

TOWN OF POMFRET  
ZONING BOARD OF ADJUSTMENT

DRAFT Minutes of Hearing  
April 7, 2016

MEMBERS PRESENT: Alan Blackmer (Chair), Michael Reese, Loie Havill, Hunter Ulf, Shaun Pickett

MEMBERS ABSENT: None

OTHERS PRESENT: Mundy Wilson, Peter Vollers, Brian Alderfer, Krit Maxham, Susan Cross, Cyrus Benoir, Lolly Murray, John Snyder, George Turner, Steven Horton, Kathleen Dolan, Mark Van Holden, Anne Bower, Sharlene Kelly, James Havill, Kati Savage (Vermont Standard), Preston Bristow (Zoning Administrator)

A hearing was convened for the following application:

**Application #ZP16-05 by Chippers Inc.** for storage of logs and processing of firewood on lands of the William A. Russell Jr. Trust at 1241 Pomfret Road (Parcel ID #0500-A).

HEARING:

The hearing was opened at 6:35 PM by chair Alan Blackmer. Preston Bristow read the notice for the hearing. No conflicts of interest or ex officio conversations were disclosed. Krit Maxham (abutter), Hudson and Margaret Holland (appearance by attorney Peter Vollers)(abutter), Brian Alderfer (neighbor), Lolly Murray (Brian Alderfer's tenant)(neighbor), and Susan Cross (neighbor) were granted status as interested persons. Applicant Mundy Wilson and the interested persons were sworn in. The hearing was not recorded.

Documents received from the applicant include a 2-page application, a 2-page narrative letter dated February 23, 2016, a 1-page proposed draft decision, and a 2-sheet site map.

A summary of the discussion follows:

Zoning Administrator Preston Bristow explained that Chippers Inc. has been in business for 30 years at this location (since 1986) and is grandfathered as a non-conforming use within a Rural Residential zoning district. Grandfathered uses may continue indefinitely, but any expansion of a grandfathered non-conforming use requires review and approval by the Zoning Board of Adjustment (ZBA). Chippers use of the field east of Pomfret Road for storage and processing of logs and woody materials was determined to be an expansion of a non-conforming use that required review and approval by the ZBA by letter dated December 18, 2015.

Mundy Wilson, President of Chippers Inc. and Trustee of the William A. Russell Jr. Trust, described the nature of Chippers' business and the need to use the field east of Pomfret Road as a place to store dying, ailing or damaged trees collected from various clients and to divide them into piles to be processed as saw logs, pulp, chips, bark and firewood. In response to neighbor

concerns, Chippers has adopted Log Yard Rules effective November 1, 2015 (copy provided) that specify operating hours as 8 am to 5 pm, Monday-Friday, and state “minimize backing (use circle), no burning, no chipping, no processing, minimal chainsaw use, no weekend activity.” Material that was formerly burned is now being transported to Dirt Doctors in New Hampshire where it is recycled and composted.

Questions asked by the ZBA included:

- Does Chippers have sufficient legal access through school property to access the current log yard. Preston Bristow responded that this was not an issue for the ZBA to decide but a matter between Chippers and the school.
- How often will trucks be delivering materials to the log yard? Mundy Wilson responded 2-3 times per week.
- How often will materials be trucked away from the log yard? Mundy Wilson responded twice a month, and that materials go to 4 different processors.
- Are there currently any permit limitations on access or use of the log yard imposed by the town? Preston Bristow responded that there were not.
- Are there permits for Chippers development of a tree nursery, greenhouse and sugarhouse west of Pomfret Road? Preston Bristow responded that those uses have been determined to be exempt agricultural uses.
- When will firewood be processed? Mundy Wilson responded that this will now be done in the springtime, with a subcontractor using machinery, for one week out of the year.

