

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
PUBLIC HEARING & REGULAR MEETING MINUTES
MONDAY, APRIL 27, 2009 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Commission members Walter Hinchman, Chairman; Phillip Allegretti, Robert Blackmer, Maureen Nicholson, Ted Tsanjoures, Lead Schad, Alternate Beverly Champany, and Staff Members James Rabbitt, Town Planner; and Ryan Brais, ZEO. Commission members not present: Michael Wolchesky, Vice Chairman; Alternates Antonio Amaral, and Carolyn Hopkins.

I. Public Hearing – Opened at 7:05 pm by W. Hinchman

- A. **Town of Pomfret, 207 Mashamoquet Road**, one-story addition to western side of existing building per the site plan. No one from the Town was present to represent this application. The following items were entered into record tonight: a new map; a letter from Atty. Higgins regarding the mutual easements between the Town and Colonial & Federal Development, LLC, along with a copy of the deed of conveyance of the small parcel to be added to the Town's parcel to facilitate the contemplated improvements to the former Grange Building; and a letter from Town Planner James Rabbitt regarding his findings and recommendations after reviewing this special permit application. Chairman Hinchman read into record the findings/recommendations from the Town Planner's letter, after which J. Rabbitt recommended to the commission that the Public Hearing be continued until next month's meeting. Chairman Hinchman asked if anyone had any questions or input regarding this application. Craig Tiffany, a reporter from WINY radio, was present regarding the Public Hearing. Chairman Hinchman told the reporter that due to no one being here to represent the Town and that we hadn't received any information from NDDH yet nor any receipts from the abutters, we wouldn't be having the public hearing tonight. C. Boster asked for copies of the new materials handed out tonight. He also asked about the new driveway or right of way on the east side of this property. He stated that the new map doesn't show a driveway or road and that it needs clarification. The commission felt that this question should be forwarded on to the First Selectman. F. Fay said he would like to understand what public participation in a Public Hearing is when the public doesn't have copies of the documentation that has been submitted. He thought it would be a common courtesy to ask the Town Planner to make a few extra copies for the meetings. He also didn't realize that there was to be a Public Hearing at this meeting. Chairman Hinchman stated that the agenda posted shows a Public Hearing. After discussion, J. Rabbitt stated that as part of the procedure, copies are only for members and a commission copy; multiple copies can't be made due to not knowing how many people will be attending the meetings. Aside from this, all information was read aloud by the Chairman. C. Boster then stated he has questions regarding the Town Planner's report. He wanted to know if included a full review of the site plan and why the 4th page of the document was blank. Chairman Hinchman stated that this type of questioning is not germane to a

Public Hearing, but should've been done during Citizen's Comments. M. Nicholson then made a motion to continue the Public Hearing until our next regular meeting in May. L. Schad seconded the motion. It was approved unanimously.

II. Regular Meeting

- a. Current Business – Regular meeting opened at 7:30 pm.
 1. Approve Minutes of March 23, 2009 –A motion was made by B. Blackmer to approve the minutes with minor amendments. Motion was seconded by P. Allegretti. It was approved unanimously. Approve minutes of February 23, 2009 – A motion was made by P. Allegretti to approve the minutes as amended. Motion was seconded by M. Nicholson. It was approved unanimously.
 2. Items to Add to Agenda – W. Hinchman asked to add discussion of the date for the May meeting. At this point M. Nicholson made a motion to seat Alternate Bev Champany. Leah Schad seconded the motion. It was approved unanimously.
 3. Laurelwood Acres/William and Claudia Abbott, Angel Road, Resubdivision Discussion is continuing from previous meeting of February 23, 2009. Mr. Abbott and his son are present. Chairman Hinchman stated that he and Town Planner J. Rabbit agree that the dimensional requirements for a resubdivision have been met and that the zoning is all right and that the only issue before the commission is meeting the requirements of subdivision regulations. J. Rabbitt mentioned that he spoke with Atty. Zizka regarding the waiver of the waivers letter that also had testimony on it. Atty. Zizka stated that if a simple request was made by the applicant, such as “We wish to withdraw the waiver request made prior to the end of the hearing”, it could be accepted. The Chairman then read into record a letter dated 4/27/09 from Mr. Abbott which stated, “We hereby withdraw the waiver request made prior to the end of the hearing.” The letter was accepted by the commission. Chairman Hinchman then asked that we look at the minutes from prior meetings and read from the 2/23/09 minutes the issue regarding whether this application should have been a 3 lot vs. a 2 lot subdivision. J. Rabbitt stated that he had spoken to Atty. Zizka regarding this issue. Atty. Zizka said that the division of the original parcel that exists at the time of subdivision, +/- 400 acres, should be a 3 lot subdivision and not a 2 lot subdivision, which is contrary to the subdivision regulations, because a deed does not exist for the 20 acre parcel that Mr. Abbott wished to subdivide into 2 lots. M. Nicholson then asked how to proceed because Mr. Abbott applied for a 2 lot subdivision, which actually should be a 3 lot subdivision. Chairman Hinchman said the application is inappropriate. There has been a continuing issue with this application because even though a history map was asked for, the commission never received one. The history map should show the original status of the property and should trace from 5/1/68 up until the date of the application. M. Nicholson then stated that we're back to the issue of waivers because there are items that can't be waived which leaves the application incomplete. P. Allegretti agrees that this is an incomplete application. Chairman Hinchman stated he believes this is an incomplete application because the applicant should have provided the items listed in the Town Planner's findings/recommendations. M. Nicholson made a motion to deny the application for Claudia & William Abbott, Angel Road, 2 lot resubdivision because it should have

