

Guide to Planning and Development Application Processes

Town of Pomfret Connecticut



This guide was developed by the Town of Pomfret as a summary of some of its permit and review processes and is only intended for use as an assistance to the applicant. This guide is not intended to be relied upon or referred to as a governing source of law.

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INTRODUCTION

This guide was prepared by the Town of Pomfret as a summary of some of its permit and review processes and is only intended for informational use.

The Town of Pomfret has a combined Planning and Zoning Commission (PZC), an Inland Wetlands & Watercourses Commission, (IWWC), and a Zoning Board of Appeals. The Northeast District Department of Health serves as the town health authority.

The Town of Pomfret has a Planning Consultant, Engineering Consultant, Wetlands Enforcement Officer, Zoning Enforcement Officer, and a Building Inspector. Each Commission has a clerk. All applications for permits are available at the town hall. Some application forms are available on-line. (www.pomfretct.org)

HOW TO USE THIS GUIDE

The Town of Pomfret has developed this guide to explain and expedite the planning and development processes. It describes the various review processes to promote development that meets the needs and desires of the community.

This guide describes the application process in general terms. Every application faces different issues and may need multiple permits. The following permit processes are described in this guide. They are listed in the order in which they should be secured, assuming all of the permits are required.

- Inland Wetlands & Watercourses Permit
- Health Department Permit
- Subdivision Application
- Zoning Permit
- Zoning Variance
- Building Permit
- Certificate of Compliance issued by the Zoning Official
- Certificate of Occupancy issued by the Building Inspector.

OVERVIEW OF THE APPLICATION PROCESS OF REGULATORY AGENCIES

The following overview is a general outline of the application process for approval by the Town of Pomfret regulatory agencies. However, it does not describe the building permit process. Please refer to page 7 of this guide for a general review of building permit procedures.

Town clerical staff will get applications before the Commission(s) within the minimum statutory period. Pursuant to Connecticut General Statutes (CGS) §8-7d(b), the Planning & Zoning Commission and Inland Wetlands & Watercourses Commission must act on applications which do not require a public hearing within 65 days of official receipt at a commission meeting. When applications require a public hearing, the staff endeavors to have the public hearing before the appropriate commission and have a decision made shortly thereafter.

Connecticut statutes allow the applicant and the Planning and Zoning Commission or Inland Wetlands & Watercourses Commission to agree to extensions to any one of the required statutory time periods. However, extensions should be required only if the applicant is unable to submit all required documents and staff does not have the time needed to review them. Regardless of the statutory provisions, the following is the general time line after the submission of an application, petition or appeal.

Days	Events
1	The night of the regular scheduled meeting of the commission or board the application and plans are officially received. The commission determines if the application is complete and decides if a public hearing or site walk is necessary and makes copies of the plans available to appropriate staff for review.
14	The Inland Wetlands & Watercourses Commission, by state statute, may not act until 14 days from the day of official receipt of an application pending a request for a public hearing..
30	Next regular scheduled meeting. A public hearing may be held.
65	A decision is rendered unless an extension is requested.

Not all applications or development proposals have the same degree of complexity or encounter the same issues. As a general rule, the commissions or boards conduct the reviews, submit comments to the applicant/agent, and receive revised plans based on those comments.

To be most productive, the right people must attend the meetings. This would include all appropriate Town staff, the applicant's agent, engineer, and the applicant.

WHAT HAPPENS AT A PUBLIC HEARING?

The Planning and Zoning Commission, the Inland Wetlands & Watercourse Commission and the Zoning Board of Appeals all conduct public hearings.

The Planning and Zoning Commission conducts public hearings for all zoning map and regulation changes, special permit applications and resubdivisions.

The Inland Wetlands & Watercourses Commission conducts public hearings for all regulations changes and certain inland wetlands applications.

The Zoning Board of Appeals hears all of its applications at a public hearing.

At the public hearing, the applicant explains their proposal or request. Town staff may be present at the meeting and may help to explain and clarify why the request is necessary, and may provide comments or recommendations. At the public hearing, anyone who wishes to speak either in favor of or against an application has an opportunity to do so.