Comments made by interested persons included:

- Lolly Murray questioned whether Chippers has been following its own Log Yard Rules. She has heard chainsaw work even on weekends after November 1.
- Krit Maxham said Chippers makes promises they don't keep and that they are distrusted by neighbors. She said Chippers continues to grow and grow and their size has become inappropriate for the neighborhood. She also said Chippers causes runoff and pesticides to go into the brook.
- Susan Cross said Chippers is a commercial use within a formerly quiet farm community that does not benefit neighbors. She can hear the noise at her home one-half mile up the road.
- Brian Alderfer expressed frustration that the school has not responded to his inquiries about Chippers legal access over school land to use the log landing. He feels the ZBA should require Chippers to show proof of access.
- Attorney Peter Vollers representing Hudson and Margaret Holland and Brian Alderfer presented a letter to the Pomfret ZBA dated April 5, 2016 (copy provided) with two main points, that use of the log landing should be denied because (1) it constitutes a “public nuisance” and (2) it does not conform to the town plan. Peter Vollers also brought up the concern that permitting use of the log landing would set a precedence for other commercial activities on residential properties.

Mundy Wilson responded that she is sorry if Chippers has been viewed as a public nuisance and that they have always tried to be good neighbors and are committed to Pomfret and to its rural and scenic character. She said this is their 30<sup>th</sup> year in the neighborhood and that they are a good

employer that provides jobs for many area people. She submitted four photographs dated April 5, 2016 (copies provided) showing their cleanup of the log yard site.

By unanimous vote, the ZBA closed the hearing at 7:42 PM.

A second hearing was convened for the following application:

**Application #ZP16-06 by Purple Crayon Productions** for adaptive reuse of the former Teago Grange Hall as a community theater at 65 Stage Road (Parcel ID #0123).

HEARING:

The hearing was opened at 7:46 PM by chair Alan Blackmer. Preston Bristow read the notice for the hearing. No conflicts of interest or ex officio conversations were disclosed. Sharlene Kelly (abutter) and Anne Bower (for the Abbott Library)(abutter) were granted status as interested persons. Applicants George Turner, Steven Horton and Kathleen Dolan and the interested persons were sworn in. The hearing was not recorded.

Preston Bristow expressed surprise that he had not heard from abutters Eleanor Pizzani or William Arkin as they have both expressed interest in this application.

Documents received from the applicant include a 4-page application, a 2-page narrative letter dated April 1, 2016, a site plan by Michael Engineering dated February 18, 2016, and 6 architectural drawings by River Town Design dated April 4, 2016.

A summary of the discussion follows:

Architect George Turner presented plans for adaptive reuse of the former Teago Grange hall as a community theater. He considers this to be a continuation of an existing use that was established in 1912 and questions if it needs a change of use permit. In fact, the use will become more limited because the grange hall formerly served food and the future use of this site will not include serving food. The second floor will be removed from the existing structure and it will be converted into an 80-100 seat theater. Except for the addition of a porch, which will include a handicap access ramp, the footprint of the building will not change. No exterior lighting is planned except for ceiling lights in the porch.

Sixty places for parking already exist between the grange site itself (8 spaces), Artistree with overflow, and the Stage Road lot across from the Teago Store. Kathleen Dolan stated that there would not be coinciding events scheduled for both the former grange hall and Artistree theaters. The theater at the former grange hall will be used for smaller classes as well as larger productions.

The theater will receive acoustic treatment and black-out window treatments and should be no louder or brighter than customary residential use. The water supply to the Abbott Library, which currently comes from the Artistree property, will not be affected.

Abutter Sharlene Kelly would like to be assured that there will be landscaping behind the former grange hall that will shield her property from any activities there.

The intended uses of the former Wendling property, which forms a bridge between the Artistree property and the grange property, were discussed. There will be a footpath across the property, for which no plan was provided, and it may also be used for overflow parking. Traffic patterns with regard to parking use of the Wendling property and the Teago village area in general were discussed.

It was agreed that the hearing needed to be recessed so the applicant could provide further information. At George Turner's request, the DRB agreed to send him a letter specifying what further information was requested.

By unanimous vote, the ZBA recessed the hearing at 9:11 PM, to be reconvened on May 12, 2016 at 6:30 PM.

Respectfully submitted,  
Preston Bristow, Zoning Administrator