

**TOWN OF POMFRET
PLANNING AND ZONING COMMISSION
MEETING MINUTES
MONDAY, AUGUST 24, 2009 AT 7:00 PM
POMFRET TOWN HALL**

In Attendance: Commission members Michael Wolchesky, Vice Chairman; Phillip Allegretti, Leah Schad, Beverly Champany, and Staff Members Jamie Rabbitt, Town Planner and Ryan Brais, ZEO.

Commission members not present: Walter Hinchman, Chairman; Robert Blackmer, Maureen Nicholson, Ted Tsanjoures, Alternates Antonio Amaral, and Carolyn Hopkins.

I. Special Meeting

- A. Current Business – M. Wolchesky opened the regular meeting at 7:07 pm. He entertained a motion to seat Alternate B. Champany. P. Allegretti made to the motion to seat B. Champany. It was seconded by L. Schad and approved unanimously.
 - 1. Approve Minutes of June 15, 2009 –A motion was made by L. Schad to approve the minutes as submitted. P. Allegretti seconded the motion. It was approved unanimously.
 - 2. Items to Add to Agenda – None.

II. New Business

- A. Acceptance of New Applications – None.
- B. Citizen’s Comments – None.
- C. Correspondence –
 - 1. Judy’s Kitchen, LLC, request of return of surety bond. J. Rabbit said that all of the work was done. Staff made a recommendation to release the surety bond pending payment of all bills. He has no further bills for this application. L. Schad made a motion to grant the request to release the bond. P. Allegretti seconded the motion. It was approved unanimously.
 - 2. ZEO Report – Ryan Brais reported that 88 Wrights Crossing Road, Jennifer Rosselli, is still in violation. M. Wolchesky asked Ryan to make a paper report of this. There is a cease and desist order and she needs to file for a zoning permit and also has to go to the Building Official for permits. She has not complied with this, as of yet. Ryan recommended that this issue be sent to our lawyer. L. Schad asked if the trailer was still on the property. P. Allegretti stated that there should be a second cease and desist sent to Ms. Rosselli at the end of August. J. Rabbitt said that you never send a 2nd cease and desist (NOV). This woman had an appeal opportunity and didn’t do it. Ryan should visit the site again but not issue a 2nd letter. J. Rivers asked if Ryan had been inside of the building. Ryan stated that the building looks like

a small house, but is a 12' by 20' shed that had a kitchen, bedroom, and bathroom. He is unsure if the building is up to code. P. Allegretti thought we should address this issue again. J. Rabbitt said that there is a zoning violation and a building violation and it is not good policy to ignore that. He thought that maybe Ryan should call to remind them of their NOV. Commission voted to turn this issue over to counsel. Ryan said that he would go and inspect the site on Saturday, August 29th. J. Rivers asked what they needed to do to comply. Ryan said that they need to remove either the kitchen or bathroom, and it needs to meet the building code. He said he had received an e-mail from them that they had received an approval letter from NDDH. J. Rabbitt said that it can't be inspected without opening the walls back up. J. Rivers asked how ill the person is that's staying in this shed. Ryan said that she has cancer is undergoing treatment. P. Allegretti then made a motion to send this matter to counsel and a letter to the homeowner. L. Schad seconded. It was approved unanimously. J. Rivers asked how far the shed is from the house. Ryan said that it's about 30'.

- D. Town of Pomfret, Land Purchase Referrals (First Selectman, James Rivers). J. Rivers handed out a memo to the commission members, a copy of which is attached. He wanted to get the clock started for the September meeting. There are eight parcels total that the Town would like to purchase (3 parcels) or get development rights (5 parcels). M. Wolchesky asked if it might be pertinent to hold a special meeting before the regularly scheduled September meeting. J. Rivers said that there is enough time if the commission goes over this information at the September meeting. They wait for a report from the P&Z Commission, and it doesn't matter whether the Commission approves of this or not. J. Rabbitt made the comment that any time the Town enters into this, you don't have to take all the sites as a lump sum. You can approve some and not approve others. J. Rivers said that the statute states that they need to receive a "report" and not an "approval". The Commission doesn't have VETO power in this issue. J. Rabbit said that if the Commission responds negatively, the only way to override it is by a $\frac{3}{4}$ vote. M. Wolchesky then asked J. Rivers to go over each of the eight parcels, which he did. He also said that are two other stragglers that they are looking into but they're still talking to the owners. He thought that the Commission should discuss each parcel one at a time due to recusions. He also stated that from a planning standpoint, you need to compare this to the big picture and how it fits into Pomfret. P. Allegretti and L. Schad thought that these referrals should be discussed at our regular September meeting and not have a special meeting or change the meeting date. This topic will be continued and discussed at the September 28th meeting.

J. Rabbitt then spoke regarding correspondence that was received from Atty. Higgins regarding Kathy and Vincent Dooley filing a Petition for Certification to the Supreme Court appealing Judge Klaczak's ruling in favor of the Town in the zoning appeal. The Dooley's are abutters to the gravel site. He said that this request could either be denied or taken by the appellate court.

III. Commission Business

A. Citizen's Comments – C. Boster spoke regarding the great deal of information from the First Selectman's presentation. There are a few things that should be put forward to the Commission: 1) make clear the specifics of the selection process; 2) properties being acquired to protect certain environments; 3) buildable land only being purchased – to prevent development; 4) how much is buildable; and 5) a map should be presented to show where the parcels are located. Some of these parcels are outright purchases. How does the Town plan to manage these properties? Thank you. These are my comments.

IV. Adjournment – Motion was made to adjourn by L. Schad and seconded by B. Champany. Motion was approved unanimously. Meeting adjourned at 7:59pm.

Respectfully submitted,

Lynn L. Krajewski, Clerk

Date approved: _____