Once the public hearing is closed, the Planning & Zoning Commission, Inland Wetlands & Watercourses Commission, and Zoning Board of Appeals can receive no more testimony or new information from the public or the applicant on the application. This is a principal of administrative law established to afford the Commission a full range of opinion and comment on an application and to afford all sides an equal opportunity to be heard. The Zoning Board of Appeals usually acts on each application the same night as the public hearing, during their business meeting. The Planning & Zoning and Inland Wetlands & Watercourses Commissions may act the night of the hearing, or at a subsequent meeting, depending upon the information and testimony provided during the hearing.

It is assumed here that the roles and responsibilities mentioned earlier are adhered to by both the Town and the applicant. The process that occurs when there is an appeal of a PZC, IWWC or ZBA decision has not been detailed here. In that event, the staff and applicant should consult their attorneys.

FUNCTIONS

Combined Planning and Zoning Commission

Planning: The Planning & Zoning Commission, in its planning capacity, reviews and decides on the subdivision applications. A subdivision is the division of a tract or parcel of land into three or more parts or lots for sale or building development.

Zoning: The Planning & Zoning Commission, in its zoning capacity, is responsible for reviewing and deciding on any permits required by the zoning regulations. The PZC hears and acts on changes to the zoning map and adopts and/or amends the zoning regulations. Zoning regulation or map changes may be initiated by the PZC, town resident, or property owner.

Erosion and sedimentation control plans fall under the jurisdiction of the PZC.

Inlands Wetlands & Watercourses Commission

If land to be subdivided contains wetlands or watercourses, an inland wetlands boundary clarification is required, regardless of whether there is any work to be conducted in or within an upland review area of 150 feet of those wetlands or watercourses as designated in the Pomfret's Inland Wetlands & Watercourses Regulations.

When work is being done in a wetland or watercourse, or in an upland review area of 150' of a wetland or watercourse as designated in Pomfret's Inland Wetlands & Watercourses Regulations, application must be made to the IWWC for an inland wetlands permit. Regulated activities include removing material from, depositing material in, construction or building upon, obstructing, altering, or polluting a wetland or watercourse.

A report from the IWWC must be submitted to the Planning & Zoning Commission before the PZC can act on the subdivision application.

Finally, prior to obtaining a permit for any regulated activity or subdivision referral, a wetlands boundary clarification needs to be sought from the IWWC. The wetlands boundary needs to be flagged by a Certified Soil Scientist and mapped by a Licensed Surveyor for approval by the IWWC.

Zoning Board of Appeals

(The information in this section is not intended to be relied upon or referred to as a governing source of law.)

The Zoning Board of Appeals (ZBA) is established by state statute to hear appeals and requests for variances from the requirements of the local zoning regulation. Anyone requesting an appeal or variance must submit an application, including all mapping, fees, and required information.

Variance

Most applications to the ZBA are for variances. A Zoning Variance permits a landowner to use his or her land in a way which is not allowed by a strict enforcement of the Pomfret Zoning Regulation. A typical request for a variance might be to build within a front or side lot setback. A landowner may determine if a variance is needed by a preliminary discussion of the proposed project with the Zoning Enforcement Officer (ZEO), the Building Inspector, or the Planning and Zoning Commission.

An applicant does not need to be first turned down by the Planning and Zoning Commission in order to apply for a zoning variance. If a proposal will be in violation of any part of the zoning regulations, and it cannot be redesigned so that it complies, then it may be appropriate to discuss the particulars with the ZEO and begin the application process as soon as possible.

Appeal

The Zoning Board of Appeals decides appeals from decisions and rulings of the zoning enforcement officer or similar officials charged with the enforcement of the zoning regulation. For instance, if the ZEO denies an application on the grounds that the lot is too small, and the applicant feels that he has misread the deed, an appeal of the ZEO's decision may be appropriate.

Grounds for a Variance

Not every application will be able to meet the requirements for a variance. By state law, the issuance of a variance is limited by the following strict criteria;

A variance cannot undermine the overall purpose and intent of the zoning regulations.

A variance cannot be issued if it would endanger public health and safety.

A variance must be supported by a claim of "unusual hardship" which would be caused by a strict enforcement of the regulation.