been an application for a 3 lot resubdivision and it is an incomplete application that does not meet subdivision regulations # 4.1.8, 4.2.1, 4.2.2, 4.3, 4.4.7, and Section 7. L. Schad seconded the motion. P. Allegretti then mentioned that an offer of \$8,000 was offered on one lot with nothing offered on the second lot for fee in-lieu-of open space. He then stated that this is an incomplete application because the commission tried and asked for materials that never were submitted. M. Nicholson then stated that it was pretty clear in the request and that month after month, J. Rabbitt had letters regarding what the commission was seeking, but these items never materialized. J. Rabbitt then made a remark that everyone should have been in attendance for all the Public Hearing dates regarding this application and that each person should have sufficient information on this application to vote. Chairman Hinchman asked if anyone had anything further to say. He then mentioned that he thought the motion should be amended. M. Nicholson amended the motion to state that the commission denies the application for Claudia & William Abbott, Angel Road, 2 lot resubdivision because it should have been a 3 lot resubdivision and it is an incomplete application that does not meet commission subdivision regulations Section 4.1.8, 4.2.1, 4.2.2, 4.3, 4.4.7, and Section 7, in addition to other items in testimony received during the Public Hearing. L. Schad seconded this amended motion. A roll call vote was taken with the following results: W. Hinchman, P. Allegretti, M. Nicholson, T. Tsanjoures and L. Schad voted yes; R. Blackmer and B. Champany abstained. The motion carried to deny this application.

III. New Business

- A. Acceptance of New Applications
- B. Citizen's Comments – F. Fay wanted to let the commission know that FOI does not have any control over Public Hearings. C. Boster stated he had nothing to add at this time.
- C. Correspondence – Chairman Hinchman went over correspondence.
 - 1. ZEO Report – Ryan Brais submitted a report on a complaint received 3/25/09 about 88 Wrights Crossing Road. The complaint was that there was a possible dwelling in an outbuilding. A permit had been issued for a shed, but that was the only permit given for an outbuilding. Upon his inspection, he found that the shed was finished on the inside with a living room-like area, a small kitchen and a small bathroom with shower. R. Brais then asked the owner what the purpose of the building was and the owner told him it was used as a classroom/play area for foster children that they care for and that it is not used as a dwelling. He also told the ZEO that the building permits were issued for finishing the shed. The ZEO told the owners that the shed was not to be used as a dwelling and left it at that. Another complaint came in on 4/24 regarding this property. The complainant stated that someone is staying in the shed and they believe it is the owner's mother. They also said that there is now a camper on the property where people seem to be living as well. The ZEO has a call into the health department to see if they approved any sewerage discharge from the converted shed. He will also look through the building files to see if this converted shed has any permits. He will go out to re-inspect the property soon.

The ZEO also received a complaint on 3/25/09 about 411 Valentine Road regarding a shed that was constructed on the property line and that the owners were operating

a scrap-yard on the property. Upon inspection, he found the shed located near the property line, which used to be an addition to a mobile home that had been on the property. The mobile home had been used to live in while the house was being built on the property. He informed the owners that the shed was located too close to the property line and that a permit was needed to locate it anywhere on the property. The owners told him that they weren't sure if the shed was to remain or if it will be removed. The "scrap yard" that the neighbor was complaining of is the metal from the mobile home and will be removed once the mobile home is completely dismantled. No permits have been filed for as of this date and the ZEO will do a follow-up inspection. If the shed is still on the property, a N.O.V. will be issued.

The ZEO reported of four inspections he'd done that were all approved and one C.O. for a new house.

2. Chairman Hinchman then read a letter from Arthur Diaz from Pomfret School requesting a refund of any extra money submitted for the special permit for the temporary meteorological tower. This money can not be refunded until all billing regarding this special permit has been submitted and paid.

IV. Commission Business

A. Citizen's Comments –

C. Boster saw a correction that needed to be made on page 4 of the minutes from 3/23/09. This was noted by the clerk and will be amended.

R. Blackmer commented on the F. Fay remark regarding copies being needed at the meetings. He agrees that we should have a few copies available for the public at Public Hearings of the materials that are going to be discussed. P. Allegetti agreed with this.

Chairman Hinchman then mentioned to the commission that he'd like to discuss the scheduled date of the May meeting at the request of J. Rabbitt. Due to Monday, May 25th being Memorial Day, the meeting has been scheduled for Tuesday, May 26th. J. Rabbitt has a conflict on the 26th and would like to see if we could re-schedule the meeting to the 27th. After discussion by the commission members, a decision was made to leave the meeting scheduled for its original date of May 26th.

- V. Adjournment** – Motion was made to adjourn by T. Tsanjouress and seconded by B. Blackmer. Motion was approved unanimously. Meeting adjourned at 8:32 pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____