067

Applicant: The Woodstock Resort Corporation
("Suicide Six/Woodstock Inn and Resort")
247 Stage Road
South Pomfret, Vermont 05067
Email: [on file]

I. Introduction and Procedural History

A. Application

The Woodstock Resort Corporation ("Suicide Six/Woodstock Inn and Resort" in the zoning permit application) is seeking approval to extend the existing deck at the Suicide Six base lodge at 247 Stage Road by approximately 1,200 square feet to provide additional outdoor area for guests in response to COVID restrictions.

The Application dated November 1, 2020 was referred to the Zoning Board of Adjustment (ZBA) for conditional use review by the Zoning Administrator (ZA) on November 16, 2020. The Application and all supporting documents are on file with the ZA.

On November 16, 2020, notice of a public hearing was posted at the Town Clerk's Office, North Pomfret Post Office and on the Pomfret Vermont website. On November 19, 2020, notice was published in the *Vermont Standard*. The ZA mailed the notice to the following property owners abutting the subject property: Mary Anne Barbi, Sharlene Kelly, Purple Crayon Productions, Doris Roberts, Christine Pilot and Simon Shepherd, Charles and Alice Gunderson, Matthew Maya, Missy Middleton, Gully Road LLC, Ryan Longfield, Appalachian Trail, Lisa Parsons, Gregory Carroll, and Peter White Family Trust.

B. Site Visit and Public Hearing

Following a site visit at the property on December 8th, 2020 at 3pm, the ZBA considered the

Application at a public hearing on December 8th, 2020 at 6pm via Zoom Meeting.

- Present at the site visit were the following members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Phil Dechert, Shaun Pickett, Seth Westbrook. Also present were Karen Hewitt Osnoe (ZA), Lisa Parsons (Abutter), Charles and Alice Gunderson (Abutter), and Tim Reiter (Applicant).
- Present at the hearing were the following members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Phil Dechert, Shaun Pickett, Seth Westbrook. Also present were Karen Hewitt Osnoe (ZA), Tim Reiter (Applicant), Lorraine Atwood, Charlie Jones, Sally Weglarz, Ronald Weglarz, Craig MacRae, and Valerie Ritter.
- The meeting was opened at 6:04pm by ZBA chair Alan Blackmer.
- At the outset of the hearing, the ZBA afforded those persons wishing to achieve status as an interested party an opportunity under 24 V.S.A. § 4465(b) to demonstrate that the criteria set forth in that statute could be met. Doris Roberts was granted interested party status based on an emailed request made to the ZA.
- During the hearing the following testimony was heard from Tim Reiter:
 - Applicant was awarded a grant from the Vermont Ski Area Recreation Safety Grant Program for a safe skiing and riding experience in the 2020/2021 season. The State of Vermont offered this grant in recognition that ski resorts in the state will need to make physical improvements to accommodate guests safely due to state-imposed COVID-19 safety measures. The program provides grants up to \$200,000. Eligible costs must be incurred on or before December 30, 2020.
 - Occupancy inside the lodge will be strictly limited for the 2020/2021 season due to state-imposed COVID-19 safety measures. Occupancy on the existing deck attached to the lodge will also be strictly limited for the 2020/2021 season due to state-imposed COVID-19 safety measures.
 - Expansion of the existing deck would enable Applicant to safely accommodate guests at the state-mandated reduced density.
 - The proposed expansion is approximately 1,200 square feet. Propane powered fire pits are also proposed to keep guests warm.
 - Tim Reiter stated that there were no plans or intentions to have the deck covered to create outdoor seating.
- The Act 250 Land Use Permit case number 3W0223-6 was granted on December 11, 2020 for the expansion of the existing deck to provide additional outdoor area for guests in response to COVID restrictions.

II. **Applicable Regulations**

- Under the Pomfret Zoning Ordinance, any land use that is not exempt, permitted, or prohibited is a conditional use.
- The proposed expansion of the existing deck is neither exempt from the Pomfret Zoning Ordinance nor eligible for an administrative permit from ZA. Therefore, conditional use approval by the ZBA is required.
- Conditional uses must meet the general standards in Section 4.1, the general conditional use standards in Section 4.2, and any applicable special standards in Article 5. Additional limitations in Section 4.4 apply to “Non-Conforming Structures” that do not conform to the Proposed Ordinance but are otherwise lawfully existing.

III. **Findings and Conclusions**

- The proposed expansion of the existing deck meets the applicable standards in Article 4 of the Pomfret Zoning Ordinance.
- In particular, the proposed expansion does not increase the demand on town services or facilities, change the character of the area, or otherwise create an undue adverse effect.

IV. Decision

Based on information presented to the ZBA, the findings and conclusions described above, and subject to the conditions and limitations specified in Section V below, the ZBA makes the following decision:

- A. Conditional use approval is **granted** for the expansion of the existing deck and a permit is **authorized** for such use in such location.

V. Conditions and Limitations

This Decision is subject to the following conditions and limitations:


- A. The expansion of the existing deck and related work shall conform in all material respects with the application materials including the Applicant’s submissions, plans, written representations to the ZBA, and testimony as reflected in the Minutes, except as expressly modified herein. Any material changes to the foregoing shall require further review and approval by the ZBA under the then applicable regulations.
- B. Nothing in this Decision shall be deemed to approve any change in use or change

in intensity of an existing use of the Applicant's property.

- C. This Decision applies only to the subject matter contained herein. The conformity of any other structures, uses or activities with the applicable zoning bylaws was not considered and is not addressed in this Decision.
- D. All prior decisions of the ZBA pertaining to Applicant's property shall continue in full force and effect, except as provided herein.

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This Decision approved at Pomfret, Vermont, as of this 29 day of December, 2020.


Alan Blackmer, chair
Zoning Board of Adjustment

ZBA members Alan Blackmer, Benjamin Brickner, Phil Dechert, Shaun Pickett and Seth Westbrook voted in the affirmative.

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.