"Unusual Hardship"

This is a key issue, as the ZBA is only allowed to issue a variance if the applicant can demonstrate that an "unusual hardship" will result from strict enforcement of the regulation. The Connecticut courts have clearly stated that a valid hardship cannot be either self-imposed or solely financial. The hardship must apply to the property and not to a person, as a variance stays with the property and remains in effect when there is a change in parcel ownership. A valid hardship must result from conditions especially affecting a specific parcel of land, but not affecting, generally, the district within which it is situated.

Note to the Applicant

Each Commission, Board, and the Building Inspector has a set of instructions and application forms for its permitting process which can be obtained on-line at www.pomfretct.org or from the appropriate commission's or board clerk.

Northeast District Department of Health
136 Main St., Suite 301, Danielson CT. 06239
Phone 860.774.1308, Fax 860.774.1308, Web site www.nddh.org

As part of your planning process, prior to construction, you must apply for approval through the Northeast District Department of Health concerning the following construction activities:

Subsurface Sewage Disposal Permits

For the most part, homes and businesses within the health district are served by onsite sewage disposal systems, or as they are more commonly known, septic systems. As part of your planning process NDDH personnel conduct site suitability evaluations, which include "deep holes" and "perc" testing. In addition, they review both engineered and nonengineered septic plans to determine if they are in compliance with the Connecticut Public Health Code, Technical Standards. Once your plan is approved you must apply for a "an approval to construct" permit prior to construction.

Building Conversions, Change in Use Permits: Building Additions, Garages/Accessory Structures, and Swimming Pools

NDDH reviews plans for Change in Use permits "B100's" to determine appropriate separating distances and repair areas as noted in the Connecticut Public Health Code, Technical Standards.

Water Supply

The towns in our district are served by a combination of privately owned wells, commercial wells, and community water systems. With respect to insuring an adequate and safe supply of drinking water; the department's responsibilities include, but are not limited to: providing regulatory review, technical advice and input on well site selection, and well placement. As part of the well review process, NDDH insures that drinking water meets applicable standards prior to final well approval.

Food Protection Permits

The goals of the NDDH Food Service program are the prevention of food borne illness and the maintenance of a safe food supply for the district. These goals are partly carried out through comprehensive food service facility evaluations. This includes plan reviews of proposed or renovated food service facilities "food stores and restaurants" and onsite inspections to determine compliance with the State Public Health Code. In addition, seasonal food operations, temporary events, caterers, itinerant vendors, and daycare establishments that serve food and qualified non-profit organizations must also apply for permits.

Miscellaneous Permits, Registrations and Inspections

Bed and Breakfast establishments
Campgrounds
Motel and Hotels

Building Inspector

The Building Inspector is an employee of the town with office hours Wednesdays, 5:30 - 7:00 p.m. at the Town Hall. Phone 974-2972.

The duties of the building inspector are:

- a. To administer the Town's building inspection program adhering to and enforcing all code requirements of the State of Connecticut relating to building construction.
- b. Additional responsibilities include administering and enforcing all related state codes for safety, health and welfare of persons and properties in Town.

Important Notice to Applicants:

All development requires a building permit, zoning permit, driveway permit, Inland Wetlands sign off or approval, NEDDH approval to construct..

All applications for a zoning permit must be reviewed by the Z.E.O.

No building permits, with some exceptions, can be issued by the Building Inspector until a zoning permit has been issued by the Zoning Enforcement Officer.

The following activities will not require a zoning permit by the zoning enforcement officer before the issuing of a building permit.

- a replacement roof on an existing structure,
- a replacement of siding to an existing structure,
- a mechanical permit to an existing structure,
- a plumbing or electrical permit to an existing structure,
- minor interior repairs without expansion to the existing structure

No certificate of occupancy (CO) can be issued by the Building Inspector until a certificate of zoning compliance has been issued by the Zoning Enforcement Officer, final building inspection has been done, final approval by NEDDH, portable water test received, final constructed driveway approval from State or Town.

Note: Copies of instructions for the building permit process can be obtained on-line at www.pomfretct.org or from the Town Hall.

ROLES AND RESPONSIBILITIES

The time line can be met only if both the Town staff and the applicant provide the necessary information and perform in a timely manner. In order to meet this time line, the applicant and the town have different responsibilities.

