

TOWN OF POMFRET
Zoning Board of Adjustment

Minutes and Memorandum of Decision

Permit Application: #ZP22-05
Property Address: 35 Wayside Road, Pomfret
Parcel No.: 4802
Parcel Size: 2.19 +/- acres

Property Owner: ABRA LLC
35 Wayside Road
Pomfret, Vermont

Applicant: Abracadabra Holding Co.
54 Pleasant Street
Woodstock, Vermont, 05091

I. Introduction and Procedural History

A. Application

Abracadabra Coffee Co., a Vermont corporation, is seeking conditional use approval to convert the former Riverbend Home and Garden Supply Company property at 35 Wayside Road into a facility for roasting and packaging of wholesale and retail coffee, cold brewing coffee for kegs and wholesale coffee with an onsite kitchen bakery to supply baked goods for offsite sale at the specialty coffee shop at 54 Pleasant Street, Woodstock, Vermont location (collectively, the Contemplated Uses).

The Zoning Permit Application ZP22-05 (the Application) dated April 4, 2022 was referred to the Zoning Board of Adjustment (ZBA) for conditional use review by the Zoning Administrator (ZA) on April 4, 2022. The Application and all supporting documents are on file with the ZA.

On April 5, 2022, notice of a public hearing was posted at the Town Clerk's Office, Teago General Store and on the Pomfret, Vermont website (pomfretvt.us). On April 7, 2022, notice was published in *The Vermont Standard*. The ZA notified the property abutters of the site visit and hearing.

B. Site Visit and Public Hearing

Following a site visit at the property on April 26th, 2022 at 5:30 pm, the ZBA considered the Application at a public hearing on April 26th, 2022 at 6:30 pm.

- Present at the site visit were all members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Phil Dechert, Shaun Pickett, Seth Westbrook. Also present were

Karen Hewitt Osnoe (ZA), Sarah Yetter (Applicant), Antoinette Hunt (Applicant), Clint Hunt (Applicant), Jack Willey, Bailey Markwell (abutter) and Mallory Lewis (abutter).

- Present at the hearing were the following members of the ZBA: Alan Blackmer (Chair), Benjamin Brickner, Shaun Pickett, Seth Westbrook. Also present were Karen Hewitt Osnoe (ZA), Sarah Yetter (Applicant), Antoinette Hunt (Applicant), Clint Hunt (Applicant), Jack Willey, Carl Bulgini, Christine Bulgini, and Wanzhen Jun (The Vermont Standard).
- The meeting was opened at 6:35pm 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. Sarah Yetter, Clint Hunt, and Antoinette Hunt were sworn in by Alan Blackmer (ZBA Chair). Bailey and Chris Markwell were granted interested party status via an email request to Karen Hewitt Osnoe (ZA).
- During the hearing the following testimony was heard from Clint Hunt, Antoinette Hunt and Sarah Yetter:
 - Abracadabra Coffee Co. intends to move the coffee roasting and packaging facility from their Woodstock location.
 - The coffee roasting will occur entirely inside the existing building and be vented toward the rear of the building. Applicant does not intend to roast dark coffee. As a result, minimal impact to sound is expected and the operation will not be create a noxious or odorous nuisance.
 - Operational hours are expected to be 9-5 Monday to Friday with approximately 8 employees.
 - A kitchen bakery will be on site for production of pastries and other baked goods for retail sale at their current Woodstock Vermont location.
 - Coffee will be stored on site rather than the current storage at the port of entry. Applicant anticipates deliveries by large truck once every two weeks to begin with.
 - Cold brewed coffee for kegs will be produced on site.
 - No changes to the existing building footprint will be made.

II. Applicable Regulations

- Under the Pomfret Zoning Ordinance (the Zoning Ordinance), any land use that is

not exempt, permitted, or prohibited is a conditional use.

- The change in use from a home and garden supply to a coffee roasting and bakery is neither exempt from the 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 of the Zoning Ordinance. Additional limitations in Section 4.4 apply to “Non-Conforming Structures” that do not conform to the Zoning Ordinance but are otherwise lawfully existing.

III. Findings and Conclusions

A. Pomfret Zoning Ordinance

- Subject to the conditions and limitations provided in Section V below, the Contemplated Uses will meet the applicable general standards in Section 4.1 of the Zoning Ordinance, including setbacks, maximum height, signs, parking, outdoor lighting and reflection, and access to the public right-of-way.
- Subject to the conditions and limitations provided in Section V below, the Contemplated Uses will meet the applicable conditional use approval standards in Section 4.2 of the Zoning Ordinance.
- As all other uses (parking, etc.) and the structure itself are lawfully existing as of the date hereof, the provisions of Section 4.4 of the Zoning Ordinance are applicable and may continue indefinitely subject to the conditions provided in Section 4.4.2 of the Zoning Ordinance.

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 roasting and packaging of wholesale and retail coffee, cold brewing coffee for kegs and wholesale coffee with an onsite kitchen bakery to supply baked goods for offsite sale 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 Contemplated Uses 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 change to the foregoing shall require further review and approval by the ZBA under the then applicable regulations.

- B. This permit is limited to the roasting and packaging of wholesale and retail coffee, cold brewing coffee for kegs and wholesale coffee with an onsite kitchen bakery to supply baked goods for offsite sale.
- C. Any change in existing exterior lighting shall comply with Section 4.1(14) of the Zoning Ordinance.
- D. Any placement of signage shall comply with Section 1.4(8) of the Zoning Ordinance or first obtain conditional use approval by the ZBA in accordance with Section 4.1(10) Zoning Ordinance.
- E. All future uses as detailed on permit application ZP22-05 (of a small café to serve the community, seasonal events with live music, and serving of baked goods and small plates prepared on site) have not been reviewed and are not the subject of this Decision. If required, Applicant must amend the permit authorized by this Decision or apply for a new permit before undertaking the foregoing uses.
- F. The uses approved by this Decision shall conform to all applicable federal, state and local laws, ordinances and regulations, whether or not the same have been expressly referenced herein.
- G. 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.

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This Decision approved at Pomfret, Vermont, as of this 5th day of May, 2022.



Alan Blackmer, chair
Zoning Board of Adjustment

ZBA members Alan Blackmer, Benjamin Brickner, 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.