Town clerical staff responsibilities

- To advise the applicant of all paperwork required for submission.
 - The date of official receipt of a petition, application or appeal shall be the day of the next regularly scheduled meeting of such commission or board or thirty five (35) days after such submission, whichever is sooner.
 - The agenda for a regularly scheduled meeting must be posted at least 24 hours prior to the meeting.
 - Other business may be added to the posted agenda by a 2/3 vote of the members present and voting
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Applicant's Responsibilities

- Submit application, petition or appeal in a timely manner.
 - Submit applications which contain the required elements and fees.
 - Incomplete plans or an incomplete application form could result in the denial of an application by a commission.
 - Submit revised plans and written responses to staff comments in a timely manner. It is recommended that revised plans be submitted several days before the scheduled meeting for commission members to review.
 - It is incumbent upon the applicant to allow sufficient time to complete the application and approval process. While the town staff can provide assistance and support throughout the review process(fees may apply), mandatory time schedules cannot be shortened at the expense of failing to meet regulatory and State law requirements. Upon the approvals of an application, the applicant may be required to post performance bonds before construction begins
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Note to applicant: As the development and application process becomes more complicated, applicants should consider retaining the services of a qualified planner, surveyor, engineer and/or an attorney specializing in the land development process in Connecticut who can guide you through the process.

STAFF

Some of the staff employed by the Town and their duties:

Consultant Town Planner

Works for the Board of Selectmen and with the Inland Wetlands & Watercourses and Planning and Zoning Commissions. The planners duties include, but not limited to, preliminary review of zoning and subdivision applications, working as a liaison between the commission and applicants, and recommend revisions in zoning and subdivision regulations and the plan of conservation and development.

Consultant Town Engineer

Any projects involving road improvements or construction or drainage facilities requires approval of the town engineer. The town engineers duties include, but not limited to, review subdivision and other land development proposals and to assist the Inland Wetlands and Watercourses and Planning and Zoning Commissions in the application review process.

Wetlands Enforcement Officer/Environmental Consultant

is the designated agent of the Inland Wetlands & Watercourses Commission and is authorized to approve or extend an activity that is not located in the 150 foot upland review area of wetlands or watercourses.

Zoning Enforcement Officer/Zoning Consultant

acts as an agent for the Planning and Zoning Commission and enforces the Zoning Regulations and issues a Certificate of Compliance for zoning.

Clerical Staff

each commission or board has a part-time clerk where application forms are available and can be submitted for receipt by the commissions or board.

Building Official

is an part time employee of the town.

Fire Marshall

is an employee of the Pomfret Fire District and is responsible for enforcement of many of the sections in Chapter 541 of the Connecticut General Statutes, as well as numerous codes that are promulgated under the provisions of these statutes.

Northeast District Department of Health

The Northeast District Department of Health (NDDH) is Pomfret's health authority

Office hours Town Hall:

Town Clerk;

Pomfret Town Hall
5 Haven Road
Pomfret Center, CT 06259
Monday-Friday 9:00 am to 4:00 pm
Phone 860.974.0343

Wetlands Commission Clerk;

Monday, 12:00 am to 3:00 pm
Wednesday 3:00 pm to 6:00 pm
Friday 10:00 pm to 1:00 pm
Phone 860.974.9135

**Planning & Zoning Commission,
Zoning Board of Appeals, and
Building Inspector Clerk:**

Friday 10:00 am to 1:00 pm
Wednesday 3:00 pm to 6:00 pm
Phone 860.974.2972

Wetlands and Zoning Enforcement Officer:

Wednesdays between 4:30 pm to 6:00 pm
Phone 860.974.2972

Town Planner:

By appointment
Phone 860.974.2972

Building Inspector:

Wednesdays between 5:30 pm to 7:00 pm
Phone 860.974.2972

Northeast District Department of Health:

located at 136 Main Street, Suite 301 Danielson,
CT 06239
Phone 860.774.7350
Fax 860.774.1308

Commission Meeting Dates and Times: (usually 7:00 pm)

Inland Wetlands and Watercourses Commission:

First Wednesday of the month at the Pomfret Community School

Planning & Zoning Commission:

Fourth Monday of the month at the Town Hall

Zoning Board of Appeals:

Third Monday of the month (only if meeting scheduled) at the Town Hall

Conservation Commission:

Second Thursday of the month, 7:00 pm, at the Pomfret Community School

Note: Office hours, phone numbers, meeting dates and times are subject to change. Call the town clerk for current information.

7/15/2004